Then, Mr. President, when a member of the Committee on Rules and Administration came to the floor—ah—that was an opportunity made to order. I got a member of the Committee on Rules and Administration here, who asked me to yield to him that he might offer an amendment, and also make a statement. I knew he would be willing to wait until I concluded my report. He said he would. I could not pass up that opportunity.

So, in conclusion, I desire to thank my colleagues for remaining. I am always delighted when the distinguished Senator now in the chair, the junior Senator from Arizona [Mr. GOLDWATER], presides over any session I address. He is always fair and courteous, and I express the hope that, next Friday, he once again will be presiding when I make my report; because I can assure him, God willing, he will get another report, next Friday.

I yield the floor.

ORDER OF BUSINESS

Mr. HOLLAND. Mr. President, I understood that the distinguished Senator from North Dakota and also the distinguished Senator from Tennessee were awaiting an opportunity to take the floor.

Mr. SCHOEPPEL. Mr. President, will the distinguished acting minority leader yield?

Mr. HOLLAND. I yield, of course, to the distinguished acting majority leader. He may have other plans, of which I do not know.

Mr. SCHOEPPEL. I may say that the Senator from North Dakota had indicated to the acting majority leader that he was not going to wait, but that he would hope to take the floor on Monday next to discuss the amendment which he has submitted, which was printed and ordered to lie on the table. I want the RECORD to show that, since he could not remain tonight, I think it proper that he should be protected to the extent of having an opportunity, on Monday, to speak on his amendment, which I am sure he will desire to do. As to the position of the distinguished Senator from Tennessee [Mr. KEFAUVER], and what he may have requested, I am at this time unable to state to the acting minority leader.

Mr. HOLLAND. Mr. President, my information from the distinguished Senator from Tennessee was that he wanted to speak on another amendment, an amendment different from the one on which he spoke a day or two ago, and on which the vote has not yet been had. I am sorry the Senator from Tennessee is not now available.

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

Mr. HOLLAND. I yield to the Senator from Oregon.

Mr. MORSE. I am very happy to accommodate. I have another matter I could take up, if the Senator would like to have me take it up until he can find the Senator from Tennessee, or at least until he can ascertain whether the Senator from Tennessee will return to the Senate today. I shall be glad to take up the other matter, simply to accommodate the Senator, it will be understood.

Mr. HOLLAND. Mr. President, the Senator is most accommodating, but I do not like to ask him to make the sacrifice.

Mr. MORSE. Oh, I can assure the Senator it would be no sacrifice. But, in fairness—and I am speaking seriously now, though I was facetious in my first remark—I do not think we should have any misunderstanding with the Senator from Tennessee, and I think we ought to extend him every courtesy.

Mr. HOLLAND. I agree.

Mr. MORSE. Mr. President, could the clerk very quickly call the Senator from Tennessee? If so, I can proceed, or one of us can proceed with the discussion of another matter until the clerk can get a telephone message to the Senator.

Mr. HOLLAND. I am agreeable to any course that may be suggested. I, too, want to protect the Senator from Tennessee, as well as the Senator from North Dakota, who has also been mentioned. I do not know what has occurred to take them away from the Chamber.

The PRESIDING OFFICER. What are the wishes of the acting majority leader?

Mr. SCHOEPPEL. Mr. President, will the acting minority leader yield for a question and an observation with reference to the Senator from North Dakota?

Mr. HOLLAND. I yield.

Mr. SCHOEPPEL. I understood the Senator from North Dakota had intended to proceed to the discussion of the amendment he has on the table, at the conclusion of the remarks of the distinguished Senator from Oregon. I feel quite sure that the distinguished Senator from North Dakota was not discouraged by the Senator's speech. He probably was discouraged as to when he might have an opportunity to discuss his amendment, and probably, keeping in mind the marathon the Senator from Oregon demonstrated could be completed within 22 hours and 26 minutes, he may have been a little weakened in his determination to remain for the delivery of his speech tonight.

Mr. HOLLAND. Mr. President, I beg to advise the acting majority leader that I understand the Senator from Tennessee is in the Capitol, is now on his way to the Senate Chamber, and will be here within 2 or 3 minutes. It would be quite agreeable to me to recess informally until the Senator arrives, or to yield to my friend from Oregon, in the event he has something that could be said that speedily.

Mr. MORSE. I would be happy to join in the suggestion of the Senator from Florida regarding a temporary recess.

TEMPORARY RECESS

Mr. SCHOEPPEL. Mr. President, I move that the Senate stand in recess temporarily, subject to the call of the Chair, in order to permit the Senator from Tennessee to reach the floor.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 4:55 o'clock p. m., when called to order by the Presiding Officer (Mr. GOLDWATER in the chair).

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. KEFAUVER. Mr. President——

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. KEFAUVER. Mr. President, I call up my amendment designated "4–28–53—C" and ask for its consideration.

The PRESIDING OFFICER. Does the Senator desire to have his amendment read by the clerk or printed in the RECORD?

Mr. KEFAUVER. I should like to have it printed in the RECORD without its being read at this time.

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

Mr. KEFAUVER's amendment proposes to strike out all after the resolving clause and insert the following:

That for the purpose of assisting in making a proper and equitable settlement of problems and claims arising out of the recent decisions of the Supreme Court to the effect that the paramount right to the submerged lands (including the resources therein) off the coasts of the United States is in the Federal Government as against the coastal States (outside of the inland waters and harbors, the jurisdiction over which is recognized to be in the States) there is hereby established a temporary commission to be known as the Commission on Submerged Lands (hereinafter referred to as the "Commission"), which shall be composed of 9 members to be appointed by the President by and with the advice and consent of the Senate, 3 to be appointed to represent the general public, 3 to be appointed to represent the Federal Government, and 3 to be appointed to represent the coastal States and their interests. Of the 3 members appointed to represent the coastal States, 1 shall be a resident of the State of California, 1 a resident of the State of Louisiana, and 1 a resident of the State of Texas. Any vacancy in the Commission occurring after all the original appointments are made shall not affect the power of the remaining members to execute the functions of the Commission and shall be filled in the same manner as the original selection. The Commission shall select a chairman from among its members.

SEC. 2. It shall be the duty of the Commission to make a full and complete investigation and study for the purpose of determining (1) an economically sound and equitable program for the management by the United States of the resources in the submerged lands off the coasts of the United States and outside of the inland waters, and for the disposition of revenues from such sources, including a study of the feasibility of utilizing such revenues for improvement of the educational system and/or for a reduction of the national debt; (2) the amount of losses to private citizens, States, and communities resulting from a dependence on the belief that the coastal States have the paramount rights to such lands and the resources therein; (3) which of such losses should be compensated by the United States; (4) for the purpose of establishing boundaries and

lines of jurisdiction between the States and Federal Government; (5) the effect of this legislation upon experimentation now being conducted under congressional act to make potable water out of sea water; (6) the international effects of the extension of our boundaries and its effect upon treaties; (7) the effect on public power developments and flood control of the language in section 6 of Senate Joint Resolution 13, granting the States "proprietary rights of ownership, or the rights of management, leasing, use, and development of the lands" under navigable waters; (8) the relationship of the proposed policy toward the seaward submerged lands and the policy toward public lands within the United States and possessions; (9) such other related matters as the Commission deems wise to report upon. The Commission shall complete its investigation and study and make a report of its findings and recommendations to the President and the Congress not later than 6 months after the date on which the last of the original appointments to the Commission is confirmed by the Senate.

SEC. 3. Members of the Commission who are appointed from private life shall receive compensation at the rate of $50 per diem when engaged in the performance of the duties of the Commission. Officers or employees of the Government who are appointed to the Commission shall not receive additional compensation for their work on the Commission; but all members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as such members. The Commission may appoint in accordance with the provisions of the civil-service laws and the Classification Act of 1949 such personnel as it deems necessary to carry out its duties.

SEC. 4. The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality any information, suggestions, estimates, and statistics which the Commission shall deem necessary for the purposes of this joint resolution; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman. The Commission is also authorized to secure from any special master appointed by the Supreme Court, with the consent of the Court, any such information, suggestions, estimates, and statistics.

SEC. 5. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum, not exceeding $100,000, to carry out the provisions of this joint resolution.

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

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

Mr. HOLLAND. Mr. President, I suggest that since only 10 minutes' time is left for the discussion of the Senator's other amendment, it may be made clear that the amendment on which he is about to speak may be made the order of business on Monday when it is called up.

Mr. KEFAUVER. Mr. President, I ask unanimous consent that this amendment be made the order of business when the Senate meets on Monday.

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

Mr. KEFAUVER. Mr. President, my amendment is in the nature of a substitute. I shall not talk at great length on my proposal to establish a Commission to study and to report to Congress and to the President on the submerged lands question.

My position on the Holland joint resolution is well known. The Senate has clearly indicated that it is in a mood to adopt the Holland joint resolution without any effective amendment. I can only plead that Senators stop and think before giving away the vast treasure of the United States which is involved in the submerged lands.

I believe my proposal to be a fair one, but I am willing to listen to any suggestions or amendments or changes which do not affect the basic proposition. The basic purpose of the amendment is to provide an opportunity for getting more accurate information free from any consideration of politics. I think it is no more than fair for the sponsors of the give-away proposal to join in asking for the establishment of a Commission as suggested in my amendment. The personnel of the Commission would be appointed by the President, who has already said that he favors giving the submerged lands to the three States of California, Texas, and Louisiana. Therefore, the sponsors of the pending joint resolution need not feel that the Commission would be "stacked" against them. No undue delay would be involved in having a report from the Commission. My amendment provides that the Commission shall report to the President and to the Congress not later than 6 months after the nominations of the Commission members have been confirmed. Surely, Mr. President, we can afford to take 6 months to find out what we are doing.

As I have stated before, and now repeat, we cannot realize the full purport of what we are doing if we agree to Senate Joint Resolution 13. We have various estimates of the treasure involved in oil, alone, running from $50 billion upward.

We can have only opinions of how the passage of the joint resolution will affect the other resources of the marginal seas, the fish, the minerals, the salt, and other treasures of the sea.

I should like to have from such a Commission as I propose the benefit of a scholarly research and analysis of the whole situation.

My amendment provides in section 1 that the Commission "shall be composed of 9 members to be appointed by the President by and with the advice and consent of the Senate, 3 to be appointed to represent the general public, 3 to be appointed to represent the Federal Government" or the viewpoint of the Federal Government—and 3 to be appointed to represent the coastal States and their interests. Of the 3 members to be appointed to represent the coastal States, 1 shall be a resident of the State of California, 1 a resident of the State of Louisiana, and 1 a resident of the State of Texas.

Section 2 of my amendment provides:

It shall be the duty of the Commission to make a full and complete investigation and study for the purpose of determining (1) an economically sound and equitable program for the management by the United States of the resources in the submerged lands off the coasts of the United States and outside of the inland waters.

Mr. President, the first paragraph of the first section of the amendment recognizes, as we have always known, and as the Supreme Court has always held, that, insofar as inland waters, harbors, and river bottoms are concerned, the jurisdiction is recognized to be in the States.

Section 2 of my amendment asks for this study, in the following language:

Including a study of the feasibility of utilizing such revenues for improvement of the educational system and/or for a reduction of the national debt.

A few days ago I discussed to some extent the importance of using the revenue from these resources for the reduction of the national debt. The discussion the other day was in connection with an amendment to apply at least the $65 million or $70 million which has accumulated in royalties between the time this controversy arose and the present time to a reduction of the national debt.

I reiterate that at a time when the Federal Government owes $267 billion, when we do not know how we are going to pay it, when our people are concerned about the heavy carrying charges of the debt, and when we consider the fact that a tremendous debt load will be passed on to generations to come, it is certainly not proper to be giving away the greatest treasure the United States has, land beneath the marginal sea, containing the great oil and gas wealth which is the subject of the Holland joint resolution. That money ought to be used for educational purposes. By so doing, the burden of the taxpayers of the United States would be reduced. Othewise, we ought to use the money for the reduction of the national debt.

These are matters which the commission I propose in my amendment ought to study and report on. The commission would determine how much the national debt could be reduced, or how much should be applied to the national debt, and what part of this vast fund might properly be applied to education.

I think history would be made if this administration, instead of entering upon a policy of giving away, instead of trying to dispose of or divesting the Federal Government of priceless assets, were to inaugurate a program of applying the revenue derived therefrom to the educational system of the Nation and to a reduction of the national debt. Those are questions which would be studied by the proposed commission. I am certain the American people would be highly interested in an investigation and study of this particular subject by a thoughtful group of persons.

The second point to be investigated and reported upon by the proposed commission is:

The amount of losses to private citizens, States, and communities resulting from a dependence on the belief that the coastal States have the paramount rights to such lands and the resources therein.

I have said very frequently that there are legal situations in some communi-

ties, such as Long Beach, Calif., which should be taken into consideration. I have been advised that the city of Long Beach uses a part of the revenue it derives from oil for the operation of its school system and also of its excellent harbor.

Certainly this is the type of problem which should be considered on a quantum meruit basis. There is no intention on the part of the sponsors of the joint resolution, nor on the part of those who are opposing this all-out giveaway measure, not to deal fairly and equitably with States and local communities.

Under the Anderson bill and the Hill amendment, the coastal States, from whose ocean waters the revenue would be derived, would receive, to begin with, 37½ percent of such revenue. Then, after getting 37½ percent of the revenue, they would, under the Anderson and Hill proposals, share in the remaining 62½ percent, together with all the other States, such amount to be used for their educational systems. That seems to be fair, and it follows substantially the division between the States and the Federal Government where minerals are mined under the Mineral Leasing Act, and between the States and the Federal Government in reclamation States.

If that is not fair or equitable, it would be up to the Commission to suggest a formula which would treat the coastal States fairly and equitably. That is the purpose of all of us.

The third provision of section 2 reads "which of such losses should be compensated by the United States.

I think this is a question which would have to be studied by the Commission, and it is one in which Congress would be interested. Congress certainly would wish to compensate any local communities or States which were entitled to compensation.

The fourth provision of section 2 reads "for the purpose of establishing boundaries and lines of jurisdiction between the States and Federal Government."

I should think that a commission would desire, first, to work in consultation with the special master of the Supreme Court who has been given the undertaking of establishing the coastal boundaries of the States, under the decrees in the California, Louisiana, and Texas cases. Many interesting controversies have arisen in that connection. I understand that California contends that its boundary, under the decision of the Supreme Court in the California case, is a line drawn between two islands 30 or 35 miles out in the ocean.

I was interested in the testimony of Mr. LeBlanc, attorney general of Louisiana, and of Mr. Madden, assistant attorney general of Louisiana. There are numerous places in the hearings where those gentlemen were asked where the line would be. They said they could not tell where the line would be; they did not know; it was a question which the Supreme Court would have to determine. Surely, under these conditions a special commission should be created to determine just where the boundary between the property of the Federal Government and that of the States will be.

The commission would investigate and report upon "(5) the effect of this legislation upon experimentation now being conducted under congressional act to make potable water out of sea water."

I discussed that subject at considerable length in my first speech, but I think I should mention again that under an act passed by the Congress, an act which was sponsored by the Senator from South Dakota [Mr. CASE] when he was a Member of the House of Representatives, an experiment is now being carried on in which all the research facilities of the Army, Navy, Marine Corps, Department of the Interior, and many colleges which have been interested in this problem have brought together for the purpose of making potable water, at a reasonable price, from sea water; also water for irrigation and other purposes. Great progress has been made. We know that during the last war drinking water for the inhabitants of many small islands and for our troops on many islands of the Pacific was taken from the sea by a distillation process. There is also a chemical process, which may be less expensive. In any event, great hope is held out for getting water to the desert and arid sections of many of our Western States. If this experiment should prove successful, it would be the greatest boon to peace that we have known about for a long time.

One of the difficulties of many of the nations of the Middle East, of Africa, and even of Europe and Asia, is the lack of water for their land, so that they may grow enough food to sustain them. The problem may be a little technical. Perhaps many Members of the Senate do not think it would happen, but this measure giving away title to the use of natural resources, which include the waters of the sea, except when such natural resources are used for purposes of producing power, under section 2 (e), raises a very serious question as to whether the Federal Government would have the power to take water from the ocean, for the purpose of making water for irrigation or drinking purposes without condemning it and paying a severance tax to the States. Surely this great country of ours, in its efforts to help the people of the States of Arizona, Nevada, California, New Mexico, and many other States where water is such a problem, does not want to place itself at the mercy of any State in obtaining water which can be used for irrigation.

It was stated by the senior Senator from the State of California [Mr. KNOWLAND] that we need not worry about this, because California would be very generous in permitting water to be taken for irrigation purposes in other States. It may be a long time before there is enough water of this kind to satisfy the State of California, let alone Arizona and other States. Furthermore, the dispute between California and other Western States over the little water in the Colorado River does not lead one to believe that there would be so much harmony in the disposition of water which might be taken from the sea for irrigation purposes.

I greatly fear that if we enter upon this program and pass the pending measure without some clarifying amendment, the result might be what I have described. Certainly such a result would nip in the bud one of the most hopeful experiments now being carried on.

In that connection it is also of great value to the United States that magnesium and other minerals are being taken from sea water. I am convinced that it would be impossible for the Government or for private industry, without the permission of the States, to extract magnesium and other minerals which are found in the waters of the sea in such large quantities. We do not want to have to place ourselves in that position. Magnesium is vital for the production of aircraft. It will stand great heat. Every one of our military planes contains a substantial amount of magnesium. According to Miss Carson, in The Sea Around Us, 98 percent of the magnesium which is domestically produced is being taken from the waters of the sea. We do not want to have to place ourselves in a position where a severance tax would be charged to the United States Government or to private industry for taking water off the coasts of the coastal States. In particular, it is not fair, because under the decisions of the Supreme Court that water belongs to all the people of the United States.

That is another subject which should be investigated, and some provision should be made, before we enter into this all-out giveaway program, to protect the legitimate interests of our Nation and of our industries in extracting these valuable minerals.

The sixth matter to be investigated and reported upon by the proposed Commission is "6. The international effects of the extension of our boundaries and its effect upon treaties."

A great many treaties have been entered into with Russia, Canada, Britain, and other nations, in which fishing rights are based upon the principle that waters beyond the 3-mile limit are international waters.

We have always defended the 3-mile limit. Since the beginning of our Nation; since the principle was proclaimed by Thomas Jefferson, we have always protested when anyone interfered with American commerce anywhere outside the 3-mile limit.

What effect would this measure have upon such treaties? What retaliatory effect would follow upon the part of other nations if we were to start giving States boundaries out 10½ miles? What would the British, the Canadians, and the Russians say in connection with treaties which they have entered into in good faith with us, on the theory that we would always maintain the 3-mile limit, and that waters beyond that distance are international waters?

What is to be the answer of the fishermen from the States of Louisiana, Texas, and Florida, whose ships have been seized by the Mexican Government when they were 5 or 6 miles from the Mexican coast? They were seized upon the theory that they were within the boundary of Mexico, that they were in Mexican waters. We have protested. Five representatives from the State of

Texas protested and asked the State Department to do something about it, in resolutions which were introduced in the House of Representatives.

How are we going to protest the seizure of ships 5, 6, or 7 miles out from the coast of Mexico when, by this act, we tell the world that we no longer have respect for the 3-mile limit, and that in the case of Texas and west Florida, we are extending the boundary out to 10½ miles? The complications and the implications involved in the international field certainly deserve more thorough and thoughtful consideration than they have received either in committee or on the floor of the Senate.

This is an important step we are asked to take, and we ought to stop, look, and listen, and we ought to protect, first of all, the interests of the United States.

The seventh determination which my amendment would bring about would be the effect on public-power developments and flood control of the language in section 6 of Senate Joint Resolution 13, granting the States "proprietary rights of ownership, or the rights of management, leasing, use, and development of the lands" under navigable waters.

I argued at considerable length the other day as to the effect the joint resolution would have on our multiple-purpose-dam program and upon our dams for flood control, power, and even navigation. It was insisted by the Senator from Florida that reclamation, at least, was excluded under section 7 of Senate Joint Resolution 13. However, I could find nothing in section 7 which did not still leave the multipurpose projects in great danger. The acts referred to have more to do with the operation of reclamation than with the matter of who has use and ownership and what the Federal Government can do in connection with the land on which it might want to build dams for the purpose of carrying out reclamation.

I pointed out, Mr. President, that the section, dealing with the rights of the States and the Federal Government in connection with the power retained by the United States, provides:

> 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, 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.

Mr. President, my argument is that the first part of section 6 is a general definition of what is retained by the Federal Government. It has paramount rights over commerce, navigation, national defense, and international affairs. It does not include dams for reclamation, and it might not include dams built for navigation. At least, the multi-purpose-dam program would be in great danger, particularly so when we find in the second part of section 6 (a) the provision: "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."

So it would seem, in my opinion, to seriously impede the right of the Federal Government to carry on these worthwhile projects.

I know the sponsors of the joint resolution will say, by referring back to section 3 of the joint resolution, that the right, title, and interest there granted would be granted, with the limitation of subsection (d). However, it seems to me that what is referred to by the last part of section 6 is the granting provision of section 3.

Furthermore, section 6, coming later, might be interpreted by the Supreme Court as prevailing.

At least that is the opinion of the three distinguished members of the committee, who in their minority views express alarm over the fact that it might happen. It is the opinion of others also who are interested in the multiple-purpose-dam program, with whom I have talked. We remember that Judson King, who has studied the power program of this Nation for many years, and who is familiar with the legal interpretations in connection with these matters, issued a special bulletin, in which he said he thought that would be the result of Senate Joint Resolution 13.

In any event, it is a program which ought to be considered by a commission. It ought to be studied fully. We ought to know what it is going to do to our great program of resource development in the building of multipurpose dams before we pass a joint resolution of this kind.

Mr. President, many of us have been fearful that this is only the beginning of a great giveaway program. Certainly it is a substantial beginning. Many of us have been fearful that this is going to lead to the giving away of the public domain and the mineral rights under it, and to a giving away of our national parks and national forests, or to granting substantial rights to certain interests for the lumbering of timber in the national parks and national forests.

Many of us have been fearful it is only the beginning of a program of giving away or selling our great power development facilities.

Mr. President, before we enter into such a program we ought at least to establish a policy regarding it. It should not be a haphazard giveaway program such as is presented in Senate Joint Resolution 13. Certainly a great program of national importance in which the people are interested should be thoroughly studied.

The eighth determination which the Commission would make would be with respect to the relationship of the proposed policy toward the seaward submerged lands and the policy toward public lands within the United States and possessions.

I have discussed that provision in my previous statement.

Mr. President, this is not something that has just been imagined. Some people might argue that it is fantastic to say this great giveaway program of the most priceless resources we have to a few States is not going to lead to similar demands by Senators and Representatives and special interests from other States for giving away other assets.

Those who argue that way have had their answer in the amendment presented by the Senator from Nevada [Mr. MALONE], in which he asks the Federal Government to quitclaim its mineral rights to the States in the public lands of the public domain. They have had that answer in a bill introduced by the distinguished senior Senator from Wyoming [Mr. HUNT], in which he asks that the mineral rights under public lands be deeded to the States. It is shown that this is a real threat by the words of the chairman of the committee which reported the joint resolution, the distinguished senior Senator from Nebraska [Mr. BUTLER], the chairman of the Committee on Interior and Insular Affairs. When Mr. McKay, the nominee for the office of Secretary of Commerce, was before that committee, the Senator from Nebraska gave him notice that immediately after the passage of this giveaway legislation he could look for the introduction of a bill giving the public lands back to the States.

Mr. President, we ought to stop and think before we upset our great conservation program, which has been carried on over so many years by Republican Presidents and Democratic Presidents, and which has been supported by Democratic Congresses and Republican Congresses.

Ninth. The Commission will investigate and report on such other related matters as the Commission deems wise to report upon.

Mr. President, I have great regard for the committee which sat so long in hearing the testimony on the pending joint resolution. We have before us a large volume of the testimony that has been taken. The committee heard every witness who wished to testify.

However, I am advocating a scientific investigation of the questions which have come up and are unanswered. Furthermore, many questions have arisen during the debate on the floor of the Senate, but have not been gone into fully, and the answers to them have not been secured. Yet the public welfare depends upon a proper understanding of these questions. I think the Senate, before legislating somewhat blindly on these questions, would welcome a study of them by a commission to be appointed by the President of the United States and confirmed by the Senate.

The appointment of a commission is the traditional and best way the executive and legislative bodies have of obtaining the facts concerning technical questions, so that they may take informed action. This is particularly true of questions which have become involved in politics, and in respect to which slogans, catch phrases, and exaggerations are likely to be used by both sides.

If there ever was a measure in connection with which catch phrases and misleading propaganda have been sold to a great many people of the United States, it is this measure. Even the name used in stating what is involved in the joint resolution is misleading in the

first place, for the joint resolution is generally referred to, in common parlance, as the tidelands bill; and on the basis of the use of the word "tidelands," in connection with the measure, the coastal States have been frightened into believing that the actual coast where the tide ebbs and flows is under dispute, and that the Federal Government is about to lay claim to it. Of course, that is entirely misleading, for this issue does not involve the tidelands.

I looked in the two dictionaries which are placed in the lobby adjoining this Chamber, and there I found that Webster's New International Dictionary, the second edition, defines "tideland" as follows: "Land overflowed during flood tide."

I also found that Funk & Wagnalls New Standard Dictionary defines "tidelands" as follows: "Lands alternately covered and uncovered by the tide."

However, Mr. President, the matter now before us does not involve tidelands at all. It involves the submerged lands, covered by the sea, way beyond the low-water mark on the coast.

The people of the country have had a misconception of what is involved in this measure. We find it referred to in the newspapers as "the tidelands bill," and in the newspaper accounts we find statements to the effect that "the amendment to the tidelands bill was rejected."

So the people have gotten a misunderstanding of what is involved; and because of that misunderstanding, the way has been easier for the biggest grab that has ever been known in the history of our Nation, and one that I am afraid will cause the Members of this body a great deal of concern when the public really becomes aware of what has happened and when the members of the public express concern about it.

Mr. President, I have before me a little book called Presidential Commissions. The book was written by Carl Marcy, and it shows how important commissions have been in the history of our Nation. It refers to the many commissions which have been appointed by the President or have been provided for by acts of Congress.

For instance, let me read one paragraph from the book:

> Democracy assumes the electorate is able to dispose of controversial issues in the light of rational appraisal of relevant data. Such an assumption presupposes not only judgment but also adequate information. But at a time when the responsibilities of democratic government are becoming increasingly acute, new economic complexities make it increasingly difficult to provide the public with the mass of information which is necessary for a democracy to discharge its obligations. The totalitarian states substitute the judgment of one or a few for mass judgment. They substituted state-controlled facts for mass information. The governments which resulted were totalitarian regimes capable of swift and violent dealing with the new complexities.

Then the book shows how many problems which seemed difficult of solution were brought to fairly easy conclusion after commissions had been established to delve into the facts and to consider the technical matters involved or to have them considered by experts, and then to make reports to Congress.

As I remember, even in the Tilden-Hayes controversy, back in the 1870's, it was so difficult to secure a settlement, that finally a commission was appointed, when the House of Representatives agreed to abide by the result of the commission's work; and in that way one of the grave political issues in our history was settled.

Furthermore, the President of the United States has shown that he believes in commissions. The other day I saw in one newspaper a list of some of the commissions that have been appointed by President Eisenhower. The list is a long and substantial one. It has even been contended that our Government is now a commission government, that the executive branch of the Government is substantially being operated by commissions and that ours is now a commission form of government, so far as the executive branch is concerned.

I dare say that no problem the President has appointed a commission to consider is so grave or complicated or so far reaching in effect as the problem presented by Senate Joint Resolution 13, which the Senate is about to pass without having full information and without realizing fully the vital consequences of the measure.

Mr. President, many Members of the Senate have not actively participated on either side of this controversy, with the exception of expressing their preference by their votes. On the other hand, many Senators have taken very aggressive and active parts, some on one side, and some on the other. However, I think every one of us, no matter what may have been our previous participation in this debate, can afford to vote for my amendment.

I would particularly hope that the distinguished Senators from Louisiana, Texas, and California, the States which alone will benefit from this $50 billion treasure, would welcome the opportunity to receive the unbiased results of such study and research. I do not believe the people those Senators represent want anything that does not rightfully belong to them.

Certainly the rest of us need to stop and consider what we are doing, or else we shall live to regret this day, for I believe that the people of the Nation have been aroused by the debate which has occurred in the Senate, and are now so much aroused that when in the future they go to the ballot boxes—even if they find no other way of expressing their opinion—they will let us know in unmistakable terms that we should regret the action that some of us now expect to take. I do not think the people will willingly and supinely approve actions which result in taking away their treasure, particularly if the Members of Congress who act on that matter do not have the benefit of a dispassionate report and survey regarding the subject at issue.

It would be very difficult for me to tell my constituents that I voted for a measure which vested title in just a few States, although the Supreme Court of the United States had unequivocally and plainly said the property belonged to the people of the entire Nation.

I know that some of my colleagues may say that a number of hearings have been held on this subject. Of course, there have been a number of hearings and a number of debates on it. However, the more this matter has been debated, the clearer it has become that we need to have the benefit of an unbiased expert commission which will study and report on this problem, before we vote to have this joint resolution become law.

I think there have been some very good hearings, though not one of them has afforded the type of dispassionate, scientific study which a very technical and involved matter such as the one now before the Senate deserves.

Mr. President, I should think the administration would welcome an investigation by a properly constituted commission, because the administration itself is not united on the question of what kind of give-away measure ought to be passed. Mr. Brownell, the Attorney General, having consideration for constitutional problems, was in favor of a measure of one kind, but Mr. McKay, Secretary of the Interior, having consideration for the development of resources lying seaward of the area it is proposed to give away, favored another kind of measure. Apparently the State Department thinks that any measure, particularly one proposing to deal with rights outside the 3-mile limit, would be very dangerous to the foreign policy of the Nation and the position we have always maintained heretofore. I am sure that is true. If it were not true, Secretary Dulles would certainly have been called upon to testify.

Mr. President, how can we pass the pending measure, in view of all the problems which might arise under treaties if we extended our seaward boundary beyond the 3-mile limit, and the possibility of retaliatory action by other nations? How can we proceed in opposition to our foreign policy, which has been maintained since our Nation was founded, with reference to rights in international waters? How can we take such drastic action without having the testimony of the chief official of the Nation in matters affecting our international affairs? How that can be done is beyond my comprehension.

The sponsors of the pending measure called hundreds and hundreds of witnesses, and took testimony filling a volume of 1,300 pages. I can only assume that the reason for not having called Mr. Dulles is that it was understood that Mr. Dulles would certainly disapprove of what is sought to be accomplished, and that proponents of the pending measure would be alarmed by what Mr. Dulles would say. But are we not in a time in the history of the Nation when we ought to pay attention to what our Secretary of State says? Should we not want to know what complications might arise in the international field before passing such drastic legislation as the pending measure? Should we not have the benefit of his counsel?

Mr. President, I am sure Mr. Dulles would have been a strong witness in opposition to the pending measure, in view of the letter written by the Assistant Secretary of State to the chairman of the Committee on Interior and Insular Affairs, and I also think there is a similar

letter which was adressed to the distinguished Senator from Washington [Mr. JACKSON], in response to a letter by him, which appears at some place in the hearings.

In order that the people may have their minds refreshed on this subject, we should leave no stone unturned, and we should give notice to the people of the Nation that they can expect very bad results with respect to our international relations if the pending measure shall be passed. We ought to let the people know that it is proposed to pass it without even the benefit of a word from the Secretary of State, himself. The Secretary of State was not called as a witness, though there is no showing that he would have manifested any reluctance, had he been requested to testify. He has appeared before other committees of the Congress on numerous occasions since the hearings on the pending measure began; but he has never been called as a witness to testify regarding Senate Joint Resolution 13.

But we have a letter—unfortunately, in fine print—from Mr. Thruston B. Morton, Assistant Secretary, written on behalf of the Secretary of State, in which he gives a little inkling of the apparently bitter opposition Secretary Dulles would make to the pending measure. Let us consult the letter, to gather a little of that inkling on the part of Mr. Morton, who, incidentally, is a former Representative from Kentucky, and a very capable, thoughtful man. In his letter, found at page 27 of the hearings on the subject of the submerged lands, before the Committee on Interior and Insular Affairs, Mr. Morton, in part, said:

> 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 coast (as well as the lands beneath such waters and the airspace above them) was limited to a belt of waters of 3 miles width, and has vigorously objected to claims of other States to broader limits. 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. 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.

In his reference to "other States" Mr. Morton refers to other nations. In another paragraph he talks about ships which have been seized, and so forth, and he then states:

> It is the view of the Department, therefore, that the proposed legislation should not support claims of the States to seaward boundaries in excess of those traditionally claimed by the Nation, i. e., 3 miles from the low-water mark on the coast.

Mr. President, the contents of this letter ought to lead us to stop, look, and listen. Is the desire for oil and money so great on the part of the interested coastal States—is their desire for something that does not belong to them under the decision of the Supreme Court so great—that they are willing to jeopardize the position of the Nation in the field of foreign affairs? Mr. President, the Assistant Secretary of State says it would be permissible to give the coastal States the area within the 3-mile limit; but is their desire for this little additional area, extending seaward 10½ miles, so great that they are willing to risk the grave consequences of which Mr. Morton, in his letter, warns?

If the Committee on Interior and Insular Affairs will not call Secretary Dulles, there ought to be some other way of letting the Nation have the benefit of his testimony. We ought to have a detailed statement by Mr. Dulles of what, in his opinion, is going to happen; and it would, of course, be the function of the proposed commission to obtain that information without delay.

Mr. President, I should like again to call attention to what we are actually considering. It is an oil-leasing measure. However, in the oil-leasing measure, we are proposing to legislate regarding matters which lie in the field of foreign affairs. We are doing so on the basis of hearings conducted by the Committee on Interior and Insular Affairs. The Foreign Relations Committee has never had an opportunity to study the pending measure. Should not the Foreign Relations Committee have an opportunity of at least considering the probable effect of such legislation, and the possibility of its disrupting the orderly administration of the foreign policy of the Nation? I think the Foreign Relations Committee should have that opportunity. When the people of the Nation understand that the pending measure is designed to meet the demands of only a few for money, money, money, without regard to the disastrous effect it might have upon our foreign relations, and without regard to the disastrous effect it might have upon treaties which have been negotiated over a long period of time, I believe they are going to be very much concerned.

We are considering legislation in the field of sovereignty, not merely in the field of domestic law; yet the Judiciary Committee has never had an opportunity to act upon the pending measure. The Judiciary Committee is the committee which has jurisdiction of questions which relate to the sovereignty of the United States. Under the decisions in the Texas case and other cases the Supreme Court of the United States has held that a question of sovereignty is involved and that it is necessary for the orderly conduct of the affairs of the Nation that the Government of the United States have sovereign powers over the seas from the low-water mark on the coast. Yet we are undertaking to divest the United States of this sovereignty. Where it will go, I do not know. We are undertaking to transfer the jurisdiction of the land under the sea to certain States. The Judiciary Committee, which deals with problems of that kind, Mr. President, ought to have a chance of at least studying the measure. It should be referred to that committee before we take any action on it, and in the absence of referring it to that committee, I think the Commission I propose to create ought to summon international lawyers of repute. I think it should have before it men who have made a particular study of the freedom of the seas, what it means, what is involved, and how important it is for the United States to have sovereignty over the coastal seas. Such questions should be thoroughly explored before we pass the pending measure. Anyone who will read the works of Mr. John Bassett Moore, that great international law scholar, who spent his life trying to build up a substantial body of international law for the regulation of conduct between nations, cannot fail to realize that we are too hastily taking action.

This is a question which should be studied and considered. We are legislating in a field involving billions of dollars of the people's money. The Finance Committee has not had the measure before it. Neither the Finance Committee of the United States Senate nor the Ways and Means Committee of the House has had before it the pending joint resolution. What effect will it have upon treasure which belongs to the United States and which could be used to some extent to meet its obligations by applying it to the national debt? It was stated a few days ago that the $65 million or $70 million which has been collected in royalties would pay the interest on the national debt only for a few days. That illustrates how serious is the burden resting upon the Finance Committee.

I do not think the proponents of the measure intended it, but I suspect that the measure will go down in history as being a reversal of the philosophy of Robin Hood, who took from the rich to give to the poor. This measure would take from the poor to give to the rich.

Mr. President, if my amendment should be adopted, it would not mean that anyone who is for the pending joint resolution would have to change his position; it would not mean that anyone who is opposed to it would have to change his position; it would mean only that the Members of the Senate would have more light upon the question before they took legislative action. There is much confusion about it. The distinguished Senator from Florida [Mr. HOLLAND] said the confusion and the chaos are unbearable. But if the proponents of the measure had obeyed the decision of the Supreme Court, as all other liti-

gants do, there would not have been any chaos and confusion. Since the chaos and confusion have been brought about by the proponents of the grab measure, I think that before we settle the question in favor of the chaos and confusion which have been generated, we should certainly have a disinterested fact-finding commission study and report so that the people of the Nation and the Members of Congress can understand just what is involved.

Mr. President, the commission would make its study and report its findings to the President and the Congress not later than 6 months from the time the commission is established. Certainly, 6 months is not too long a time to wait. Surely, Mr. President, with all the grave problems involved, the proponents of the measure would not mind waiting 6 months. They have been stirring up chaos and confusion since 1947 when they refused to abide by the decree of the highest Court of the land. Certainly they could wait 6 months in having the question settled by a thoughtful fact-finding body.

So, Mr. President, I plead with the proponents of the pending measure to give the American people a break, to give enlightened public opinion an opportunity to be informed and to be heard. Let the commission study the problem and let the people know the facts. After that, if the Congress of the United States wants to give away this vast treasure, they can do so with knowledge, at least, that the people know what it is all about and that they want to embark upon a great giveaway program at a time when the Nation is in debt. In that event those who are opposing the pending proposal would not feel so badly about it.

Mr. President, I yield the floor.

Mr. HOLLAND. Mr. President, I wonder if the distinguished Senator from Tennessee would be agreeable to taking the same course with reference to his amendment as he took a day or two ago with reference to his other amendment, in which case the Senator from Tennessee and the Senator controlling time on the other side agreed to relinquish all their time except 10 minutes on each side, so that the amendment could be expeditiously disposed of on Monday or Tuesday. There would have to be a unanimous-consent agreement.

Mr. KEFAUVER. Mr. President, I ask unanimous consent that after the conclusion of the colloquy and discussion this afternoon I may be permitted to yield back the remainder of my time, with the exception of 10 minutes, and that the vote on the amendment be postponed until Monday or Tuesday.

The PRESIDING OFFICER (Mr. LONG in the chair). Does the Senator include in his request that the opposition be given the same length of time?

Mr. KEFAUVER. Yes.

Mr. HOLLAND. Mr. President, I join the distinguished Senator from Tennessee in his request and tender the relinquishment of all time in opposition to the amendment, except 10 minutes, under the same conditions.

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

RECESS TO MONDAY

Mr. SCHOEPPEL. Mr. President, in accordance with the order previously entered, I move that the Senate recess until 12 o'clock noon on next Monday.

The motion was agreed to; and (at 5 o'clock and 58 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until Monday, May 4, 1953, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 1 (legislative day of April 6), 1953:

FOREIGN SERVICE

Horace A. Hildreth, of Maine, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Pakistan.

DEPARTMENT OF JUSTICE

Dallas S. Townsend, of New Jersey, to be an Assistant Attorney General, vice Harold I. Baynton, resigned.

UNITED STATES ATTORNEYS

Joseph Holmes Lesh, of Indiana, to be United States attorney for the northern district of Indiana, vice Gilmore S. Haynie, resigned.

Francis Everett Van Alstine, of Iowa, to be United States attorney for the northern district of Iowa, vice Tobias E. Diamond, resigned.

Roy L. Stephenson, of Iowa, to be United States attorney for the southern district of Iowa, vice William R. Hart, term expired.

Frederick W. Kaess, of Michigan, to be United States attorney for the eastern district of Michigan, vice Philip Allen Hart, resigned.

UNITED STATES MARSHALS

Saul Hale Clark, of Idaho, to be United States marshal for the district of Idaho, vice Everett M. Evans, resigning.

Clement W. Crahan, of Iowa, to be United States marshal for the northern district of Iowa, vice Frederick Elliott Biermann, term expired.

Roland A. Walter, of Iowa, to be United States marshal for the southern district of Iowa, vice Daniel N. McEniry, resigning.

William E. Smith, of New York, to be United States marshal for the eastern district of New York, vice Eugene J. Smith, resigning.

William B. Somers, of North Carolina, to be United States marshal for the middle district of North Carolina, vice William D. Kizziah, term expired.

Albert W. Saegert, to be United States marshal for the western district of Texas, vice Kehoe C. Shannon, term expired.

Howard Call, of Utah, to be United States marshal for the district of Utah, vice William Q. Treseder, resigning.

Darrell O. Holmes, of Washington, to be United States marshal for the eastern district of Washington, vice Wayne Bezona, resigning.

William Budd Parsons, of Washington, to be United States marshal for the western district of Washington, vice John S. Denise, Sr., resigning.

Noah W. Riley, of Wyoming, to be United States marshal for the district of Wyoming, vice Earl R. Burns, resigning.

CONFIRMATION

Executive nomination confirmed by the Senate May 1 (legislative day of April 6), 1953:

GENERAL SERVICES

Edmund F. Mansure, of Illinois, to be Administrator of General Services.

SENATE

MONDAY, MAY 4, 1953

(Legislative day of Monday, April 6, 1953)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God, in whose peace our restless spirits are quieted, from the flickering torches of our own understanding we would lift the difficult decisions of the public weal unto Thy holy light. Lead, kindly light, amid the encircling gloom; for in these anxious days when the destinies of nations hang in the balance, the tensions of human relationships are like waters tossed and troubled. O God, the answers for which we gropingly seek in the darkness of our own devices are hidden in Thy heart. Make us such men that Thou mayest speak to us and that to this bewildered generation we may be the broadcasters of Thy voice and will. So shall the world that ever surely climbs to Thy desire mount swifter toward Thy purpose and intent for mankind. We ask it in the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., May 4, 1953.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ANDREW F. SCHOEPPEL, a Senator from the State of Kansas, to perform the duties of the Chair during my absence.

STYLES BRIDGES,
President pro tempore.

Mr. SCHOEPPEL thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. TAFT, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 1, 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.

LEAVES OF ABSENCE

On his own request, and by unanimous consent, Mr. KNOWLAND was excused from attendance on the session of the Senate today.

On request of Mr. JOHNSON of Texas, and by unanimous consent, Mr. HUNT was excused from attendance on the session of the Senate today, because of a death in his family.

in all problems affecting the development of Alaska.

The Senator served on the Committee on the District of Columbia so long and effectively that he was regarded by the citizens of the District as their personal representative in Congress. He was in fact a broad-gage statesman, acting always for the national interest rather than for that of his own bailiwick alone.

Jones was born in Illinois in 1863 and grew up in the atmosphere and traditions of the Lincoln era. His father, a farm laborer, was killed in the Civil War a few days before Wesley's birth. This put the son on his own resources throughout his life. He did farm work to pay for schooling and ultimately succeeded in being graduated from the College of Southern Illinois, where he was a classmate of William E. Borah, of Idaho. Later they served together in the Senate. After a 4-month course at the Northwestern University Law School, he was admitted to the bar.

He began practice in Illinois in 1886 and in that year married Minda Nelson. With the coming of a son, Harry B. Jones, and increased responsibilities, he decided that he needed a larger field. He came out West scouting for a location and finally decided on Yakima, a typical western town of 2,000 people, with a full quota of saloons, gambling joints and Indians in a land of dust and sagebrush. But he believed it a place with a future. He sent for his family and worked for an abstract company until he was able to engage in law practice. For years, with various business partners, his was one of the principal law offices in central Washington.

Jones always had taken a keen interest in politics and was active in the Blaine campaign in 1884 and the Harrison campaign in 1888. In 1898 he ran for a seat in Congress then held by James Hamilton Lewis and was successful. He immediately disposed of his law business to be able to devote all of his time and efforts to his new career.

He was regarded as a commonsense liberal, with a keen interest in progress, not unmixed with a spirit of adventure. He loved to hunt and fish and take hiking trips into the mountains. During the First World War he made frequent flights with Army pilots in the old single-engine cockpit planes and once announced that he had made a round-trip flight from the Atlantic to the Pacific in less than a day. He had flown over the Isthmus of Panama.

Late in life Jones was attacked by the golf "bug" and never missed an opportunity for an early-morning game. As he usually was at his office by 8 o'clock, that really meant early. One morning he went out into the driveway of his hotel in Washington to wait for a friend to pick him up for a game. After waiting a long time he looked at his watch and found that it was 2:30 a. m., so he went back to bed until the usual time of 5:30.

In his last years he was weakened by a serious operation and did not give himself adequate time to regain his strength. His death occurred shortly after the Democratic landslide in 1933 and some attributed it to his disappointment. Nothing was further from the fact. He simply had drawn too heavily upon his physical resources in trying to stem the political tide and in his tireless work in the Senate.

Surviving him are a son, Harry B. Jones, the senior head of a well-known Seattle law firm, and a daughter, Mrs. Hazel E. Coffin, of Yakima.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, communicated to the Senate the intelligence of the death of Hon. GARRETT L. WITHERS, late a Representative from the State of Kentucky, and transmitted the resolutions of the House thereon.

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. HILL obtained the floor.

Mr. NEELY. Mr. President, will the Senator from Alabama yield to me in order that I may make a request for printing in the RECORD certain communications pertaining to the pending business?

Mr. HILL. I yield to the Senator from West Virginia.

Mr. NEELY. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a telegram dated March 13, 1953, relative to the pending joint resolution, which I sent to the distinguished Governor of West Virginia, the Honorable William C. Marland, and also the response of Governor Marland, dated March 14, 1953, to my telegram.

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

MARCH 13, 1953.

Hon. WILLIAM C. MARLAND,
Charleston, W. Va.

DEAR GOVERNOR: A number of bills are pending in Congress which are designed to give to California, Louisiana, and Texas vast oil, gas, and other mineral resources in the submerged lands off their shores. As held by the highest Court in the land, these resources belong to the people of all the States, including, of course, the people of West Virginia.

The exact value of the subject matter has not been determined but it is estimated that under the 16 million acres or more of undersea lands which are involved, there are at least 15 billion barrels of oil worth more than $40 billion and gas worth more than $10 billion.

If one of these bills should be enacted and later held to be constitutional, under its operation every man, woman, and child in our State would utterly lose his or her share of much more than half a billion dollars.

Propaganda to the effect that any of the proposed bills would benefit inland States by confirming titles to inland waters is meaningless, for the reason that such titles are not endangered and are, in no manner, connected with the question of depriving the people of the inland States of their rights to the lands under ocean, sea, or gulf. Despite the terrific pressure being exerted by the great interests backing this legislation, the States cannot be deprived of their right to litigate the validity of any of these bills that may be passed. Only the Supreme Court of the United States can finally determine whether the Congress has the power to deprive the people of 45 States of the Union of their rights and bestow those rights upon the people of the 3 States mentioned.

In my opinion, it will probably prove impossible for the liberals to defeat the administration's efforts to pass one of the pending bills. In the circumstances, please let me entreat you to request the legislature to authorize and instruct or you, on your own responsibility as Governor, to authorize and instruct our distinguished attorney general to prepare to litigate this most important matter and to institute a suit by and in behalf of the State of West Virginia to have any one of the indicated bills that may become a law declared null and void, to the end that the people of West Virginia may be protected against the exploiters who are seeking to rob them of their heritage.

MATTHEW M. NEELY.

STATE OF WEST VIRGINIA,
EXECUTIVE DEPARTMENT,
Charleston, March 14, 1953.

Hon. M. M. NEELY,
United States Senate,
Washington, D. C.

DEAR SENATOR NEELY: This will acknowledge receipt of your telegram concerning a question vital to all of the people of West Virginia in the matter of natural resources now held by the Federal Government, commonly referred to as the tidelands oil question.

I want to assure you and every member of our senatorial and congressional delegation to the United States Congress that I, as Governor of West Virginia, consider it of the most paramount importance that we do everything possible to preserve those mineral resources for all of our citizens, rather than to let them be given to a few States.

I am most appreciative of your interest in the matter, and in line with your suggestion, I am requesting the Attorney General to follow closely the progress of this legislation, and in the event that Congress is so misguided as to pass same, to take whatever action is necessary, either by way of a suit in the Supreme Court of the United States, or any other tribunal that may have jurisdiction in this matter, to see to it that the interests of the State of West Virginia are protected to the utmost of our ability as officers of the government of the people of West Virginia.

You are exactly right in your thinking concerning the fallacies of the argument advanced to the effect that any of the proposed bills would benefit inland States by confirming title to inland waters. A prime example of the falseness of such propaganda is our own situation concerning the Ohio River. West Virginia owns the natural resources under the Ohio River and has been using them as an owner for many many years in selling, leasing, and otherwise disposing of the resources in a manner that will best benefit our citizens. We need no legislation to confirm our title to these resources. In my opinion, the entire move is one to deprive the people of the United States of that which is rightfully theirs; namely, the natural resources closely adjoining their country in the oceans and gulfs that surround us.

I am sending a copy of this letter to each of our Congressmen and Senators so that they may know beyond any question of a doubt where the government of the State of West Virginia stands on this question. Since this is in no way a party matter, and since the people of West Virginia who will be robbed if this legislation is successfully enacted are of both political faiths, I am sending a message to the West Virginia Republican national committeeman, the Honorable Walter Hallanan, asking him to exert whatever influence he may have with the Republican National Government toward the end that this pillage of our natural resources will be stopped.

If there is anything that you or any other member of our delegation feels that I can do as Governor of West Virginia to aid in this fight for the people of West Virginia, please feel free to call upon me.

With best wishes, I am,

Sincerely,

WILLIAM C. MARLAND,
Governor.

Mr. HILL. Mr. President, this is the last day on which there will be an opportunity to debate the pending joint

resolution and to permit Senators to offer amendments to the measure.

Since I have consumed considerable time during the debate on the joint resolution, and because a number of other Senators wish to offer amendments and to speak on them, I feel constrained, in fairness to them, to proceed with my remarks today without yielding. I always like to yield and to show every courtesy I can to my fellow Senators, but I find myself under a limitation of time when so many other Senators wish to be heard on the measure and desire to offer their amendments.

Sections 3 and 6 of this measure introduce an altogether new concept never before mentioned in any previous discussion of the problem of the lands submerged beneath the ocean. The language is an attempt to compromise in one statement the conflicting theories of those who contend that the submerged lands belong to the States and that the Federal Government has been trying to "grab" them, and on the other hand, the theories of those who have contended that as a matter of constitutional and international law the Federal Government has paramount power over the land submerged thereby. The attempt to combine these two conflicting theories in one law raises a constitutional question which can be settled only by the Supreme Court. As a matter of fact, if this bill should be passed with this language in it neither the States nor the oil companies which have sought to obtain control over the natural resources beneath the sea will obtain their objective.

Clauses 1 and 2, page 13, lines 6 and 9, are contradictory. Clause 1 deals with title to and ownership of the lands beneath navigable waters. Clause 2 deals with "the right and power to manage, administer, lease, develop, and use the said lands in accordance with applicable State law."

Obviously this clause was written upon the theory that the right and power to manage, and so forth, the lands under State law does not now exist because otherwise it would not be necessary to use the word "assigned" in line 13.

It will be seen from lines 11, 12, and 13 that the attempt is made to recognize, confirm, establish, and vest the title and ownership in the States and to assign to them the rights mentioned in clause 2.

It is clear that what the committee has sought to do in this provision is first to confirm what it deems to be an existing title and ownership, and, second, to assign a right of management, use, and development which does not now exist in the States.

The Constitution of the United States gives to the Federal Government unquestioned jurisdiction over commerce, navigation, national defense, and international affairs. To use the words of section 6, the Federal power extends to all matters affecting national jurisdiction and sovereignty. No State can constitutionally invade the sovereign powers of the National Government and any attempt to split its powers or cast a cloud upon those powers by purporting to extend to the States power and authority to interfere with commerce, navigation, national defense, international affairs, and national sovereignty can only result in creating legalistic questions of the utmost complexity.

If Congress is to undertake now, as it does by section 3, to confirm in the States title and ownership to lands within the historical boundaries of the States, though beneath the ocean, Congress sets up the basis by which the States can set up a sort of riparian claim to ownership of the Continental Shelf. Thus, this bill is an invitation to the coastal States to seek to establish a claim to the Continental Shelf, a purpose which most of the sponsors of the bill expressly disavow.

More important, however, when Congress, by this measure, assigns the power to manage, administer, lease, develop, and use the lands beneath the ocean it may give away at the same time the power to authorize the construction of drilling platforms, the laying of pipelines and the construction of other obstructions to commerce and navigation.

True, it is stated in section 6 that "the United States retains all its navigable 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." It is true that section 6 declares that all of these shall be paramount, but, How is it possible that the title and ownership by the State to submerged lands can be recognized, confirmed, and established in the States, as set forth in section 3, when in section 6 it is declared that the Federal Government has constitutional rights in the lands as well as in the waters?

What Congress is saying by this language is merely that the sovereign Government of the United States has constitutional rights over both land and water but that it may have to establish those rights as against the States by insisting that all of these lands and waters are impressed with a servitude. To establish the servitude, if any oil company resists or if any State resists, it would be necessary for the Federal Government to go into court and to say, "this drilling platform, this pipeline, this pier, this boat line, interferes with national defense, with navigation, with commerce, with international affairs and must be taken down," particularly when it is recalled that section 3 assigns to the States the Federal Government's power of management.

When this bill is passed and is signed by a President whose duty it is to protect the national security of the United States, a situation may be created in which the initiative for the exercising of national power has been taken away from the Federal Government and given to the lessees of a State or municipality along the coast compelling the Federal Government to bring suit against the State, community, or oil and gas company which is seeking to withdraw the oil from beneath nature's ocean and sell it perchance to the national sovereign, the Federal Government.

INTERNATIONAL DANGERS AND TREATY VIOLATIONS

An additional objection to the joint resolution is that by attempting to extend the territorial boundaries of the United States beyond the 3-mile limit, it constitutes a clear violation of international law. It constitutes an abandonment of the traditional position of the United States in international law in support of the 3-mile limit, a position which has had the support of every Secretary of State from Thomas Jefferson on, every President from George Washington on, and which is soundly based on the military and political interests of the United States.

It is not necessary to labor the point as to how the joint resolution seeks to extend the territorial boundaries of the United States for the benefit of two States, and two States alone. I am sure that my distinguished colleagues from Florida and Texas would not disclaim that they would like to establish the territorial boundaries of Florida and Texas along the Gulf of Mexico as extending 3 leagues or 10½ miles from the coast line. Whether by the joint resolution, if enacted, they will be enabled to succeed in their attempt will be a matter which the courts should adjudicate, as I will point out later, but it is clear that is what they would like to do. Now Florida and Texas are sovereign States; they are fine States but they are still part of the United States just like Alabama. If the territorial boundaries of Texas and Florida are approved as going 10½ miles into the Gulf of Mexico, so are those of the United States in those areas. So it is unquestioned that this measure represents the first time in which the Government of the United States has abandoned its position that the proper width of territorial waters is 3 miles. Now, for the benefit of Florida and Texas, we are asked to provide that off those States, the proper boundary of territorial waters is 10½ miles.

As I said earlier, the position of the United States that the proper limit of territorial waters should not extend more than 3 miles beyond the shores goes back to the earliest days of the Republic. In 1793 Thomas Jefferson, then Secretary of State, told both the Governments of France and England that the United States should consider territorial waters as restrained "to a distance of 1 sea league or 3 geographical miles from the seashore." Thomas Jefferson, acting as Secretary of State for our first President, George Washington, was just the first Secretary of State to assert this fundamental principle of international law: That the width of territorial waters should not extend more than 3 miles from the shore. Secretaries of State, both Democratic and Republican, have been fighting to sustain this principle ever since.

This fight has not always been an easy one. Many other countries have tried to make claims to the waters adjacent to them which were greatly in excess of the 3 miles permitted them by international law, but the United States has always been in the forefront of those countries which have insisted that 3 miles is as far as a nation can go. In 1821 Russia announced a ukase which prohibited foreign vessels from approaching within 100 miles of certain Russian possessions in the Pacific Ocean. John Quincy Adams was our Secretary of State then, and he opposed this illegal

Russian claim just as his successors are opposing similar illegal actions of the Union of Soviet Socialist Republics now. In 1822 our Secretary of State, John Quincy Adams, sent the Russians a stiff note saying that their ukase was illegal and that the United States would not be bound by it.

In 1862 we had a similar dispute with Spain. Spain asserted the right to regard as territorial waters of Cuba the waters surrounding Cuba to a distance of 6 marine miles. In 1862 this Nation was engaged in a great civil conflict and it might have appeared to some that the best thing to do was not to interpose any interjection to the Spanish claim. But the principle that the limit of territorial waters should not exceed 3 miles was so important to the United States that President Lincoln instructed his Secretary of State, Secretary Seward, to protest this illegal action. Secretary Seward did protest. He declared that the extent of territorial waters of a state was not derived from its own decrees or legislative enactments, but from the law of nations and, that according to that law, the limit was fixed at 3 marine miles from the coast. The language of his protest to the Spanish Foreign Minister is just as true today as it was when it was delivered, and I should like to read it:

> 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 (1 Moore's Digest 710).

The United States took the same position in 1908 when Mr. Adee, Acting Secretary of State, informed the military governor of Cuba that—

> The rule which is reported to have been announced by the Cuban Government in this case—namely, that the territorial waters of Cuba extend 4 leagues from the coast of the island and of the cays belonging to it—not only fails to accord with the views now expressed by the British Government, but is out of harmony with the principles held by this Government as declared by Secretaries Seward and Olney, as well as with the generally accepted rules of international law (1 Hyde 456).

The United States has taken the same position in disputes with Mexico. I shall deal with the problem of the dispute with Mexico in more detail later, because it is an issue which is still pending, but I believe that you should know that ever since 1906 our Department of State has been protesting, and in the great majority of cases successfully, the attempts of the Government of Mexico to seize American fishing vessels which are fishing off the coast of Mexico between the 3- and the 9-mile limit. The American Government also had to object to the attempts of the Italian Government to establish a band of territorial waters in excess of 3 miles. On August 6, 1914, the Italian Government promulgated a decree which attempted to establish the limit of its territorial waters 6 miles from its shores. The United States promptly objected. Our Secretary of State again reiterated the historic position of the United States in opposition to any attempt to extend territorial waters beyond 3 miles from the shore. The Italian Ambassador was informed as follows:

> I am compelled to inform Your Excellency of my inability to accept the principle of the royal decree, insofar as it may undertake to extend the limits of the territorial waters beyond three nautical miles from the main shoreline and to extend thereover the jurisdiction of the Italian Government (1 Hackworth 637).

The United States has not only supported the 3-mile limit because it believes this to be the proper rule of international law on the subject, it has done so because we are bound by treaty to do so. In 1924, the United States and Great Britain entered into a treaty with respect to the smuggling of intoxicating liquors. I would like to read you article I of this treaty. It reads as follows:

> The high contracting parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coastline outward and measured from low-water mark constitute the proper limits of territorial waters (43 Stat. 1761).

We have similar provisions in treaties with Germany, with Panama, with the Netherlands, with Cuba, and with Japan.

Now I know that we will hear a great deal of talk that the 3-mile rule is an old and obsolete one and should be changed. The proponents of this bill must be making that argument, because they do propose to change the 3-mile rule, if only on behalf of Florida and Texas. The argument that the 3-mile limit is obsolete has been going on for some time. One of the first cases that I can find when it was made was in a controversy between Mr. Bayard, the Secretary of State under President Cleveland, and Mr. Manning, Secretary of the Treasury. Mr. Manning was adopting a position very similar to that of the proponents of this bill. He wanted to extend the 3-mile limit to take in some fisheries, although in this case, he was attempting to extend it on the northwest coast rather than in the Gulf of Mexico. Mr. Bayard, who had the support of the President, told him the reasons why this should not be done:

> In a letter by Mr. Jefferson, when Secretary of State on November 8, 1793, to the minister of Great Britain, and in a circular of November 10, 1793, to the United States district attorneys, the limit of one sea-league from shore was provisionally adopted by him as that of the territorial seas of the United States. The same position was taken by Mr. Madison, Secretary of State, February 3, 1807; by Mr. Webster, Secretary of State, August 1, 1842; by Mr. Seward, Secretary of State, December 16, 1862, August 10, 1863, and September 16, 1864; and by Mr. Fish, Secretary of State, December 1, 1875.
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> In a note from Mr. Fish to Sir Edward Thornton, dated January 22, 1875, it is expressly stated in reply to inquiries from the British Foreign Office "that this Government has uniformly, under every administration, objected to the pretension of Spain" to a 6-mile limit. Mr. Fish proceeds to show that the United States statute, giving the right to board vessels within 4 leagues of the coast, is applied only to vessels coming to United States ports, and that the extension of the boundary line, between the United States and Mexico, to 3 leagues from land, by the Treaty of Guadalupe Hidalgo, applies only to Mexico and the United States.
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> Mr. Evarts, writing to Mr. Fairchild, then our representative in Spain on March 3, 1881 (Foreign Relations, 1881), said: "This 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."
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> * * * * * *
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> The position I here state, you must remember, was not taken by this Department speculatively. It was advanced in periods when the question of peace or war hung on the decision. When, during the three earlier administrations, we were threatened on our coast by Great Britain and France, war being imminent with Great Britain, and for a time actually though not formally engaged in with France, we asserted this line as determining the extent of our territorial waters. When we were involved in the earlier part of Mr. Jefferson's administration in difficulties with Spain, we then told Spain that we conceded to her, so far as concerned Cuba, the same limit of territorial waters as we claimed for ourselves, granting nothing more; and this limit was afterward reasserted by Mr. Seward during the late Civil War, when there was every inducement on our part not only to oblige Spain, but to extend, for our own use as a belligerent, territorial privilege. When, in 1807, after the outrage on the *Chesapeake* by the *Leopard*, Mr. Jefferson issued a proclamation excluding British men-of-war from our territorial waters, there was the same rigor in limiting these waters to 3 miles from shore. And during our various fishery negotiations with Great Britain we have insisted that beyond the 3-mile line British territorial waters on the northeastern coast do not extend. Such was our position in 1783, in 1794, in 1815, in 1818. Such is our position now in our pending controversy with Great Britain on this important issue (1 Hyde 718–20).

These reasons were restated just a few weeks ago by a representative of President Eisenhower's Secretary of State, Mr. Dulles, who appeared before the Senate Committee on Interior and Insular Affairs, and urged that committee to continue this policy as an essential element in the security of the United States. Speaking before the committee, a senior representative of the State Department spoke as follows:

> I now turn to the reasons for the adoption and maintenance of this position. 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. Likewise, the maintenance of free lanes and air routes is vital to the success of its shipping and air transport. And it is becoming increasingly evident that its fishing interest depends in large part upon fishing resources in seas adjacent to foreign states (1953).

I shall deal in more detail later with the arguments based on national security, but I should like to point out, at this time, that the proponents of this bill have not produced a single responsible

officer of the Navy or of the Air Force who has urged that we abandon the concept of the 3-mile limit. The reason is the officers of our Navy and Air Force, indeed of our entire Military Establishment, are convinced that it is in the interests of our national security to solidify and support the 3-mile rule not to chip away at it. The United States has a great Navy and it contributes to our national security by having command of the seas. It does not contribute to our national security by hovering under the cover of Coast Artillery. As the State Department has pointed out, under the concept of defense which has long been held by the United States, the greater the freedom and range of its warships the better protected are its security interests. The United States has a great Air Force. Its contribution to our national security however is not merely by flying coastal patrol. It is by obtaining command of the skies. As the State Department has pointed out, the greater the freedom and range of our aircraft, the better protected are our security interests.

I would like to make it clear that the United States has supported the 3-mile rule because it is in the best interests of the United States, from the point of view of economic strength, foreign relations, and national security, to do so. I would like to make it clear that this is not just a unilateral decision of the United States. It is a decision which we have made in solemn convenant with other countries, including our major ally, Great Britain.

I would like to read again the relevant clause of our treaty with Great Britain. It 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 low-water mark constitute the proper limits of territorial waters.

The United States has made similar pledges to five other countries.

Let us suppose that this bill, which we are now considering, should become law. What would the result be? In the first place, we would have committed a clear violation of our treaties with England and the five other countries to which I have just referred. In those treaties, the United States pledged its solemn word that it would support the principle that 3 miles is the maximum extent to which territorial waters may be extended under international law. The United States can claim that we are keeping our word to our gallant ally Great Britain and the other countries to which we have pledged our word if, at the very time that we are promising to support the principle of the 3-mile limit, we are claiming 10½ miles off the coasts of Texas and of Florida.

It is entirely immaterial that what is being done is to confirm a claim of 10½ miles as the territorial boundaries of two States, rather than expressly doing it on behalf of the Federal Government.

It was made perfectly clear by the representatives of the Department of State that from the point of view of international relations, it is immaterial whether the boundary claim is being asserted on behalf of the State of Texas or on behalf of the Federal Government. The representatives of the Department of State said as follows:

> 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 (1053).

It is, therefore, perfectly clear that the passage of this bill would commit this country to the principle that in certain areas, at least, its territorial waters extend 10½ miles from the coast. It is also perfectly clear that the passage of this bill would be a flagrant violation of our treaty obligation to support the principle that 3 miles from the low-water mark constitutes the proper limit of territorial waters.

Now I know that I do not have to explain to this great body that the principle of the sanctity of treaty obligations has been a cornerstone of the foreign policy of the United States, whether the administration in power is Democratic or Republican. But I do not feel that in good conscience I could watch this great body deliberate an action which would be a flagrant violation of our treaty obligations without calling to your attention the statements of two great Americans on the significance of this fundamental principle. The first is a statement of President Wilson. It was made in an address to Congress in which he requested Congress to repeal certain provisions of the Panama Canal Act of 1912, which were considered to be in violation of our treaty of November 18, 1901, with Great Britain. This is what he said:

> We consented to the treaty; its language we accepted, if we did not originate it; and we are too big, too powerful, too self-respecting a nation to interpret with too strained or refined a reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation (V Hackworth 164).

The other great American was Cordell Hull. He made a statement on international affairs and American foreign policy on July 16, 1937, and this is what he said:

> We advocate faithful observance of international agreements. Upholding the principle of the sanctity of treaties, we believe in modification of provisions of treaties, when need therefor arises, by orderly processes carried out in a spirit of mutual helpfulness and accommodation. We believe in respect by all nations for the rights of others and performance by all nations of established obligations (V Hackworth 164).

Today the United States has a position of world leadership which is unparalleled in its history. Today it is of the utmost importance for the survival of civilization that this leadership be exercised wisely and well. Today it is of greater importance than ever before, that the pledged word of the United States be entitled to respect; that the other countries know that when the United States has given its word, it will keep it. I am grieved to see this great body seriously deliberate a measure which, if it became law, would be a clear violation of our pledged word, would restroy our reputation for keeping our word which has been established by a record of honorable conduct scrupulously carried out since the formation of the Republic; and which would therefore cast doubt upon the integrity of any treaty obligation which we now have, many of which are obligations essential to the unity and strength of the free world.

There is, of course, a great temptation for the distinguished proponents of this bill to try to eat their cake and have it, too. In other words, there may be some wishful thinkers who feel that it is possible for the United States to assert a 10½-mile limit off the coast of Texas and Florida, but to continue to object to anything more than a 3-mile limit when applied against American ships and aircraft by foreign countries. These wishful thinkers should pay heed to the warnings of our Department of State. Before the committee the representatives of the Department said:

> 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 protests against claims of foreign states to greater breadths of territorial waters (1053).

The representatives of the Department of State have pointed out that the passage of this bill would not merely force the United States to withdraw its protests against claims of territorial waters under 10½ miles. Its practical effect would be far more serious. They pointed out that the United States has long stood as the champion of the principle that 3 miles was the maximum permissible limit. If the United States were to abandon this position and start making broader claims, it would have opened Pandora's box. If the United States were to raise its claims from 3 miles to 10½, the other countries would not necessarily stop at a 10½ which matched us. Past experience has shown that the claims would be bigger and bigger, more and more extravagant, that a veritable Oklahoma land rush of claims would ensue which the United States, having started, would be powerless to stop, and that the avalanche which our ill-considered action had started might very well sweep away or destroy the concept of freedom of the seas which Americans have been working and fighting to build up since the time of Thomas Jefferson. The representatives of President Eisenhower's Secretary of State, Mr. John Foster Dulles, made this clear when they warned the committee as follows:

> 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 on the 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 (1053).

I would like to turn now to disputes which this Government has had with Mexico concerning the width of the band

of territorial waters which Mexico can properly claim under international law. I think that an analysis of this dispute will be interesting to this body because it will cast a new light on some of the arguments which have been raised by my distinguished colleagues. On April 23, 1950, the Mexican Coast Guard seized five United States fishing vessels which were fishing outside of the 3-mile limit off the coast of Mexico. They justified this seizure on the grounds that the territorial waters of Mexico extended 9 miles seaward. This claim was rejected by the United States Ambassador, Mr. Thurston, and the ships were released on May 3. This incident has been repeated on March 3 of this year. Mexico has made the same claim again, and the matter is now under active consideration between the Mexican Government and the Department of State. Let us take a look at the arguments which the Mexican Government is making in this attempt to stifle the American claims of American fishermen. I do this with particular interest because some of these boats sailed from Mobile. I am sure that some of them also sailed from Gulfport, Pascagoula, and Biloxi, so that my distinguished colleagues from Mississippi have an interest in the outcome of this matter. The Mexican Government is making an argument almost identical with that made by my distinguished colleague from Texas. Their argument is based solely on the fact that article V of the Treaty of Guadalupe Hidalgo between the United States and Mexico, which was signed on February 2, 1848, provides:

> 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 (9 Stat. 922, 926).

Now, since this treaty was signed, other countries became worried that it would have the effect which my distinguished colleague from Texas claims that it has; namely, that it was an attempt to extend the territorial waters of the United States out 3 leagues or 10½ miles off the coast of Texas. The British Minister sent the United States Government a note on April 30, 1848, objecting to this provision on the grounds that it was an attempt to extend the territorial waters of the United States 3 leagues instead of the 3 miles which was acknowledged by international law and practice as the extent of territorial jurisdiction over the sea that washes the coasts of States. The Secretary of State then was James Buchanan, and on August 19, 1848, he replied that this provision was merely for the convenience of Mexico and the United States in identifying the dividing line between their two countries, and that it was not intended and did not have the effect of extending the territorial waters of the United States. The United States Government was questioned on this point again in 1875 by the British Minister. Mr. Hamilton Fish was the Secretary of State then, and on January 2, 1875, he sent a note to the British Minister in which he flatly denied that the purpose of this treaty or its effect was to extend the territorial waters of the United States. He went on to say:

> 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 (1 Moore 731).

The question came up again in the fall of 1906 when a number of protests were received by the Department of State, alleging that the Government of Mexico was seizing American fishing vessels beyond the 3-mile limit and that proceedings were being instituted for the confiscation of such vessels. The Solicitor of the Department of State wrote an opinion, dated October 2, 1906, and this was forwarded to the American Embassy in Mexico City with instructions to take the problem up with the Mexican Government on the basis of the principles of law which were set forth in this opinion. I would like to read you portions of this opinion:

> 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.
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> 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:
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> "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.
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> 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 part 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 vessels until they arrive at the port or place of their destination" (R. S. 2760).
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> 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).
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> 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.
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> 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. * * *
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> 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 (1 Hackworth 658).

The most recent dispute grows out of a Mexican decree, dated August 30, 1935, which provided for the extension of the territorial waters of Mexico from 3 miles to 10½ miles. On January 11, 1936, Secretary of State Cordell Hull instructed our Embassy in Mexico as follows:

> It is desired that you advise the Mexican Foreign Office in writing that your Government reserves all rights of whatever nature so far as concerns any effect upon American commerce from enforcement of this legislation purporting to amend existing law so as to extend the territorial waters of Mexico from 3 miles in breadth to 9 miles (1 Hackworth 639).

The Mexican Foreign Office replied with argument identical to that which is now being made by my distinguished colleague from Texas. The Foreign Office argued that article V of the Treaty of Guadalupe Hidalgo set the territorial waters off the coast of Mexico at 10½ miles. The Department of State promptly rejected this argument and I would like to read you what they said, because I believe it contains a definitive

answer to the arguments made by my distinguished colleague. The reply was as follows:

The treaty provisions [art. V of the treaty of 1848] in question reads as follows:

"The dividing line between the 2 republics shall begin in the Gulf of Mexico, 3 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 eastern limit of the boundary line is not stated to be 3 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 limits 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 1 marine league due south of the southernmost 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 Maxico," 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 this Department's note 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 this 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 on 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 an unwarranted deduction from the terms of article V of the treaty of 1848 (1 Hackworth 641).

The question has come up again on January 14, 1948, after the detention by Mexican authorities of American fishing vessels, and that day our Embassy at Mexico City delivered the Mexican Foreign Office a note, the relevant paragraphs of which read as follows:

I have the honor to refer to Your Excellency's note No. 52602 of February 18, 1947, concerning the interception and detention, in September 1946, of four United States fishing vessels which had been operating off the coasts of the State of Campeche.

In the note under reference the statement is made that the territorial waters of Mexico, in the relations between the United States and Mexico, have an extension of 9 miles, which extension, it is stated, is derived from interpretations of article V of the treaty of 1848 and of article I of the treaty of 1853 between the United States and Mexico. The Government of the United States maintains, and has consistently maintained, that the general territorial jurisdiction of Mexico, so far as United States nationals are concerned, extends 3 miles seaward from the coast measured from the low-water mark. In this regard Your Excellency's attention is invited to this Embassy's note of June 3, 1936, addressed to Your Excellency's Government, which, after discussing at length the treaty of 1848, pointed out that it furnished no authority for the Government of Mexico to claim generally that the territorial waters of Mexico extend 9 miles from the coast. The same conclusion necessarily applies to the treaty of 1853 which, in regard to the question of territorial waters, introduced no change in the terms or meaning of the treaty of 1848.

With reference to article 17, section II, of the General Law of National Wealth referred to in Your Excellency's note and stated to be the justification of the seizures, the United States cannot, so far as that law purports to define the territorial waters of Mexico as coastal waters to the distance of 9 nautical miles from land, accept its application to United States fishing vessels operating between 3 and 9 miles off the coast. Further, the Government of the United States continues, as in 1936, to reserve all rights of whatever nature so far as concerns any effects upon American commerce from enforcement of this legislation, or of similar legislation which purports to extend the limit of general jurisdiction beyond 3 nautical miles (Mr. Thurston, Ambassador to Mexico to Senor Torres Bodet, Mexican Secretary for Foreign Relations, January 14, 1948). (See hearings, 322.)

The position of this Government was summed up by Under Secretary Jim Webb in a letter to our former colleague, Tom Connally, in which he said:

This Government has therefore consistently denied that the Government of Mexico has an extent of territorial waters of 3 leagues in the Gulf of Mexico, whether based upon treaty or upon international law. This Government would find it difficult now to assert or support a claim over Mexican nationals in the high seas of the Gulf of Mexico off its coasts which it denies to the Mexican Government with respect to American nationals. (See hearings, 323.)

The position taken by Jim Webb was reaffirmed by the representatives of President Eisenhower's Secretary of State, John Foster Dulles, before the Committee on Interior and Insular Affairs.

It can be seen, therefore, that the interpretation which my colleague from Texas places on the treaty of Guadalupe Hidalgo has been rejected by every Secretary of State from James Buchanan to John Foster Dulles. Every Secretary of State from James Buchanan to John Foster Dulles has consistently asserted that American fishing boats have the right to fish up to 3 miles off the coast of Mexico. If the measure we are now considering should become law, this assertion will have to be dropped. If the measure we are now considering should become law, our Government will have to say to Mexico: "We take back what we have been saying for over 100 years. We have been wrong all that time. You, Mexico, have been right, and have the exclusive right to control fisheries up to 10½ miles off your coasts."

As has been pointed out earlier, no man can foresee or safely predict that the effect of this sudden switch in the position of the United States would be limited to claims by other countries only after 10½ miles. The United States has been the strongest advocate of the 3-mile limit. If our support is suddenly withdrawn, no Member of the Senate can guarantee that other countries having succeeded in their claims to extend the 3-mile limit will stop at 10½ miles. It is a reasonable assumption that they will go on and on, at least out to the end of the Continental Shelf; and that the United States, having started this avalanche, will be unable to stop it; and that our fishing men will be deprived of valuable rights which their government has been fighting to obtain for them since the early days of the republic.

Some of these fishermen come from Texas. Some undoubtedly come from Florida, and it is up to their representatives to answer to them. But I feel that this is a matter which should not be determined on the basis of the interests of two States, however fine and important States they may be. This decision will adversely affect the interests of every maritime State. It will adversely affect the interests of every State from which fishermen set forth. The decision will adversely affect everyone who believes in the traditional American principle of freedom of the seas.

I know there may be those who will say we have not been aggressive enough in asserting our rights and that since on occasions other countries have seized our boats outside the 3-mile limit, we should imitate them. One answer to this argument is that the organized fishermen of this country do not seem to agree. Mr. John J. Real, representative of the Fishermen's Cooperative Association, speaking for his association and the other organizations of fishermen in this country, made it clear that they opposed this provision of the joint resolution. I share the views of some who think that this Government may not have been forceful enough in insisting on the observation of its legal rights. If fishermen from Alabama are arrested for fishing more than 3 miles off the coast, where they have a right to fish, I want something done about it. I do not think they have done too badly. It is only the flare-ups that get in the newspapers. The great majority of times when the fishermen are not interfered with do not make

news. If the State Department cannot obtain recognition of our rights by diplomatic negotiation, it should insist on arbitration, or perhaps should take the matter to the International Court of Justice. But the way to handle this problem is to insist on our rights. It is not to take a step which will make their enforcement impossible. It is not to turn back the clock on 150 years of progress in obtaining recognition of the principle of freedom of the seas.

Before passing to an even more serious effect of the joint resolution on our national security, I should like to deal with one additional aspect of the fisheries problem, as a Senator from a seaboard State. The Supreme Court held in 1941, in *Skiriotes* v. *Florida* (313 U. S. 69), that Florida had competence to make reasonable regulations concerning the conduct of its own citizens in fishing for sponges outside the territorial waters off the coast of Florida; but its opinion made it clear that as to the citizens of other States, the competence of Florida was limited to its territorial waters. As a result, in the past, fishing boats from my State have been able to fish outside the 3-mile limit off the boundaries of any State that they pleased. They have, of course, been subject to Federal regulation and to the regulation of any applicable treaties. But they have not had to get the permission of Texas, for example, to fish between the 3- and the 10½-mile limit off the coast of Texas. Neither have fishermen from the State of Texas had to get the permission of any of the other States, as long as they were fishing outside the 3-mile limit.

This has seemed to me to be a fair arrangement between States all of which are members of the United States on an equal basis. But this joint resolution, if it becomes law, will change all of that. Under it, Texas and Florida are trying to get exclusive control of the fisheries 10½ miles out from their coasts. This strikes a blow at every other maritime State in the Union. This strikes a blow at the mutual freedom of fishing in the high seas which all States have enjoyed in the past. It destroys the equality which has existed in the past between all States in the Union. It places a great handicap on the fishermen of my State and others who are not in this small circle of the favored few. This is another reason why I believe this measure should be defeated.

The issue which the Senate is about to decide involves a matter which is much more important than oil, is much more important than fisheries. It involves a matter essential to our national security, namely, the freedom of the skies over the high seas and the lives and safety of the American boys flying the planes in which we protected this freedom of the skies over the high seas.

I pointed out earlier that the proponents of this joint resolution have not produced a single responsible officer of the Navy or of the Air Force who has urged that we abandon the concept of the 3-mile limit. I pointed out that the reason for this was that the officers of our Navy and of our Air Force are convinced that it is in the interest of our national security to strengthen and support the 3-mile rule, and that it is harmful to our national security to abandon it.

I should like to recount to the Senate four instances in which the crews of American aircraft have been attacked while they were asserting the right of freedom of the air over the high seas. In three of these instances, the crews of the American aircraft paid with their lives. I should like to ask the Senate whether we want now to cast doubt upon the principle of freedom of the air over the high seas that cost these men their lives.

The first incident that I should like to recall is that of the Navy Privateer which was ruthlessly shot down by Soviet aircraft over the Baltic Sea on April 8, 1950. Ten naval aviators lost their lives. I think the best account of this shocking episode is found in the note which our Ambassador delivered to the Soviet Union. I should like to read it:

DEPARTMENT OF STATE, *April 18, 1950*.

TEXT OF NOTE FROM AMBASSADOR ALAN G. KIRK TO THE MINISTER OF FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS, MOSCOW, APRIL 18, 1950

The Ambassador of the United States of America presents his compliments to the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and, with reference to the note of the Ministry of Foreign Affairs of April 11, 1950, has the honor to state that the only American military aircraft which was in the air in the Baltic area on April 8, 1950, was a United States Navy Privateer airplane which disappeared on that date and no trace of its crew has since been found.

The United States Navy airplane carried 10 persons. It was wholly unarmed. It left Wiesbaden at 10:31 a. m., Greenwich time for a flight over the Baltic Sea and 2½ hours later reported by radio crossing the coastline of the British Zone of Germany. All American military aircraft operate under strict instructions to avoid flying over any foreign territory in the absence of express permission for such a flight from the appropriate foreign government. The investigation conducted by the United States Government has convinced it that the United States Navy airplane in question complied strictly with these instructions and did not fly over any Soviet or Soviet-occupied territory or territorial waters adjacent thereto.

In the ministry's communication under reference the Soviet Government acknowledges that one of its fighter aircraft fired upon an American plane on April 8, 1950, at 5:30 p. m Moscow time. In view of the fact that the only American military airplane which was in the air in the Baltic area on that date was the unarmed United States Navy airplane mentioned above and that this airplane was at no time after it crossed the coastline of Germany over any foreign territory or territorial waters, it must be concluded that Soviet military aircraft fired upon an unarmed American plane over the open sea, following which the American airplane was lost.

The Ambassador of the United States has been instructed to protest in the most solemn manner against this violation of international law and of the most elementary rules of peaceful conduct between nations. The United States Government demands that the Soviet Government institute a prompt and thorough investigation of this matter in order that the facts set forth above may be confirmed to its satisfaction. The United States Government further demands that the most strict and categorical instructions be issued to the Soviet Air Force that there be no repetition, under whatever pretext, of incidents of this kind which are so clearly calculated to magnify the difficulties of maintaining peaceful and correct international relationships.

The United States Government confidently expects that, when its investigation is completed, the Soviet Government will express its regret for the unlawful and provocative behavior of its aviators, will see to it that those responsible for this action are promptly and severely punished and will, in accordance with established custom among peace-loving nations, pay appropriate indemnity for the unprovoked destruction of American lives and property.

The Soviets, however, merely adhered to their contention that the plane was over Soviet territory. They repeated the falsehood that Soviet interceptors had fired in self-defense.

The relevance of this incident to this controversy is clear. The United States has always contended that the Baltic Sea is part of the high seas and that, as a result, all nations are free to sail on it and to fly over it, so long as they do not encroach on or over the territorial waters of the nations whose shores adjoin the Baltic Sea. The Soviet Union, however, have recently given indications that they regard the Baltic Sea as inland waters, and that the various countries which adjoin it are entitled to claim up to the centerline as part of their territory.

It is often difficult to determine whether an indentation like the Baltic Sea is part of the high seas or is inland waters. One test is whether the indentation has been traditionally considered to be inland waters or an historic bay, such as Chesapeake Bay, Delaware Bay, and Alabama's own Mobile Bay. The Baltic Sea is not an historic bay, so its status must be determined by its width at its mouth. The countries who claim 3 miles as the maximum extent of territorial waters have generally agreed that the maximum width must be from 6 to 10 miles, depending on whether the mouth is all in one country. The countries who have attempted to claim that territorial waters can extend farther have made the distance proportionately greater.

The geography of the Baltic Sea is such that so long as the United States supports the principle that 3 miles is the maximum extent of territorial waters, we are on sound ground in claiming that the Baltic Sea is an open sea. But the geography is also such that if we were to extend our claim to 10½ miles, we would be forced to admit that the Baltic was an inland sea. We could no longer claim that we are free to sail on it and fly over it, so long as we do not encroach on the proper claim of territorial waters of other countries. I do not think we should abandon that claim. I do not think we should admit a theory which will permit the Soviets to turn the Baltic into a Russian bay. I think we should stand by our guns and should prove that our plane was flying where it had a right to fly when it was shot down by these Russian assassins. I do not think we should take any step which would permit the Russians to claim that we now must admit that our plane was invading the territory of the Soviet Union.

I should like to recall the attention of the Senate to three more incidents in which American planes were unlawfully attacked by the Soviets. The first

of these was a Navy Neptune bomber which was unlawfully shot down on November 6, 1951. All of its crew were lost. I should like to read the communication on the plane which was made by Ambassador Warren G. Austin to the Secretary-General of the United Nations:

DEPARTMENT OF STATE,
November 24, 1951.

Following is the text of a communication from Ambassador Warren R. Austin to the Secretary General of the United Nations:

"The United States Representative to the United Nations presents his compliments to the Secretary General of the United Nations and has the honor to report the following from the unified command under the United States for submission to the Security Council:

"A United Nations plane, a two-motored P2V bomber, operating under General Ridgway's command in connection with the U. N. operations in Korea failed to return from a weather reconnaissance over the Sea of Japan on November 6, 1951. An intensive search for survivors proved fruitless.

"From the last reported position of this plane at 0850 (—9 time zone) on November 6, it is undoubtedly this plane that was the subject of a Soviet statement to the United States Charge d'Affaires in Moscow on November 7, admitting that two Soviet fighter planes fired on a two-engine bomber at 1010 November 6 in the vicinity of Cape Ostrovnaya.

"The route this plane was following did not approach closer than 40 miles to U. S. S. R. territory, and the plane crew had been thoroughly briefed not to approach closer than 20 miles to U. S. S. R. territory under any circumstances.

"It can only be concluded that an intentional or unplanned approach to the Russian coast was not made, and the plane was intercepted and attacked without warning while over international waters, and furthermore, while well outside of 20 miles from the Russian coastline."

The Soviet answer was a monotonous repetition of the old lie that Soviet planes had shot in self defense when Soviet territory had been violated.

The next incident involved a B-29, which was shot down off Hokkaido on October 7, 1952. All the members of the crew were lost. I should like to read you a description of the incident from the note which our Ambassador in Moscow delivered to the Soviet Government:

DEPARTMENT OF STATE,
December 16, 1952.

The Embassy of the United States of America refers to the Ministry's note of November 24, 1952, concerning the United States Air Force plane shot down near the Japanese island of Hokkaido on October 7, 1952.

The United States Government notes that the Soviet Government has repeated its allegation that the United States Air Force plane violated the state frontier of the Soviet Union and that it opened fire on the Soviet aircraft. This allegation is in complete contradiction with the facts of the case. As the Soviet Government is aware, the radar plot of the tracks of the United States and Soviet aircraft showed conclusively that the United States plane was intercepted 32 miles from Yuri Island and approximately 6 miles from the island of Hokkaido by Soviet fighter aircraft which illegally entered Japanese territory in the course of making this interception. The United States plane was entirely undefended; in keeping with the routine character of its mission, it carried no bombs and its guns were inoperative.

The United States Government therefore must reiterate its protest against this unprovoked and unjustifiable attack on the United States aircraft, and must request again that the Soviet Government make payment of appropriate compensation for the loss of this aircraft and the lives of the crew members who have perished.

The United States Government also cannot accept the Soviet Government's declaration that it does not consider it necessary to enter into discussion of the statement of the United States Government that Yuri Island is not Soviet territory. In the view of the United States Government, Yuri Island, together with the other islands of the Habomai group, is Japanese territory under Japanese sovereignty and the status of these islands as Japanese territory has not been changed by the fact of their occupation by the Soviet Union.

The Soviets again repeated their shopworn lie: that American planes had violated Soviet territory, and that Soviet interceptors had fired in self-defense.

We have still another incident. It occurred just a little over 2 weeks ago, but it had a happier ending. Russian MIG fighters attacked a United States Air Force RB-50 over the North Pacific. The alert gunners in our plane drove the marauders away. I have not obtained access to the notes which have been exchanged in this incident, but I should like to read two press releases issued by the Department of State describing what took place:

DEPARTMENT OF STATE,
March 18, 1953.

The American Embassy at Moscow this morning, on instructions from the Department of State, lodged a vigorous protest with the Soviet Foreign Office against the attack by MIG fighters upon a United States Air Force RB-50 in the North Pacific Ocean on March 15.

The note sets forth the position of the United States plane when attacked (about 100 miles northeast of Petropavlosk and at least 25 miles from the nearest Soviet territory), vigorously protests the action of the Soviet aircraft, states that the Government of the United States expects to be informed at an early date of the disciplinary action taken with regard to the Soviet personnel responsible for the attack, and asks for information concerning measures adopted by Soviet authorities to prevent a recurrence of incidents of this kind.

DEPARTMENT OF STATE,
March 24, 1953.

The Department has studied the text of a note received from the Soviet Government on March 22 in response to our note of March 18 protesting the action of a Soviet plane in firing upon an American plane over the North Pacific. We find the allegations made by the Soviets completely at variance with the facts as established by a careful investigation.

As we pointed out in our note, the United States RB-50 aircraft involved was at all times over international waters, and at the time of the incident was at least 25 miles from the nearest Soviet territory. Without any reason whatever the Soviet aircraft opened fire on our plane, which was obliged to return the fire in self-defense.

The present Soviet note is a typical attempt by the Soviet Government to avoid responsibility for an unwarranted action of its military personnel through the device of fabricating an unfounded version of the affair. We stand on our note of March 18, and continue to expect that the Soviet Government will take measures to discipline the Soviet personnel responsible and to prevent recurrence of such incidents.

You can see from these releases that the Soviets have once more repeated their shopworn lie. They have said that the American plane had violated Soviet territory. They may well have thrown in their standard claim that this was in gross violation of international law. They ended by crying, through crocodile tears, that the Soviet planes had been forced to fire in self-defense.

Let us look at what is happening. One plane between 20 and 40 miles off the coast; another 32 miles off the coast; a third at least 25 miles off the coast. Each time there is a Soviet claim that their territory had been violated. How many more American boys will have to die before we see what the Russian are trying to do? How many more men have to die before we see that what the Russian are trying to do is to establish that there is no such thing as freedom of the seas or freedom of the air above the high seas? Do Senators believe that the United States should back down before these unlawful attacks? Do Senators believe that if we pass this joint resolution and establish a 10½-mile limit off of part of our coast, because of our own internal political considerations, we shall be able to tell the Russians that they can have territorial limits of 10½ also, but no more? Once we abandon the position, which is well established in international law, that 3 miles is the maximum permissible extension of territorial waters, who is to say whether the limit should be set at 10½ at 12, or at 20, 25, or 32 miles? Perhaps the Russians would even seek to extend their claims for a distance of 100 miles, as they attempted to do when John Quincy Adams was our Secretary of State. Earlier I referred to that situation. For my part, I do not propose to help the Soviets make a truth out of their damnable lies that these planes were shot down or shot at while violating Soviet territory.

Despite this outrageous Soviet attempt to stamp out freedom of the seas and freedom of the air above the high seas, the formal Soviet claim only goes to 12 miles. What the formal claims will be if the United States extends its claims to 10½ miles is another matter. But at the moment, all the Russians say they are claiming is 12 miles. I should like to read to the Senate a note in which our Government deals with this illegal pretense and sharply rejects it. It was delivered on November 24, 1952, and it reads as follows:

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 contiguout to its coasts and to the coasts under its control, and reserves all its rights and interest of whatever nature in the high seas outside 3 nautical miles from those coasts.

This is what we told Jacob Malik on November 24, 1952, and I think we should adhere to it.

This protest presents the Senate with a simple question. Do we want to back it up, or do we want to back down, in the face of Soviet threats? There is no question but that this is our choice. Representatives of President Eisenhower's Secretary of State, Mr. Dulles, have made it perfectly clear that if the United States should recognize the extension of the boundaries of any State beyond the 3-mile limit, we would renounce the grounds on which we have been opposing the illegal attempts of other states to extend their boundaries beyond the 3-mile limit.

If the pending measure is passed, the United States will have to back down on this protest. There is no question about that. I, for one, will never agree that we should do so. I believe that this country should stay in the paths first set for it by Thomas Jefferson, and should continue to support the principle of freedom of the seas, and freedom of the air above the high seas.

I would like the Senate to consider for a moment what the United States is to get in return for giving up this precious birthright. I would like the Senate to consider whether the proposal contained in the pending measure is for the best interest of all of the 48 States. With reference to our fishing interests, we are giving up the right to fish within 10½ miles of any foreign shores. We are encouraging a stampede of claims, which may result in our being forced off the Continental Shelf, so far as fishing is concerned, except where it is adjacent to our own shores. These rights are being given up by fishermen of every State, not merely by the fishermen of Texas and Florida. But only Texas and Florida are getting any benefits from the proposed extension. The fishermen of other States are not benefiting. They may be losing even the right to fish off the coasts of Texas and Florida, between 3 and 10½ miles, which they have previously had.

Insofar as Senate Joint Resolution 13 would impair the national security by cutting the ground out from under our protests against the illegal Soviet attempts to extend their territorial water to 12 miles, and, undoubtedly beyond, it would injure every State in the Union.

Yet what would 46 of the 48 States receive in return? They would not get even the cold comfort of an extension of the territorial waters of the United States in those areas where it at least could be argued—although I believe incorrectly—that this would promote national security. No one has argued that it is in the interests of our national security that the United States extend its territorial waters along the Texas or Florida coasts of the Gulf of Mexico. When the Members of the Senate consider the extensive bases which we have in the Caribbean I am sure they will agree that such an argument could not be seriously made. Yet it is for this mess of pottage that we are now considering taking a step which would involve surrendering our sacred birthrights, freedom of the seas and freedom of the air over the seas. It is for this reason that I shall vote against Senate Joint Resolution 13.

Mr. HILL subsequently said: Mr. President, I ask unanimous consent that, immediately following the remarks which I delivered earlier today, there may be printed in the RECORD editorials on the pending joint resolution published in the Milwaukee Journal, the Nashville Tennessean, the Atlanta Constitution, the Miami Herald, and the Daytona Beach Evening News.

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

[From the Milwaukee Journal of April 25, 1953]

WHO'LL GUARD THE TIDELANDS?

The ironic aspect of the quitclaim plan is that, if any of the involved States run into international disputes in extracting oil from the Continental Shelf, it will be the Government of the 48 States that will have to come to their aid. Texas and Florida, for example, claim land out to 10½ miles—7½ miles beyond the line to which the United States asserts jurisdiction. If Texas oil drillers in international waters get into trouble, as Texas shrimpers have in the past, the State Department or the Navy will be expected to guard their rights.

Since the Federal Government is expected to protect American interests in such areas, it should be entrusted with administering the offshore oil lands and proceeds from them should go to all the States.

[From the Nashville Tennessean of April 23, 1953]

WHAT SAYS THE GOP LEADER?

Republican leadership now realizes its serious miscalculation in deciding to give offshore oil lands quitclaim legislation priority in the Senate.

Confident of enough votes to approve this colossal grab of natural resources in the final test, majority party strategists seemed to take it for granted that all opposition would fold up in unconditional surrender. It expected no extended debate on a subject of such vital importance, and now emits anguished cries because the people are being fully advised of what the oil deal really means.

If it pleases Senator ROBERT TAFT and others to berate the able Democrats, in company with a few liberal Republicans, who are making a last-ditch fight to preserve the multibillion dollar oil resources for all of the States rather than bestow them upon a very few, they are welcome to do so.

The fact remains, however, that two dozen or more Senators who oppose depriving the Government of the oil deposits in which it has a paramount interest, according to a Supreme Court ruling, are performing a distinguished public service. It is gratifying to note that Senators KEFAUVER and GORE, of Tennessee, are leaders in this fight.

Presumably, the Republicans eventually will carry their point unless an enlightened national citizenship intervenes. But it is fitting that this anticipated victory should not occur until the fullest light has been shed on every aspect of the issue through unhurried discussion and debate.

From the Republican standpoint, the offshore oil giveaway is being retarded by a filibuster participated in by some Members who are on record as opposed to such tactics.

From the standpoint of the opposition, however, no final action must be taken without public understanding of a complicated question which was subjected to all sorts of interpretations during the election campaign, and so obviously was never well understood by the Republican candidate for President.

Even now the majority party's congressional leadership is pressing for passage of the Holland State-ownership bill although spokesmen for the Eisenhower administration have advised against giving States ownership of offshore lands to the extent of their historic boundaries. Both the State Department and the Attorney General have noted the international complications that would result from permitting States to extend their authority beyond the traditional 3-mile limit. There is also involved the question of discrimination between States admitted to the Union on equal footing.

Even though President Eisenhower was confused on offshore oil before election, he has had plenty of time to study the subject and reach a definite decision. And as the leader of his party, who has said he would sign the Holland bill, he has a duty to clarify his position.

Twenty-five Senators have taken steps to rescue the President from his untenable position, and they are to be commended for doing so. Specifically, they have asked whether he supports the State claims to boundaries before the 3-mile limit and what his attitude will be on future efforts by other than the tideland States to extend their boundary lines.

In matters of this kind, President Eisenhower usually prefers to take the stand that he does not want to interfere with the Congress. But the issue in question is too important to be thus ignored, especially so in view of the part it played in the election.

In a sense the President has become a symbol of the come-and-get-it attitude as regards the public domain, but if this does him an injustice, he can absolve himself with no more than a few clear and definite words.

With his election, there was much talk of brave and forthright leadership in the White House, but we have not yet had it in regard to offshore oil nor the other resources of the Nation which are being covetously eyed by private interests.

The Nation is entitled to the answers sought by the group of Senators who stand against a legalized Teapot Dome transaction, and it will not redound to the President's credit if he fails to give them in terms beyond misunderstanding.

[From the Atlanta Constitution of April 24, 1953]

TIDELANDS FACTS ARE EYE OPENING

"No, it's not a filibuster, it's an educational campaign. The people are not aware of what is at stake in the tidelands-oil fight and must be informed, with the floor of the Senate as the forum."

It seems to us we've heard that argument before and that some of the loudest opposition to southerners' use of the device in the

arguments over civil-rights legislation are now leading the parade in harassment of TAFT in the big oil giveaway.

Regardless of what it's called, the old Shakespearean adage would apply: "A rose by any other name smells as sweet." And sweet-smelling, indeed, to southern Senators has been their old ace in the hole, the filibuster, until now some of them find it turned upon themselves.

Perhaps it was never invoked for a better purpose than in the present instance, an attempt to awaken the public to what could well become known in the future as the great tidelands robbery.

There are a few States, notably Texas, Florida, and California, that will profit from this bill. All others are in the ludicrous position of robbing themselves. Billions of dollars in natural resources would be given up to these 3 States at the expense of the other 45.

Wednesday 25 Senators called on the President to clarify what the administration considers the boundaries of States in connection with offshore lands. Since the United States Government was established, the accepted boundaries have been 3 miles to seaward of the low-water mark. Texas and Florida claim 10½ miles and the bill in question leaves the door wide open for even further extension by providing for recognition of any State boundaries heretofore and hereafter approved by Congress.

Total oil resources on the Continental Shelf are estimated to have a total value of almost $300 billion. The Holland bill would turn over a great percentage of these assets to three, perhaps four, States, leaving the way open for their eventual acquisition of it all.

In a few words, the issue is summed up well by Senator PAUL DOUGLAS, Democrat, of Illinois, as follows:

"These huge treasures of offshore oil and gas which are the property of the Nation should not be given to the comparative few. They should be used to help meet the costs of national defense, to reduce the public debt, to wipe out illiteracy and to develop through education the human resources of the country. These are the great purposes for which these natural resources are to be used.

"If we alienate the offshore oil and gas, then the Mountain States will demand the mineral rights on Government land within their boundaries; there will be a drive to turn over the forests and uplands now owned by the Federal Government to the States which will mean that they will be overcut and overgrazed. The results will be greater floods and soil erosion."

We agree. We also agree that there is a need for a prolonged educational campaign on the subject. The Supreme Court has spoken already. It's now up to the people.

[From the Miami Herald of April 25, 1953]

STATE SENATE ASKED TO ACT ON SHRIMPERS

TALLAHASSEE.—The Florida Senate was asked Friday to request Congress to make a treaty with Mexico so Florida shrimp boats may be safeguarded while fishing in Gulf of Mexico waters.

Senator Wayne Ripley, Jacksonville, said in a resolution the "right of citizens of the State of Florida have been improperly and unlawfully interfered with by the Government of Mexico while they were on the high seas and engaged in a peaceful pursuit of their lawful occupation.

He asked that Florida shrimpers be protected while plying their trade on the high seas of the Gulf.

The resolution came while the United States Government and Mexico discussed rights of Florida and Texas shrimpers in waters near Mexico.

The Mexican Government contends shrimping from this country are violating its territorial waters. The shrimpers argue Mexican gunboats have run them in illegally from waters far off Mexico.

Thirty-three shrimpers and their boats were seized in March by the Mexican gunboats.

Most of the Florida shrimp boats fishing in Gulf waters are based at Tampa and Fort Myers.

Ripley's resolution was referred to the game and fish committee.

[From the Daytona Beach Evening News of April 27, 1953]

OIL FOR THE NATION

This week the prolonged fight continues in the United States Senate over whether a few coastal States or all of the 48 which make up the strength of our Nation shall hold title to the submerged oil and mineral resources lying along parts of the seacoast.

At the weekend President Eisenhower took a hand in the dispute by pleading publicity for passage of the measure which some few of the coastal States and private oil interests have been so fervently pushing for enactment.

Against these advocates of one of the biggest grabs in the Nation's history are arrayed a group of determined Senators who have been urging the passage of legislation which would continue the Federal ownership of the offshore wealth, pay the coastal States a handsome royalty when the oil and other minerals are marketed, and pool the remainder in a fund to aid primary, secondary, and higher education.

How the issue finally is decided will have a profound and far-reaching effect on future national policy in the ownership and management of natural resources which tradition has held generally to be Federal property.

Backing the pressure for passage of the coastal State grab bill has been a great deal of propaganda asking us to believe that for some mysterious reason the Federal Government is something to be distrusted and feared, and that only separate States and certain private interests are to be trusted in the disposition of natural resources. Many Federal officials in high places are nurturing this amazing doctrine.

The conservative New York Times, which supported Eisenhower in the presidential campaign, parts company with him on the vital issue of what should be done with the offshore wealth. Says the Times in an editorial entitled "Oil for the Nation":

"One of the greatest and surely the most unjustified giveaway programs in the history of the United States is taking place before our eyes. The administration has endorsed in principle, the House has already approved and the Senate within a few days apparently will approve this plan to give to the people of a handful of States billions upon billions of dollars worth of undersea oil that rightly belongs—and always has belonged—to the people of the entire Nation."

The giveaway legislation, the Times point out, "is cast in such form as to lead to endless legal complications, international as well as domestic. For instance, it would recognize historic boundaries in some cases far beyond the 3 mile limit on which the United States has always insisted in its relations with other countries. Since nobody, including the proponents of the bill, knows just where the historic boundaries lie anyway, the confusion will be indescribable. Furthermore, the bill would lead the way for State claims to other federally held resources within the States, including public lands and forests. It would deprive the Federal Government of direct control over a vital reserve for the national defense."

The Times supports the position of such outstanding Senators as DOUGLAS, of Illinois, LEHMAN, of New York, HILL, of Alabama, and ANDERSON, of New Mexico, who, its editorial says, "offer a sound alternative in the Anderson bill, which would confirm Federal jurisdiction over the offshore resources and State jurisdiction over lands beneath tidal and inland waters, and would give the coastal States a percentage royalty on oil taken from within the 3 mile limit."

Under this bill all money received by the Federal Government from leases for oil development would be used exclusively to aid education throughout the Nation.

"What sums of this order would mean to education in all 48 States is self-evident," says the Times. "Again we urge the Senate leadership and the administraion to think through the offshore oil question and to look at it in terms of benefit to the Nation."

Unfortunately, that phrase, "benefit to the Nation," is about the same thing to some very selfish people as a red rag to a bull. These days the pressure for local and special interests rides high over those great traditions whose prophets had respect for the general welfare.

Mr. MALONE obtained the floor.

Mr. TAFT. Mr. President, will the Senator from Nevada yield to me for the purpose of suggesting the absence of a quorum with the understanding that it will not infringe the Senator's rights to the floor?

Mr. MALONE. I yield with that understanding.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Nevada yields to the Senator from Ohio for the purpose and upon the condition stated.

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

The ACTING PRESIDENT pro tempore. The clerk 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
Bush	Hill	Neely
Butler, Md.	Holland	Pastore
Byrd	Humphrey	Payne
Case	Ives	Potter
Chavez	Jackson	Robertson
Clements	Johnson, Colo.	Saltonstall
Cooper	Johnson, Tex.	Schoeppel
Cordon	Johnston, S. C.	Smathers
Daniel	Kennedy	Smith, Maine
Dirksen	Kilgore	Smith, N.J.
Douglas	Knowland	Smith, N. C.
Duff	Kuchel	Sparkman
Dworshak	Langer	Stennis
Eastland	Lehman	Symington
Ellender	Long	Taft
Ferguson	Magnuson	Thye
Frear	Malone	Tobey
Fulbright	Mansfield	Watkins
George	Martin	Welker
Gillette	Maybank	Williams
Goldwater	McCarran	Young
Gore	McCarthy	

Mr. SALTONSTALL. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Nebraska [Mr. BUTLER], the Senator from Vermont [Mr. FLANDERS], the Senator from Indiana [Mr. JENNER], the Senator from Connecticut [Mr. PURTELL], and the Senator from Wisconsin [Mr. WILEY] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] and the Senator from Indiana [Mr. CAPEHART] are absent on official business.

Mr. CLEMENTS. I announce that the Senator from North Carolina [Mr.

HOEY], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Oklahoma [Mr. KERR], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

The Senator from Wyoming [Mr. HUNT] is absent by leave of the Senate because of a death in his family.

The ACTING PRESIDENT pro tempore. A quorum is present. The Senator from Nevada [Mr. MALONE] has the floor.

AMENDMENT TO UNANIMOUS-CONSENT REQUEST

Mr. TAFT. Mr. President, will the Senator from Nevada yield in order that I may make a unanimous-consent request?

Mr. MALONE. If I may do so without losing the floor and without the time being counted against me.

Mr. TAFT. Mr. President, I ask unanimous consent that the Senator from Nevada may yield under the conditions which he has named.

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

Mr. TAFT. Mr. President, there are a number of amendments. If we dispose of them in accordance with the schedule, we are going to run very far into the evening. I have talked with, I think, all the proposers of the amendments, and I should like to amend the present unanimous-consent agreement by providing that the debate upon any amendment, motion, or appeal which may be pending or which may be made or proposed be limited to 2 hours instead of 4 hours. I think that would be agreeable except, perhaps, to the Senator from New York [Mr. LEHMAN]. I ask that his amendment be excepted from that proposal.

Mr. LEHMAN. Mr. President, I am not sure that I will take that length of time, but I should like to have my remarks complete. I am offering an amendment to my substitute.

Mr. TAFT. Mr. President, I make that unanimous-consent request as an amendment to the unanimous-consent agreement dated April 28, 1953, except as to the amendment in the nature of the substitute for the committee amendment, offered by the Senator from New York [Mr. LEHMAN].

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

PROTECT THE RECLAMATION FUND—TREAT THE PUBLIC-LAND STATES ALIKE

The Chair wishes to inquire whether the Senator from Nevada proposes to offer an amendment.

Mr. MALONE. I intend to offer an amendment.

The ACTING PRESIDENT pro tempore. Does the Senator from Nevada desire to waive the reading of the amendment at this time, but to have the amendment printed in the RECORD?

Mr. MALONE. The junior Senator from Nevada should like to have his amendment read later during his discussion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the Senator from Nevada may proceed.

OUTMODED FEDERAL LAND LEGISLATION

Mr. MALONE. Mr. President, for 50 years the public-land States have been plagued and harassed with the problems presented in connection with the public lands within their borders, and with the outmoded Federal land legislation.

I assure my colleagues that the problem is not new.

Senate Joint Resolution 13 represents a glancing blow at the problem, and is designated to wet down rising sentiment in the three powerful States of California, Louisiana, and Texas, without the necessary consideration which a subject of this magnitude requires and deserves.

DANGEROUS PRECEDENTS

There has been little consideration of the precedents which would be established by the passage of Senate Joint Resolution 13 and the ultimate effect they would have upon the public-land States as such the 8 States embraced in the Intermountain Area.

The Coast States, while within the public-land category, have so many diversified industries and investments that the public lands are not their chief interest.

THE 1841 PREEMPTION ACT

A general overhaul of Federal public land legislation, beginning with the Preemption Act of 1841, is long overdue. Starting with that act, the congressional policy was clearly that of holding the *public lands in trust for the States*, until such time as a Federal law could be enacted whereby such lands could become subject to private ownership and therefore be a part of the taxable property of the States.

WITHHOLDING KNOWN MINERAL RIGHTS

The Federal Government has consistently followed the policy of withholding known mineral rights when deeding such lands to the States or to individuals under the Federal land laws. That is a century-old policy. However, if that century-old policy is to be changed, then I wish to offer an amendment that would, if accepted, result in all the public-land States being treated alike.

Mr. President, I ask that the amendment be stated.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

MINERAL RIGHTS TO STATES—TREAT PUBLIC-LAND STATES ALIKE

The CHIEF CLERK. On page 10, line 7, it is proposed to insert before "this joint resolution" the following: "Titles I and II of."

On page 19, line 14, it is proposed to insert before "this joint resolution" the following: "Titles I and II of."

At the end of such joint resolution it is proposed to insert the following:

TITLE III—MINERAL RIGHTS IN PUBLIC LANDS GRANTED TO STATES

SEC. 12. Subject to the provisions of section 13 of this joint resolution all minerals and mineral rights in deposits in the public lands belonging to the United States, including (1) lands temporarily withdrawn or reserved for classification purposes, and (2) lands within grazing districts established pursuant to Public Law 482, 73d Congress, approved June 28, 1934, as amended (commonly known as the Taylor Grazing Act, except any such lands forming a part of a national forest, are hereby granted to the several States within the territorial boundaries of which such lands are situated. Such minerals and mineral rights and the proceeds derived from the sale, lease, or other disposition thereof shall be used for such purposes as the respective legislatures of such States shall determine.

SEC. 13. (a) The provisions of section 12 of this joint resolution shall not apply (1) to any public lands with respect to which any entry has been made, or any right or claim has been initiated, under the provisions of law in force on the date of acceptance by the State of the grant made by such section except that upon the relinquishment or cancellation of such entry, application, right, or claim such lands shall become immediately subject to the provisions of this section, or (2) with respect to deposits of materials essential to the production of fissionable materials reserved for the use of the United States under the Atomic Energy Act of 1946, as amended.

(b) The grant made by section 12 of this joint resolution shall take effect with respect to the lands within a particular State whenever the legislature of such State (1) enacts legislation providing for the location and development of mineral deposits in the public lands of such State, corresponding to the laws then in effect relating to the location and development of mineral deposits in the public lands of the United States, (2) assumes in a manner satisfactory to the Secretary of the Interior all obligations of the United States with respect to any valid claims, rights, or privileges existing upon the date of acceptance by the State of the grant, and (3) by resolution, accepts the grants and deposits a certified copy of such resolution with the Secretary of the Interior. Upon receipt of a certified copy of a resolution of acceptance from any State and an instrument evidencing the assumption of such obligations, the Secretary of the Interior shall cause to be delivered to the proper officials of such State such maps, records, books, and documents as may be necessary for the enjoyment, control, use, administration, and disposition of such lands.

(c) Upon the acceptance by any State of such grants as provided in subsection (b) all laws and regulations relating to mineral rights and deposits in the public lands shall cease to be applicable to the public lands within such State, but such laws shall continue in force with respect to the lands and deposits excepted under this title.

SEC. 14. As used in this title—

(a) Subject to the provisions of section 12 of this joint resolution, the term "public lands" means the public domain, surveyed or unsurveyed, unappropriated lands, and lands not held back or reserved for any special governmental or other public purpose.

(b) The term "State" means any State of the Union.

Amend the title so as to read: "Joint resolution to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters; to provide for the use and control of said lands and resources; to confirm the jurisdiction and control of the United States over the natural resources of the seabed of the Continental Shelf seaward of State boundaries; and for other purposes."

TOTAL PUBLIC LAND IN THE UNITED STATES, 455,632,000 ACRES

Mr. MALONE. Mr. President, in order that distinguished Members of this body may obtain an idea of the amount of land included in the public lands of the United States, I ask unanimous con-

sent to have printed in the RECORD at this point as a part of my remarks a table containing a list of the several States, showing rural land holdings in Federal ownership. Each of the 48 States has public lands and the table shows the amount of public lands in Federal ownership.

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

Rural landholdings in Federal ownership, 455,632,000 acres

	Acres
Alabama	966,000
Arizona	50,749,000
Arkansas	3,049,000
California	45,993,000
Colorado	25,094,000
Connecticut	14,000
Delaware	40,000
Florida	2,829,000
Georgia	1,841,000
Idaho	34,444,000
Illinois	450,000
Indiana	341,000
Iowa	107,000
Kansas	322,000
Kentucky	989,000
Louisiana	1,064,000
Maine	134,000
Maryland	216,000
Massachusetts	52,000
Michigan	2,801,000
Minnesota	3,829,000
Mississippi	1,480,000
Missouri	1,646,000
Montana	34,307,000
Nebraska	740,000
Nevada	59,008,000
New Hampshire	683,000
New Jersey	96,000
New Mexico	34,793,000
New York	354,000
North Carolina	1,931,000
North Dakota	2,681,000
Ohio	251,000
Oklahoma	3,769,000
Oregon	32,772,000
Pennsylvania	584,000
Rhode Island	19,000
South Carolina	952,000
South Dakota	8,644,000
Tennessee	1,347,000
Texas	2,723,000
Utah	37,919,000
Vermont	226,000
Virginia	2,074,000
Washington	15,381,000
West Virginia	947,000
Wisconsin	2,242,000
Wyoming	32,723,000
Total	455,632,000

PUBLIC LANDS—SINCE PUBLIC LAND LAWS OBSOLETE

Mr. MALONE. In the State of Arizona 50,749,000 acres are public lands. In the State of Nevada 59,008,000 acres are public lands, out of Nevada's total of 70,600,000 acres in the entire State.

At this point I wish to read a portion of a letter which I addressed to the Secretary of the Interior on December 28, 1950, relative to some of the public lands in the State of Nevada which constitute a part of the great area included within the boundaries of my State.

I have heretofore said on the floor of the Senate that perhaps Members of the Senate did not understand the value of the remaining public lands, and why they are still public lands. The 11 Western States are the principal public-land States. The two Dakotas are next in importance in this category.

The reason why most of such lands are still public lands, excluding those held in Federal and State reservations and by departments of Government for governmental uses—is that they are such poor lands, and their productive capacity is so small that the public land laws are inapplicable to them for the most part.

THE 1872 MINING STATUTE

The only exception is the 1872 mining statute, which permits the location of a mining claim 600 by 1,500 feet on any of the unappropriated public lands by anyone who discovers a vein or a mineral showing by visably staking such claim on the ground and doing the required assessment work.

On December 28, 1950, I addressed a letter to the Secretary of the Interior, from which I read:

Hon. OSCAR CHAPMAN,
Secretary of the Interior,
Washington, D. C.

DEAR MR. SECRETARY: In accordance with our conversation dealing with the remaining lean desert-range areas located in the three counties of Landor, Eureka, and Nye in my State of Nevada, I am attaching an outline of suggested legislation that could furnish a feasible approach to the problem [public land].

GRAZING BILL—CUSTOMARY USE

I enclosed a copy of a bill which would recognize, in those three counties, known then as district No. 6, the use of the lands in accordance with customary use under the Taylor Grazing Act.

Under the 1934 Taylor Grazing Act the Government of the United States sought to organize a district in each of the areas in Nevada, as well as other public-land States, and to charge for the use of grazing areas, as well as to regulate the number of cattle and sheep that could be grazed on such areas.

This could be done independent of the customary users of such public range—public lands. My bill provides that the use of the lands be recognized in accordance with customary use in connection with the feed-producing ranches and water rights, just as is the case in the use of water. You do not own the water, you own the use of it and can lose it by nonuse. For the past 60 or 70 years users of the land in the West have appropriated water for beneficial use. The first in time was the first in right. The right could be lost by nonuse. I suggested that the same rule apply to the range.

Over a period of 50, 60, or 70 years, depending upon the time the lands were settled, the livestock users blocked out the use of the range lands themselves.

That is to say, the size of the feed-producing ranches was governed by the amount of water available for irrigation. The amount of range needed in connection with the feed-producing ranches was governed by the amount of feed produced. Anyone familiar with the desert areas knows how that is done. Then certain water from springs in the mountains was blocked out by those who used the range for stock watering on the range.

METHOD DOES NOT RECOGNIZE CONDITIONS

Then along came Uncle Sam's agents. Some of them were fairly familiar with the customs in the desert areas, but others were graduates of eastern agricultural schools, coming into the desert for the first time.

They could see no grass at all on some of the lands, and they started cutting down the herds. Of course, such random cutting is what was ruining, and still is ruining, the livestock growers of the West and of the public-land States in general.

Continuing to read from my letter to the Secretary of the Interior:

I am advised that there are 7,367,000 acres included in the area divided between the 3 counties, as follows:

Lander County	2,445,502
Eureka County	1,357,806
Nye County	3,563,692
Total	7,367,000

This is where the truth shines through:

The approximately 200 acres to the cow unit annually, that your people estimate is necessary on the average—some areas will require much more and some less—just about approaches the roller skate requirement for the cow to cover that much area in time to get enough to eat.

The new approach for this thin production area is not proposed as a cure-all but simply as a method for your department to bridge an impossible situation where you cannot possibly charge enough rental for the use of such lands, to return the cost of supervision to the Government.

This approach will provide a method for the Government to become entirely familiar with the actual conditions—to advise in the matter of mining development, fish and game conservation, and the development of the recreation facilities, without injuring the established livestock units, which I am sure is your real objective—

To give him the benefit of the doubt—

If you agree with me that the new approach should be tried out and in the event it does not merit continuation after a reasonable time, I will personally advocate the repeal of the legislation and in no event is any other area affected by the special act.

I will await your call to further discuss the details and will introduce the proper legislation when we are agreed upon procedure.

Sincerely,

GEORGE W. MALONE,
United States Senator.

RAINFALL ON THE DESERT 6 TO 12 INCHES—MOSTLY SNOW

Mr. President, I have before me a memorandum written by Mr. William Zimmerman, Jr., Assistant Director, United States Department of the Interior, Bureau of Land Management, under date of December 26, 1950. It is a memorandum to the Secretary of the Interior. It reads:

Subject: Nevada Grazing District No. 6.

Tabulated below is the information requested by telephone covering precipitation and average grazing capacity in Esmeralda, Eureka, Lander, and Nye Counties, Nev.

Mr. President, Eureka County has an annual rainfall of 6.26 to 12.17 inches. That is the annual rainfall. Varies according to elevation.

Lander County has rainfall of 6.17 to 12.22 inches.

Nye County has rainfall each year of 3.07 to 12.29 inches.

The desert accounts for from 3 to 6 inches—mostly winter snow.

A considerable amount of the desert can only be pastured by livestock during the winter months, when snow is available.

In the city of Washington, where the temperature in summer often exceeds 90 degrees, and there is high humidity, there are times when as much water accumulates on the grass at night, in the form of dew, as we in Nevada get in many weeks through rainfall or snowfall in the desert areas. Most of the moisture in Nevada is in the form of snow in the winter.

Mr. Zimmerman continues:

Carrying capacity: Estimated average, 12 acres per animal-unit month.

That, Mr. President, is equal to 144 acres a year. That is the average. It probably runs from 30 to 40 acres per cow unit a year up to 250 acres. In other words, in some of those desert areas it reaches a point where a cow cannot walk far enough in a day to get enough to eat; so she turns around and goes back toward the mountains or to the ranch. The description is of much of the land under discussion, and is the kind of land concerning which we are asked to establish a precedent without adequate examination and debate.

The memorandum is signed by William Zimmerman, Jr. Mr. Zimmerman never did have a very favorable reputation for favoring the stockman, so it may be assumed he is conservative in his figures.

1930–32 REPORT—STATE ENGINEER OF NEVADA—GEORGE W. MALONE

Mr. President, I wish to read from page 87 of the report of the State engineer of Nevada for the period January 1, 1931, to June 30, 1932, inclusive. I may say that it is my own report, as I was State engineer from 1927 to 1935. I read as follows:

It is not generally realized by people of the Midwest and Eastern States just how small our western development really is in comparison to the total development of the United States, or the obstacles that must be surmounted for further development.

Nevada, for example, has a total area of 70,285,440 acres, of which less than 500,000 acres are actually under intensive cultivation, or approximately three-quarters of 1 percent (0.75 percent). The total irrigated acreage in the 17 Western States is approximately 18,500,000 acres, which is, in itself, insignificant compared to the estimated total of 400 million cultivated acres in the United States. Approximately 1,500,000 acres of the 18,500,000 have been brought under cultivation on the Government reclamation projects.

Mr. President, the report is dated 1933. It will be understood, therefore, that there has been some increase in acreage since the time the report was written. I read further:

Our policy with respect to utilization is outlined in detail under "The State Range Commission," on page 71, but in general our policy with respect to national legislation has been to have it so drawn that our State laws in this connection would be recognized when they were not discriminatory between the States, and that such legislation would not be operative exception by the request of the State involved or the actual users of such range, feeling that we would be amply protected in that event, and at the same time would not be preventing other States from securing such supervision as they might desire.

This was the policy of the State Range Commission.

SUCCESSION OF FEDERAL LAWS—INDIVIDUAL OWNERSHIP

Mr. President, since the Preemption Act of 1841, followed by the Homestead Act in 1862, then by the Mining Act of 1872, and later by a number of acts designed to make public land available for individuals in family-sized units, the policy of Congress has been clear.

It has been the policy to hold public lands in trust for the States until such time as there could be provided a Federal law under which the public lands would go on the tax rolls of the States through individual ownership. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a marked excerpt from a memorandum entitled "Vacant Public Lands, Areas by States, and Other Information," issued by the Director of the Bureau of Land Management, Department of the Interior.

The excerpt was ordered to be printed in the RECORD, as follows:

THE PUBLIC-LAND LAWS

The principal public-land laws governing the acquisition of title to vacant public lands are as follows:

1. The homestead laws permit acquisition of agricultural lands through settlement, cultivation, and improvement. For further information, request Information Bulletin No. 3 and Circular No. 1728.

2. The desert-land laws permit acquisition of arid, irrigable lands through cultivation, improvement, and payment of $1.25 per acre. For further information, request Circular No. 1731.

3. The public-sale laws permit acquisition at public auction of isolated tracts and rough and mountainous tracts at not less than their appraised value. For further information, request Circular No. 1732.

4. The mining laws permit acquisition of mineral lands after valid discovery and development of specified minerals. For further information, request Circular No. 1278.

5. For general information on acquisition of vacant public lands in Alaska, request Information Bulletin 2.

6. For veterans' rights and privileges, request Circular No. 1720.

The principal public-land laws governing the leasing of vacant public lands are as follows:

1. The Taylor Grazing Act permits use of forage lands outside of grazing districts under lease. For further information, request Circular No. 1705.

2. The Small-Tract Act permits use under lease of not more than 5 acres of lands chiefly suitable for home, health, recreational, convalescent, cabin, camp, and business sites. The leases often contain an option to purchase at appraised value at the expiration of 1 year. For further information, request Circular No. 1724.

3. The mineral-leasing laws permit exploitation of specified minerals upon payment of rentals and royalties. For further information, request circulars governing the mineral in which you are interested.

The regulations covering the acquisition of title to, or rights in, the vacant public lands under the above acts and other laws are published in title 43 of the Code of Federal Regulations of the United States of America, copies of which can be found in many local libraries.

Mr. MALONE. Mr. President, I call attention to the fact that the provisions of the 160-acre Homestead Act was designed to fit Ohio, Iowa, eastern Kansas, Missouri, and other fertile areas of public lands. Those lands were taken up by individuals for a $16 filing fee, and they comprise the most valuable corn and wheat land in the world.

HOMESTEAD ACT—ADDITIONAL HOMESTEADS

However, in the case of the desert areas, the formula does not fit such land. That is why the additional Homestead Act was enacted, after it was found that the 160-acre provision did not work on the semiarid areas of western Kansas. Then it was found that such a provision did not fit the mesa land and the plateaus in Colorado. Therefore, it was found necessary to provide the additional 640-acre homestead provision.

Finally, when the country expanded and reached into the great American desert, it was found that none of the acts fitted the situation there.

That is the reason we still have public lands—no Federal act has to date been enacted to allow them to be taken up by individuals in such amounts to support a family.

PRIVATE OWNERSHIP—FAMILY-SIZE UNITS

Of course, Mr. President, this policy has never affected the reserves, the parks, monuments, forest reserves, and fish and game preserves. Such lands have never been and will not be disturbed. We are talking only about the lands which are left to the people of the United States to which for 140 years Congress has continually tried to adopt public land laws so they may be taken up by individuals in family-size units and placed on the tax rolls of the States.

CENTURY AND A QUARTER—PIECEMEAL LEGISLATION

It is also clear that the public-land acts were developed and were enacted on a piecemeal basis over almost a century and a quarter.

The time has long since arrived when public lands legislation should be reviewed and a method arrived at by which the lands I have described could be placed in private ownership, on the tax rolls of the States.

PUBLIC-LAND QUESTION—ACADEMIC WITH EASTERN-MIDWESTERN STATES

Mr. President, it is very easy for people living in Ohio, Iowa, or Georgia, and even in New York State, where almost every foot of land is under cultivation, to talk at random and to vote at random on the subject of public lands. If the Representatives of those States will visit the junior Senator from Nevada in his State he will make sure that they understand what the term "public lands" to the "public-land" States means before they return to the next session of Congress—more especially to a State more than 80 percent owned by the Federal Government.

MINING ACT PRACTICAL AND USEFUL

The Mining Act of 1872 is practical and useful in encouraging mining and production of minerals on public lands. It is about the only act left on the books which fits the situation. For 20 years the administration has tried to substitute a leasing act for the location method under the 1872 mining statute, so the last vestige of any kind of land which a man

without money may take up, and not be subservient to a bureau official, would be gone.

The mining statute of 1872 is the last act on the books under which a man without money may locate a mineral claim by putting a stake in the ground, with a note in a tobacco can attached to it, and provided he can beat anyone else to the recorder of his county and register it.

If he does that, the claim is his. He has 30 days in which to put up his corners, and then if he does a certain amount of work each year it is his, just the same as a home which is purchased and paid for. Then, after he has done as much as $500 work on the property, he can get a mineral surveyor to survey his claim—and then for a fee of $5 an acre he can purchase it from the Government—it makes no difference whether the land is producing nothing or a million dollars a year the land belongs to the man who first filed on it.

However, most of the remaining land acts are not practicable at all except under certain conditions.

However, the Homestead Act, the Additional Homestead Act, and the Stock Homestead Grazing Act are practically valueless unless underground water can be located and the right to its use secured.

NO EFFECT ON NATIONAL DEFENSE

Mr. President, much has been said about what the effect the production of petroleum for national defense would be if the public lands were deeded to the States, or if they were not deeded to the States.

I will say to you, Mr. President, without fear of contradiction, that the passage or the defeat of Senate Joint Resolution 13 will have absolutely no effect or influence on the availability of the petroleum under the controversial sea bottom lands for national defense. I would be very glad to debate that point with anyone, either now or at any future time.

If the joint resolution does not pass, such lands will be leased by the Federal Government under the Mineral Leasing Act of 1920, the so-called National Oil and Gas Leasing Act.

If the joint resolution does pass, the lands will be leased by the States in question—namely, California, Texas, and Louisiana—and by any other coastal State, wherever oil is discovered, according to the joint resolution as written.

THE RECLAMATION FUND

The difference is that if the lands remain in Government ownership, the royalty received will be divided, with 37½ percent going to the States wherein the oil and gas is located, 52½ percent to the reclamation fund, which is the chief source of new funds for the arid and semiarid States to develop desert lands into productive agricultural homes, and 10 percent to the Federal Government, presumably for supervision.

The National Oil and Gas Leasing Act was passed in 1920, and since that time it has operated successfully.

GOVERNMENT WOULD ASK FOR BIDS

The chief difference is disclosed in that under the Government system of leasing, as specified in the Mineral Leasing Act, the applications for a permit to prospect for oil and gas provide for a 12½-percent royalty in the first instance; but when further leases are issued on known or proven fields, bids must be asked for, and the royalty might be any amount. For example, it is known that the city of Long Beach, Calif., receives as much as 68 percent net from such procedure, or about 94 percent gross, because of negotiated bids or bids upon nonproducing oil lands.

However, the State of California adheres to the 12½ percent royalty even in known fields, which is important to the lessee.

REGULAR APPLICANTS FORGOTTEN

Another important fact, little discussed during the hearings in either the Senate or the House committee, is that the applicants to the Federal Government for permits to prospect for oil and gas under the Mineral Leasing Act of 1920 were disregarded in connection with the sea-bottom lands. If Senate Joint Resolution 13, the so-called Holland joint resolution, is enacted, the lands will go to the States; and these applicants to the Government for permits to prospect for oil and gas, some of whom made application to the Federal Government, under the Mineral Leasing Act, in the late 1920's, and at least 11 applications, in which approximately 400 or 500 individuals are interested, would be disregarded, although the latest application was filed on March 6, 1934.

LIST OF 11 APPLICATIONS—SEVERAL HUNDRED INDIVIDUALS INVOLVED

Madam President (Mrs. SMITH of Maine in the chair), I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, the table appearing on page 241 of the hearings held before the Committee on Interior and Insular Affairs, United States Senate, in regard to Senate Joint Resolution 13, from February 6 to March 4, 1953.

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

Serial No.—	Date of filing	Applicant	Acreage
LA-051847	Mar. 5, 1934	Deryl L. Mayhew	1,600
LA-051805	Feb. 6, 1934	J. Cunningham	1,600
LA-052140	Sept. 6, 1934	Arthur M. Weirick	640
LA-052146	Sept. 11, 1934	Charles W. List	1,600
LA-052149	Sept. 13, 1934	Patrick George Quinn	960
LA-052150	do	Clifford Finley	1,280
LA-052165	Sept. 22, 1934	W. W. Duncan	960
LA-052331	Feb. 16, 1935	Ronald W. Jensen	1,600
LA-052406	Mar. 8, 1935	J. B. Primm	1,600
LA-051843	Mar. 3, 1934	Hubert L. Rose, Jr	300
LA-051848	Mar. 6, 1934	Fred Vermilyea	36

Mr. MALONE. Madam President, it may be that these persons, most of whom have meager financial resources, mean nothing to the Senate. Yet, in 1920, provision was made whereby such applications could be made, and the applications were made. If the pending joint resolution is enacted, those applications will be utterly disregarded.

The 1920 Oil and Gas Leasing Act provides for the disposition of the royalties on the funds received from leases for the production of oil and gas from the public lands of the United States.

The Supreme Court of the United States ruled in the California, Texas, and Louisiana cases that the sea-bottom lands seaward from the low-water mark to the State boundary, wherever it is finally fixed, belong to the United States Government.

THE UNITED STATES GOVERNMENT—HIGHEST TITLE

The Supreme Court said the lands do not belong to the State of California or the State of Texas or the State of Louisiana, but that the United States has paramount rights, which Webster's Dictionary defines as meaning the highest title.

The lands in question are public lands or public domain, just the same as Mount Peavine near Reno, Nev., is owned by the public, or, in other words, by the United States Government.

There is no reason why the junior Senator from Nevada could not introduce a bill to transfer the public lands, including Mount Peavine, to the State of Nevada. However, could we claim that as a right? We could not. Neither can the coastal States in the case of the sea-bottom lands, which have been ruled to be public domain.

During the last 30 days a great many words have been hashed and rehashed in committee and on the floor of the Senate. I have either listened to all of them or have read all of them in the RECORD. However, I find that there is a general tendency to shy away from any statement to the effect that the Court said the Federal Government owns these lands. If the Supreme Court did not say the Federal Government owns these lands, when the Court said the Federal Government has paramount rights to them, then I cannot read the dictionary.

Of course, the Supreme Court has said the Federal Government owns these lands; and if the Federal Government owns them and if the lands are not taken up under a Federal act, they are public lands. There can be no question about that.

PUBLIC LANDS REPORT OF 1832

Mr. BARRETT. Madam President, will the Senator from Nevada yield to me?

The PRESIDING OFFICER (Mrs. SMITH of Maine in the chair). Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. MALONE. I am glad to yield.

Mr. BARRETT. I wish to call the attention of the Senator from Nevada to a report made by the Senate Public Lands Committee in 1832, which is now about 120 years ago. At that time this very question was being debated. The Middle Western States at that time were petitioning the Congress for some liberal action with respect to the public lands. The committee made a report which, in part, reads as follows:

Our pledge would not be redeemed by merely dividing the surface into States and giving them names. The public debt being now paid, the public lands are entirely released from the pledge they were under to that object and are free to receive a new and liberal destination for the release of the States in which they lie. The speedy extinction of the Federal title within their

limits is necessary to the independence of the new States, to their equality with elder States, to the development of their resources, to the subjection of their soil to taxation, cultivation, and settlement, and to the proper enjoyment of their jurisdiction and sovereignty.

It is very clear to me that the Congress followed such a policy down through the years until approximately 20 years ago. In 1934 all settlement and homesteading was suspended on all the public domain in the West, and the public lands other than national parks and forest reserves were administered by the Department of the Interior.

I should like to call the attention of the Senator from Nevada to the fact that the original States kept all of the public lands within their borders and that the public lands in the Northwest Territory were turned over to the Federal Government shortly after the Revolutionary War, solely for the purpose of extinguishing the war debt of this country at that time. The Federal Government then had no means of levying taxes of any kind or character, and had no income. Consequently, the public lands were sold, and the proceeds were used to pay off the Revolutionary War debt.

It seems clear to me, Madam President that the Congress in those early days intended that the public lands belonged to the various States of the Union, and not to the Federal Government by the fact that after the debt of the Revolutionary War was paid off, $25 million was left in the Treasury and that money was not kept in the Treasury of the United States for the benefit of the Federal Government, although the Federal Government needed money in order to carry on its operations. Rather, that money was paid to every State then admitted to the Union. It was turned over to the various States as a loan from the Federal Government. Each of the States signed notes and the Treasury still holds those obligations in its files.

Twenty-six States participated in that public-land melon. Of the funds in question, the State of New York received $4,014,520. As the junior Senator from Nevada also knows, the State of New York retained for its own use and benefit all the public domain within its borders. In addition to that, in 1836 the State of New York received $4 million realized from the sale of the public domain. Furthermore, the State of New York received nearly 1 million acres of the public domain in the territory of Wisconsin, the proceeds of which were used to establish the State University at Cornell. Thus the public lands in Wisconsin served as the source of the money that laid the foundation of the endowment of that university originally.

It is therefore perfectly clear, that the Congress intended from the early days of the Republic that the public lands would be held in trust for the use and benefit of the repective States of the Union. That was the policy up to the time of the passage of the Taylor Grazing Act of 1934.

In view of this situation, I should like to ask the junior Senator from Nevada, who is well informed on the subject, how can it properly be said that the Mountain States were admitted into the Union on an equal footing with all other States, in light of the fact that the Federal Government retained title to more than half the area of those States?

UNITED STATES POLICY—HOLD LAND IN TRUST FOR THE STATES

Mr. MALONE. Madam President, I should like to ask the distinguished Senator from Wyoming whether he does not agree with the junior Senator from Nevada that the history of Federal legislation, until 1934, indicates that it was the desire of the Congress to hold such lands in trust for the States until it could be transferred into individual ownership in family-size units, the Federal lands within State boundaries, in order that the lands might be placed upon the tax rolls?

Mr. BARRETT. That, of course, has been the historic policy of the country. In the beginning, the public lands were first disposed of through sales for small amounts. Later, grants were made to the railroads in order that the transcontinental lines might be built. Grants were also made for the purpose of having toll roads and canals constructed. Later on, as everyone knows, grants were made to the States for the common schools of the country and, later on, under the Morrill Act for the establishment of agricultural colleges in all the States of the Union.

Mr. MALONE. Grants were also made for the purpose of aid for schools within the respective States.

Mr. BARRETT. That is correct. Later came the Homestead Act of 1862, which provided for minimum grants of 160 acres which made possible the settlement of the Missouri Valley and of the great Mississippi Valley. Through a subsequent amendment of the act, grants of 320 acres were made available for homestead purposes. To meet the needs of the mountain regions, the Stock Grazing Act was passed, providing for homesteads of a full section with mineral rights being reserved to the Government.

Mr. MALONE. That applied to known minerals.

Mr. BARRETT. That is correct. The Eastern States received exclusive dominion of all public lands within their respective borders, and, further than that, they participated in the benefits of public lands lying beyond the boundaries of their respective States, receiving bounties in connection therewith. However, when it comes to legislation concerning the Mountain States, some are unwilling to treat the Western States in the same liberal manner that they have been treated. So it seems to me that some of the representatives from the older and more populous States are assuming a rather ungenerous attitude toward the newer States, and toward the people of those States.

I agree with the Senator from Nevada that title to the lands in question is vested in the Federal Government; nevertheless, it seems to me that that title or ownership is charged with a trust to administer the lands in accordance with our historic policy, and in such manner as to make it possible for the newer States of the West to enjoy the same right and privilege of developing their respective areas as was enjoyed by the older States of the Union, and to be, in every respect, on a basis of equality with them. Consequently, I think that ownership by the Federal Government is charged with the trust and responsibility which I have indicated.

IDENTICAL TREATMENT—PUBLIC-LAND STATES

Mr. MALONE. I may say that is why the junior Senator from Nevada is taking part in this debate today. I have an amendment providing for identical treatment of all public-land States. Approximately 60 million acres of public land, of a total of more than 70 million acres, lies within the State of Nevada, representing more than 80 percent of the total acreage of the State.

How is it possible for a State to operate without grants and without emoluments of any kind in view of the fact that the Federal Government owns 80 percent of the public lands in the State?

I agree heartily with the junior Senator from Wyoming; it was not so intended at the beginning. The Western States have reached a point in their development when the public lands are needed by them. All the older States of the Union have either been granted their land outright, or have taken up the land under Federal land laws. In that situation almost every acre of their public land has been taken up by individual citizens. They took up practically all the land under the existing Federal land laws upon payment of a filing fee of $16 for 160 acres.

FEDERAL GOVERNMENT WINNING ALL OF THE BETS

As I have heretofore stated on the floor of the Senate, it was ascertained when they reached western Kansas that 160 acres would not afford a living for a family. Under a subsequent homestead act, provision was made for another 160 acres. In that area it became a byword that the Federal Government was betting 160 acres against $16 that the homesteader could not make it—that he would not succeed—and the Federal Government was winning all the bets.

Then the Congress passed the Stock Grazing and Homestead Act—640 acres. Then when the great American desert was reached the Government began to win all the bets again. The result is that public lands in the desert areas as we know them continue to exist as public land simply because there is no known method by which homesteaders or individuals may take up and patent the land in family-sized units.

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

Mr. MALONE. I am very happy to yield.

Mr. BARRETT. I regret that the senior Senator from Tennessee [Mr. KEFAUVER] is not presently on the Senate floor. I should like to refer to a statement he has repeatedly made in the Senate to the effect that the public domain in the Western States belongs to all the people of the country. The Senator from Tennessee desires to protect that great resource for the people of Tennessee and for the people of all the other States.

I call the attention of the Senate to the fact that when Tennessee was admitted to the Union, in 1796, no mention

was made about reserving to the Federal Government the public lands within that State. Thereafter, for a number of years, the State of Tennessee contended that it was sole owner of all public lands within her borders—and most of the area of the State consisted of public lands at that time. A settlement was made, whereby Tennessee acquired practically all the public lands within her borders. Furthermore, when the State of Tennessee returned a small portion of the public lands to the Federal Government, it received from the Federal Government in return a considerable portion of land for use in connection with the school system.

Mr. President, I maintain that all the States of the Union ought to be treated on an equal basis. It does not seem right to me for one State to demand and to receive all the public lands lying within its borders, and then, at a later date, have its representatives say, in effect, "We were treated in that manner, but we do not want other States to be treated in the same fair and equal way in which we were treated."

SENATOR BARRETT FORMER GOVERNOR

Mr. MALONE. Madam President, I thank the junior Senator from Wyoming for his contribution. The Senator from Wyoming does understand the public-land questions.

He was Governor of the State of Wyoming, which is a very important State in the public-land picture. I should like to say for the benefit of the Senator from Wyoming that we have heard much talk on this subject in the past month on the Senate floor, and for 2 or 3 weeks prior to that, in committee, and I know the junior Senator from Wyoming has paid the same close attention to the hearings which he has paid to the debate.

PROSPECTIVE EDUCATIONAL FUND, 48 STATES, VERSUS ESTABLISHED RECLAMATION FUND FOR 17 WESTERN ARID AND SEMIARID STATES

We have heard debate with reference to a prospective educational fund. The junior Senator from Wyoming and the junior Senator from Nevada favor education. In the State of Nevada we struggle to collect taxes to educate our children, to pay our teachers, and to keep up with the inflation because of the depreciation of the dollar. That depreciation was not accidental. It is not accidental that the dollar is worth 40 cents or less after 20 years of rule and random printing of money.

The salaries which our teachers receive are inadequate.

SALARIES AND INFLATION

They were adequate at one time, but the salaries remained fixed while the dollar depreciated in value. A teacher who was receiving from $150 to $200 a month in 1924 is now receiving the equivalent of from $70 to $90. There are several ways of lowering salaries. One way is to make money worth less. Salaries should be adjusted.

The Legislature of the State of Nevada this year appropriated more money for schools. It will be a little tougher on us in connection with the tax structure, but we do not ask and beg for a piece of New York in order to do our job.

I want to say to the distinguished junior Senator from Wyoming that under the Mineral Leasing Act, commonly known as the National Oil and Gas Leasing Act, the State of Wyoming has received only 37½ percent of the royalties from its oil and gas leases, 52½ percent of the revenue has gone into the reclamation fund, and 10 percent has gone to the Government for supervision.

SECRETARY OF INTERIOR—WEIRD DECISION

With the division of the revenue established *for 34 years, the Secretary of* the Interior, by one of those weird *decisions which are so well known in the* Department of the Interior, ruled that *when the Supreme Court said the lands* were public lands—and that is what the *Court said—that the National Oil and* Gas Leasing Act was not applicable to *the sea-bottom lands.*

Why did he say that? He said that because *prior to the Supreme Court decision*, the States had claimed the land, and because the Federal Government had *not claimed the land up to that time*, therefore, the act was not applicable.

Mr. BARRETT. Madam President, will the Senator from Nevada yield for a further question?

Mr. MALONE. I yield.

Mr. BARRETT. As the Senator from Nevada well knows, I do not take the same position as he does on the Holland bill. I favor that legislation. I think that as a matter of right and solely for the purpose of doing equity in the premises, the proposed legislation should pass.

Mr. MALONE. Does the Senator agree with me that all the States should be treated alike?

Mr. BARRETT. I agree that all the *States should be treated alike*. That, however, is a matter which should be considered at some future date. The natural resources in the State of Wyo*ming have produced revenues paid into* the Federal Treasury amounting to a total of $146 million. Wyoming is one of the poorer States in the Union. At the present moment the Federal Government is receiving $18 million a year from the oil and gas produced within our borders. We are having a pretty tough time to educate our children and to maintain our State university.

At the same time, the older, richer, and more populous States of the Union are coming forward with very poor grace at this late date and saying that Wyoming is not entitled to develop as all other States.

How can the State of New York in this august body say: "We retained all of the public lands in our State; we used those lands to develop our State and to maintain it. We received $4 million from the public lands sold after the Revolutionary War. We received a million acres of public lands in the Middle West, which we used to establish our great Cornell University. The rules are different now. We have just as much interest in the public lands in Wyoming as the people of Wyoming have. You are not going to develop your State and build a university in order to give your children the education to which they are entitled. You are not going to be able to provide a public school system which will give the little children of Wyoming the benefit accorded to the children of New York."

So, it seems to me, Madam President, that the other States are acting in very poor grace when they say to the western States, "You cannot use for your own development the resources which God gave the people of the West. You have got to divide them up with us."

That, in effect, is the position of some people on this floor.

Mr. LEHMAN. Madam President, will the Senator from Nevada yield?

Mr. MALONE. I shall yield only for a question. If the Senator from New York would like to ask a question, I shall be very happy to try to answer it.

Mr. LEHMAN. I should like to ask the distinguished Senator from Montana——

Mr. MALONE. The Senator from Wyoming was speaking, and I am from Nevada. [Laughter.]

Mr. LEHMAN. I am asking the distinguished Senator from Nevada to take note, if he will, that I should like to answer the statement of the Senator from Wyoming.

Mr. MALONE. May I ask the Senator from New York a question?

Mr. LEHMAN. I am asking the Senator from Nevada a question.

Mr. MALONE. What is the Senator's question?

Mr. LEHMAN. The Senator has refused to yield in order that I may answer the Senator from Wyoming.

Mr. MALONE. Ask the question, and I shall try to answer it.

Mr. LEHMAN. Very well; I will.

Does the Senator from Nevada understand that the State of New York has for many years voted for appropriations to build up the great reclamation and irrigation projects of the West and for the great power projects of the West, Northwest, the Southeast, and the Southwest, even though the State of New York had no direct interest in or benefit from those projects? Does the Senator remember that?

Mr. MALONE. Of course, and I remember, also, that the Senator from New York is interested in a St. Lawrence seaway for New York, costing more than $100 million of public money.

I also remember of approving—as chairman and member of the Flood Control and Rivers and Harbors Subcommittee of the Senate Public Works Committee—more than $65 million of taxpayers money for the State of New York for river and harbors improvement during the last 4 years—1949 to and including 1952—for which no repayment is asked or expected.

I should also like to ask the distinguished Senator from New York if he knows that the projects in my own State are paying back every dime of public money—with the Hoover Dam project paying 3 percent interest.

Mr. LEHMAN. Mr. President, will the Senator yield for another question?

Mr. MALONE. I am happy to yield.

Mr. LEHMAN. Does the Senator realize——

Mr. MALONE. I have listened to practically all the remarks of the distinguished Senator from New York, and

I have heard him raise the question of public ownership, but I want the Senator to understand that we in the West repay the Federal Government the money expended on reclamation projects and we pay interest on power-producing projects.

The PRESIDING OFFICER. The Senator from Nevada has 2 minutes remaining.

Mr. HOLLAND. Madam President, I yield an additional 10 minutes of my time to the Senator from Nevada.

Mr. BARRETT. Madam President, will the Senator from Nevada yield for a question?

Mr. MALONE. I am still yielding to the Senator from New York.

Mr. LEHMAN. Madam President, I wish to ask the Senator from Nevada if it is not a fact that New York State has received no direct interest or benefit from the building of Grand Coulee, Boulder Dam, or the TVA. Yet I, representing what I believe to be the will and approval of the people of New York, have voted for every one of those projects, simply because I believed each one of them was for the benefit of the United States.

Mr. MALONE. I thank you for your attitude in connection with western reclamation projects—you know, of course, that we repay the money expended upon such projects—also that we pay 3 percent interest on the Hoover Dam expenditure in addition to adhering to a definite amortization program.

I hope the distinguished junior Senator from New York also knows that New York does not repay to the Federal Government any of the many millions of dollars expended in his State on flood-control and rivers and harbors improvements.

Mr. LEHMAN. Does the Senator from Nevada know that the State of New York and other States in the East have paid their share, and more than their share, of all those improvements?

Mr. MALONE. The junior Senator from New York should inform himself so he would know that New York does not repay the millions expended in that State on flood control and rivers and harbors improvements.

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

Mr. MALONE. I am very happy to do so.

Mr. LEHMAN. Will the Senator from Nevada mention any great or substantial flood-control project that was begun in the State of New York through Federal funds?

Mr. MALONE. I am mentioning rivers and harbors. There have been millions and millions of dollars expended; for the purpose of this argument, I shall say that the Federal Government expended in New York State for rivers and harbors and flood control—1949, $19 million; 1950, $16,800,000; 1951, $18 million, and 1952 $11,600,000. The figures are round numbers.

Mr. LEHMAN. I shall be glad to see them.

Mr. WATKINS. Madam President, will the Senator yield?

Mr. MALONE. I yield.

Mr. WATKINS. Is it not a fact that many billions of dollars have been spent on flood control, for which there has been no return to the Treasury from the individuals or organizations which received direct benefit from flood control in the United States, but that under the reclamation program there is a requirement that every dollar be paid back?

WESTERN PROJECTS REPAID

Mr. MALONE. It is required that money spent for reclamation be returned to the Treasury and for Federal power development to be paid back with interest, while New York, Texas, Louisiana, and California are among the chief beneficiaries under the Rivers and Harbors and Flood Control Act where no money is returned. We do not begrudge those developments. They are made in pursuance of a policy of Congress.

PUBLIC LAND OIL LEASES VERSUS EASTERN OIL LEASES

However, in passing I should like to say that whenever an oil lease is made in New York or in Ohio, the lease is made with the individual owner of such lands who is the only beneficiary.

This is because the individual owner of land owns the mineral rights and no one would will it otherwise.

WEIRD DECISION BY SECRETARY OF INTERIOR

Almost immediately following the Supreme Court decision of June 23, 1947, holding that the Federal Government had paramount rights, the Secretary of the Interior ruled in a weird, labored decision that, whereas the Government owned the sea-bottom lands in question, such lands were not subject to lease under the National Oil and Gas Leasing Act of 1920.

The Solicitor of the Department of the Interior, Mastin G. White, said in his opinion, which is a masterpiece of open-field running, to support a decision already reached by a Secretary of the Interior:

> Land situated below high-water mark has not been regarded heretofore as included in the term "public lands." For this reason alone, it may be concluded that the Mineral Leasing Act does not apply to the submerged lands, as they are, of course, below low tide.

NO QUESTION OF TIDELANDS OWNERSHIP BY STATES

I call attention to the fact that there has never been any question but that the tidelands belong to the States.

Thirty or forty decisions have given the tidelands to the States. So it was that Mr. White rendered the opinion from which I have just quoted. It required imagination to reach this conclusion for the reason given.

No one has ever asserted that the submerged lands or the sea-bottom lands were not below low tide.

There are no States' rights involved in this controversy, because the Supreme Court said that the sea-bottom lands have always belonged to the United States, in spite of the claim to ownership by several States—that the principal of laches, or estoppel, or adverse possession does not run against the Federal Government.

The decision by the Solicitor General would appear to be a masterpiece of reasoning, since the Court in ruling that the sea-bottom lands were public lands said specifically that the Federal 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.

FEDERAL PUBLIC LAND LAWS NEED OVERHAULING

Madam President, since that decision was rendered, there never has been any question that the lands do belong to the United States Government. The question before the Senate is whether we are going to start, piecemeal, deeding them to the States. The whole subject of the Federal public land law needs overhauling.

However, I do not believe that such action can be effective by striking a glancing blow by legislating with respect to the lands of three States, while leaving the land of the remainder of the States in its present status.

OIL DISCOVERED IN NEVADA

Oil has just been discovered in Nevada. Therefore, it becomes important to us in Nevada as to who owns the oil lands. In Wyoming, millions of dollars of Federal funds have been spent for reclamation purposes, as is true of all 17 Western States, including California and Texas. Still other States want to take their lands out of Federal control after they have profited from Wyoming and Nevada. Wyoming already has oil wells; Nevada may have them soon. Yet other States want to keep their own lands but profit by the production of petroleum in our States. Madam President, a principal is needed—and the whole problem should be considered.

My fourth point is that the sea-bottom lands are public lands in the light of Supreme Court decisions, and have always been public lands, since the Federal Government's title could not have been clouded by any prior action of its agents nor by any prior claims by individuals or States.

Fifth, the joint resolution which we are considering proposes a complete departure from the century-old policy of Congress to withhold known mineral rights whenever the public lands were conveyed to States or to individuals, and it thereby discriminates against the public land States.

Whenever power is involved, such as in the construction of a dam, we are paying 3 percent—it was 4 percent for a while, but it is always more than it costs the Government.

Sixth, under the present law, 52½ percent of all moneys received from oil and gas leases goes to the reclamation fund and is used to develop the great reclamation projects of this Nation. This joint resolution is designed to deprive the reclamation fund of money it should have.

Seventh, whether the States or the Federal Government owns the sea-bottom land, there is no reason to worry about the production of oil, if private industry is given a chance to realize a reasonable profit on the oil produced. The only force that will keep those oil deposits from being developed is a free trade policy that would wreck the domestic petroleum industry.

I was present on the Senate floor about 2 weeks ago and heard the distinguished Senator from Kansas [Mr. CARLSON] in

troduce a bill to limit oil imports to 10 percent. I understand that all of the oil States are in favor of that particular limitation, although they are also for an extension of free trade, but they do not wish to be affected themselves.

Madam President, I am skipping through on my prepared address. I ask unanimous consent that it appear in the RECORD as though I had delivered it in complete detail.

The PRESIDING OFFICER. Will the Senator withhold his request for a moment?

Mr. MALONE. Time is running out. I had better continue.

The PRESIDING OFFICER. There is a provision in the Senate rules which precludes the Chair from entertaining the request of the Senator from Nevada.

Mr. MALONE. I shall continue.

FIRST DECISION ON SEA-BOTTOM LANDS

Statements have been made to the effect that many previous decisions rendered by the Supreme Court of the United States have laid down a principle of State ownership broad enough to include the sea-bottom lands within their historic boundaries. However, when the case of the United States against California came before the United States Supreme Court in June 1947, the Supreme Court said, quoting its own language:

> It [the question of ownership of sea-bottom lands] is before this Court for the first time.

This statement by the Court would clearly indicate that any reference to submerged lands in previous decisions concerning tidelands or navigable waters were not directly in point and did not decide ownership of the sea-bottom lands.

SEA-BOTTOM LANDS ARE PUBLIC LANDS

Madam President, the chief purpose of this joint resolution is to deed federally owned public lands with known mineral deposits to certain States. The confirmation of State ownership to the lands under inland waters is only incidental, because the States' titles to those lands have been repeatedly confirmed by Court decision and are not in jeopardy.

There have been statements made to the effect that although the Federal Government may now have a property interest in the sea-bottom lands that they are not public lands.

In the opinion of the junior Senator from Nevada, no such narrow distinction can be drawn.

The former Solicitor for the Department of the Interior took the position that the National Oil and Gas Leasing Act of 1920 applies to public lands, but that it does not apply to the federally owned sea-bottom lands because those lands do not qualify as public lands.

On that basis the Department of the Interior has refused to grant leasing permits to applicants under the Mineral Leasing Act of 1920. These lands could at the present time be leased under that act if it is were not for what I consider erroneous opinions given by members of the previous administration.

This question has been argued before the Federal courts, and its judicial determination can be expected in the near future.

The case of *Hynes* v. *Grimes Packing Co.* (337 U. S. 86), decided by the Supreme Court of the United States on May 31, 1949, has come to my attention, and I believe that the decision definitely and finally determines that the land under the marginal sea is public land.

The issue in that case was whether certain Indians in Alaska had the right to fish for salmon in the marginal sea off the Alaska coast. The existence of this right depended upon whether the marginal-sea lands were covered by a statute, the body of which specifically declared that it should apply to the public lands of the United States in accordance with the explicit requirements of the statute under which the rights of the Indians were claimed.

Here there was a measure which by its own plain and explicit terms was stated by the Congress to be applicable to "public lands" of the United States. The Supreme Court reversed a decision of the circuit court of appeals which had held that the statute did not apply to the marginal-sea lands by reason of the "public-lands" limitation in the text of the act.

In reversing the court of appeals the Supreme Court held exactly to the contrary—that this statute applicable to "public lands" does apply to the sea-bottom lands of the marginal sea. Unless it is to be argued that the two situations are different because one involves oil and the other involved fish, I see no escape from the conclusion that the sea-bottom lands of the marginal sea, wherever situated, are "public lands" under the authority of the Supreme Court's decision in this case of Hynes versus Grimes Packing Co.

Madam President, my chief objection to this joint resolution is the fact that it is a complete departure from the century-old policy of Congress under which the Federal Government withholds title to known minerals whenever it conveyed lands either to individuals or to States.

With the passage of the Mineral Leasing Act of 1920 proceeds from leasing are distributed in the following manner: 37½ percent to the State in which the leased land is situated, 52½ percent to the reclamation fund, and 10 percent to the general fund for purposes of administration.

Under this act, the public-land States have contributed millions of dollars to the reclamation fund which has helped to finance the building of the great reclamation projects of this Nation.

A source of great wealth lies beneath the sea-bottom lands off the shore of this Nation. If we are to depart from the century-old policy of withholding known mineral rights—the Mineral Leasing Act provides for the distribution of the revenues—I do not believe that the public land within any State should be released from this responsibility without a complete study of the public-land problem.

Madam President, because I am convinced that this departure from a well-established policy is about to be accomplished, and the junior Senator from Nevada does not intend to stand idly by and see his State or any of the other public-land States discriminated against, therefore I have introduced an amendment to this joint resolution which would treat all public-land States alike and deed to them the mineral rights in the public lands within their boundaries.

Madam President, if private capital is given a chance to make a fair and reasonable profit on the investment the oil will be produced from the sea-bottom lands whether they are owned by the Federal Government or by the States.

There is only one barrier to the development of the vast oil deposits in the submerged lands and that is the continuation and extension of the free-trade policy. Right now the domestic petroleum industry is suffering from the effect which imported oil, produced at only a fraction of the cost of producing a similar amount of oil here in the United States, has had on the domestic market.

The petroleum industry must continue to explore and drill and bring in new oil wells. It must always remain a going-concern industry for we never know at what moment the entangling alliances and commitments which I have recently brought to the attention of this body may plunge us into a full-scale war at which time the improved submarines of the enemy might completely stop imports. Without a petroleum industry which could immediately go into full production we would be facing disaster.

A producing oil well cannot be discovered and brought in overnight. Extracting oil is just another phase of the mining industry and there are many dry holes drilled for each good producer which is brought in.

Madam President, the question of State or Federal ownership has no material effect on the production of oil from the sea-bottom lands. If we are to be concerned at all with the question of whether or not these deposits will be developed we must legislate so the private investor will have an incentive to finance such development and this can be done by fixing a flexible import fee based on fair and reasonable competition. This policy should not be confined merely to petroleum or minerals, but should be extended to all imports.

Such a policy would not only protect our own standard of living, but it would have a strong tendency to raise the wages in countries wishing to export products to this country, because it is chiefly in the exploitation of labor that the true cost of production of any similar article differs.

Madam President, in conclusion I wish to say that the chief purpose of the joint resolution which we are now considering is to depart from a century-old policy of withholding the mineral rights whenever public lands are deeded to States or individuals.

This departure will deprive the reclamation fund of money to which it is entitled.

The public-land States who have contributed their share to the reclamation fund are being discriminated against unless they receive similar treatment. To correct this wrong I urge that my amendment to Senate Joint Resolution 13 be adopted conveying to the public-land States title to the mineral deposits within their boundaries.

The PRESIDING OFFICER. The additional time of the Senator from Nevada has expired.

Mr. MALONE. Madam President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, certain marked excepts from the hearings before the Committee on Interior and Insular Affairs.

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

Approximate acres of submerged lands within State boundaries

State:	*Marginal sea*[1]
Alabama	101, 760
California	2, 540, 800
Connecticut	384, 000
Delaware	53, 760
Florida	4, 697, 600
Georgia	192, 000
Louisiana	2, 668, 160
Maine	759, 680
Maryland	59, 520
Massachusetts	368, 640
Mississippi	136,320
New Hampshire	8, 960
New Jersey	249, 600
New York	243, 840
North Carolina	577, 920
Oregon	568, 320
Rhode Island	76, 800
South Carolina	359, 040
Texas	2, 466, 560
Virginia	215, 040
Washington	300, 800
Total	17, 029, 120

[1] World Almanac and Book of Facts for 1947, published by the New York World-Telegram (1947), p. 138; Serial No. 22, Department of Commerce, U. S. Coast and Geodetic Survey, November 1915. In figuring the marginal sea area, only original State boundaries have been used. These coincide with the 3-mile limit for all States except Texas, Louisiana, and Florida Gulf coast. In the latter cases, the 3-league limit as established before or at the time of entry into the Union has been used.

Approximate acres of submerged lands of chief proponents of S. J. Res. 13

State:	*Marginal sea*
California	2, 540, 800
Florida	4, 694
Louisiana	2, 668, 600
Texas	2, 466, 560
Total	12, 370, 120

STATEMENT OF HON. GEORGE W. MALONE, A UNITED STATES SENATOR FROM THE STATE OF NEVADA

Senator MALONE. Mr. Chairman, I am a good deal in the position of the distinguished Senator from Wyoming. I have no written statement; merely notes.

NO TIDELANDS OR STATES RIGHTS IN SUPREME COURT DECISION

Senator MALONE. Mr. Chairman, I may be somewhat repetitious here in the interest of a complete statement on my own account. I believe that all the testimony referred to tidelands, inland waterways, and all that. We have cleared up two points in the testimony, and that is that there are no tidelands or States rights involved in the Supreme Court decision. That is the propaganda that was spread a foot thick in my State, even during the campaign.

Mr. Chairman, I have an inclusion in the record that I would like to make, which I will not read, but it will be in the copy that I submit for the record here today. It is an excerpt from the Christian Science Monitor, October 2, 1951.

Senator BARRETT. It may be received.

(The excerpt referred to follows:)

"We believe all the answers to Mr. Daniel's arguments are very simple and complete:

"1. The most fundamental misrepresentation regarding this problem is the statement that the disputed area is tidelands. There is not 1 foot of tidelands involved—never has the National Government claimed any part of State-owned tidelands or State-owned inland waters. The three Supreme Court decisions described the area in dispute as commencing where the tidelands end and extending oceanward. The complaints and decisions in all three cases specifically exclude tidelands from the controversy.

"The use of the word 'tidelands' has been retained by the oil lobby to becloud and misrepresent the real issue to Congress and the American people. There are 54 Supreme Court decisions which hold that tidelands actually belong to the States. The oil-lobby group want to make it appear as if the Supreme Court had overruled all these prior decisions—taken the tidelands from the States and given them to the National Government under this new doctrine of necessity. Never has a Supreme Court decision been so completely misrepresented.

"The only area in dispute is the offshore marginal sea, commencing where the tidelands end and extending oceanward. In regard to this area the Supreme Court said: '(a) The case of United States against California was the first time a question of ownership of this offshore belt had ever come before the Supreme Court; (b) neither the Original Thirteen States, nor any new State after being admitted into the Union, have ever owned or controlled this submerged offshore belt.

"'California, like the Thirteen Original Colonies, never acquired ownership in the marginal sea. The claim to our 3-mile belt was first asserted by the National Government. Protection and control of the area are indeed functions of national external sovereignty (332 U. S., pp. 31-34). The marginal sea is a national, not a State concern. National interests, national responsibilities, national defense, relations with other powers, war, and peace focus there. National rights must therefore be paramount in that area' (339 U. S. 704).

"If the statements (a) and (b) are true (and a rereading will convince anyone that that is exactly what the Supreme Court decided) then the States have never owned the disputed area—the Supreme Court did not take this disputed area from the States and give it to the National Government—there is no new theory or doctrine of law which the Supreme Court announced, that the National Government can take property from the States without just compensation contrary to fundamental constitutional law."

STATES DO NOT OWN SEA BOTTOM

Senator MALONE. Of course, it has been made abundantly clear in this testimony that in 1947 the question, "Is the State of California the owner of the 3-mile marginal belt along the coast?" came squarely before the Supreme Court of the United States, and that Court held 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, a title superior to all others, in and power over that belt. In the States of Louisiana and Texas, the Supreme Court made similar rulings.

FIRST DECISION ON SEA BOTTOM

Mr. Chairman, up to this time there had not been a clear-cut decision on the sea-bottom lands adjacent to the coast as to whether they were federally owned or public lands or belonged to the States. The question had not been directly raised. The Supreme Court was asked to pass on this question at that time.

(Insertion for the record submitted by Senator MALONE, from his remarks in the Senate of the United States July 4 and 5, 1952, follows:)

"NO PRIOR DECISION AFFECTING SEA-BOTTOM LANDS

"Mr. President, in this connection there never has been a direct decision on sea-bottom or submerged lands with reference to ownership until the 1947 Supreme Court decision.

"The question was never raised directly before the Supreme Court until that time."

Senator MALONE. Mr. Chairman, at the risk of repetitious statement, it is well known that no tidelands, inland waterways, or navigable rivers are included in the Supreme Court decisions and that they are in no way affected by the Supreme Court decisions. Nor are there any States rights violated in any way. The States have exactly the same police power or general jurisdiction over such public domain, known as the sea-bottom or submerged lands, as they have over any other public lands located within the respective States.

POLICE POWER OVER MARGINAL SEA

Mr. Chairman, as a fuller explanation, I would like to insert in the record at this point, a short statement entitled "Exercise by Coastal States of Police Power in the Marginal Sea," by the Solicitor of the Department of the Interior.

Senator BARRETT. It may be received.

(The statement referred to follows:)

"EXERCISE BY COASTAL STATES OF POLICE POWER IN THE MARGINAL SEA

"That the police power of a coastal State extends over the marginal (or territorial) sea contiguous to its coast was clearly established by the Supreme Court in the case of *Skiriotes* v. *Florida* (313 U. S. 69 (1941)). That case involved the power of the State of Florida to regulate the sponge fishery off its coast. The Supreme Court held, among other things, '* * * that Florida has an interest in the proper maintenance of the sponge fishery and that the (Florida) 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' (p. 75).

"The Supreme Court, in the case of *Toomer* v. *Witsell* (334 U. S. 385 (1948)), again upheld the authority of a coastal State to exercise its police power in the marginal sea contiguous to its coast. That case involved the authority of the State of South Carolina to regulate commercial shrimp fishing in the marginal sea.

"The Toomer case was decided after the Supreme Court had rendered its decision in the case of United States against California, holding that the lands comprising the bed of the marginal sea are Federal rather than State-owned lands. Thus, it is clear from the decision in the Toomer case that the fact that the lands comprising the bed of the marginal sea are Federal lands does not affect the authority of a coastal State to exercise its police power with respect to activities conducted in such lands or in the waters above them. A State's police power over activities conducted in the marginal sea is comparable to a State's police power over activities conducted on public-domain lands situated within the boundaries of the State."

SEA BOTTOM IS PUBLIC LAND

Senator MALONE. The effect of the United States Supreme Court decisions makes these submerged lands public lands within the State boundaries just the same as approximately 65,000,000 acres of public lands located in my State of Nevada. It is only in the minds and opinions of certain public officials that these submerged lands are not public lands within the meaning of the Federal Oil and Gas Leasing Act of 1920 and the final decision is with the courts.

Mr. Chairman, as testified to yesterday by one of the principal attorneys in this case,

the applicants sued the Secretary of the Interior to reverse the decision that he made immediately following the Supreme Court decision that they were Federal lands when he said that the National Oil and Gas Leasing Act was not applicable to the submerged or sea-bottom lands. This court decision is ready to be rendered, according to one of the principal attorneys, Mr. Wheeler, former United States Senator, as soon as the Supreme Court passes on the master's recommendation as to the limit or the boundary of the inland waters.

There are approximately 750 million acres of public lands. My own State of Nevada contains approximately 65 million acres of public land.

It is made absolutely clear that the Federal Government does have paramount rights, a title superior to all others, in and power over the sea-bottom lands seaward of mean low tide, and that the Congress of the United States has the power to grant to the States title to the submerged lands in question. However, in the past the Federal Government has followed the policy of withholding the subsurface rights to known minerals in granting title to Federal lands. If this policy is to be changed, if it is to be reversed, then, Mr. Chairman, there should be a general public lands act which would deal equitably with all of the public lands, and not only the public lands under the marginal sea or the sea-bottom lands. Most of the public lands are located principally in the 11 Western States—your own State, Wyoming; my own State of Nevada, beginning on the eastern boundary of Montana, Wyoming, Colorado, and New Mexico, and everything west. Only a relatively small acreage is in the other States.

CONGRESS CAN CEDE SEA BOTTOMS TO STATES

There is no question as to the authority of Congress to deed to the States wherein they are located in fee simple all or any part of such lands, for example, the minerals, but no State has ever claimed such lands as a right.

Mr. Chairman, no one in Nevada, and I am sure in Wyoming, according to the statement of the distinguished Senator from Wyoming, acting as chairman of these proceedings, has ever claimed any forest reserves or any parks. In fact, they have never claimed any Federal lands. For 30 years while I have been in the engineering business in the 11 Western States they have argued as to whether or not they should own them.

Senator BARRETT. Senator, there is one question I would like to ask you. I assure you that I am not trying to be facetious. If these submerged lands are properly classified as public lands, then of course they have been public lands all the time.

The point I am trying to make is that the public lands were open to homestead settlement after 1862, and of course a good many people moved onto these public lands in your State and mine before they were surveyed, and the Congress recognized those people who squatted on the lands and established a home on the lands.

By the same line of reasoning, could not a fellow have filed a homestead on those lands out there in the submerged areas?

HOMESTEADS

Senator MALONE. Just as ridiculous homesteads were filed. The junior Senator from Nevada started on the public lands in 1914 as surveyor and engineer for cattle and sheep companies and individuals, and those were the times of the range fights. Many times a homestead would be filed to get a water right, where there was no possible chance of irrigating any land in accordance with the homestead law. But it took time to prove that. Therefore, during the time that the filing was running for the first year, before it could be proved that a certain number of acres could not be put into cultivation or before an inspector got out there, they had the use of that spring.

I might say that looking back on it after a few years—the junior Senator was 24 years old then—he had a transit on his shoulder and a couple of chainmen and rodmen, a checkbook in his hip pocket, and would buy lands for companies or individuals if they thought it was worth the money. He also had a .45 automatic in a shoulder holster, and did not button his flannel shirt for a good many years. That is what they called range fights.

NEVADA'S RANGE LAW

Our own State public laws took care of that. I was the State engineer for 8½ years, from 1927 to 1935, in the State of Nevada. We passed what was called a stock-water right, where the State engineer could turn down, even though there was plenty of water for an additional herd of stock, if he found that the range was already substantially utilized in that area he could turn it down, and it was his duty to do that.

We had the range in pretty good shape before we ever heard of the Taylor Grazing Act, which has raised Old Ned with the livestock people practically all over the West. The administrators of that act took it upon themselves right away to make the rules and regulations, and to divide the range, when someone was already established and a new raiser came in, or when they transferred the range, they cut it 10 or 20 percent, and they could raise the fees any time they wanted to. So they controlled one of the parts of a livestock unit. The three parts are: Water rights, the ranch where the feed is raised for the winter, and then the public range. Anyone who controls one part of this unit, of course, controls all the unit. So they were just running them off the range.

That is something that can be taken up under another head, but it also vitally touches this problem of the control of the public lands that we are now dealing with for another purpose.

FOREST LANDS

The forest lands would be excepted. In my own State we have 5 million acres of forest lands, that is, theoretically. The stockmen are partly responsible for the withdrawal for forest reserves, because they had no other way of controlling summer range, and the forest reserves are mostly summer range, in mountainous and desert areas, as all the Senators realize who are in the public-lands States.

Out of this 5 million acres, I would say without fear of contradiction there are not over a half million acres of forests in the State of Nevada that could ever be called forests. It is impossible to reforest or to set out trees where it never was forested because of insufficient rainfall. Sometimes the rainfall is as low as 2½ to 3 inches, in certain parts of Nevada.

I should say that in the long run, if you are going to reserve the forests to the Government, even if you deeded the lands to the States, that these forest areas should be reclassified. That, of course, will all come when we have any general public-land bill, that I certainly would recommend if we are going to change the present policy by deeding to the States mineral rights under Federal lands. Certainly we are doing it with this bill before us.

Senator BARRETT. Will the Senator yield to me?

Senator MALONE. I would be happy to.

Senator BARRETT. I think the Senator is correct in his assumption there. By the same token, I believe that there are certain areas of timberlands under the administration of the Taylor Grazing Act, and if and when we find any lands that are in fact timberlands, they ought to be transferred over to the forest reserves, in my judgment.

Senator MALONE. They should be in the forest reserve, controlled either by the State or the Federal Government. It really does not make much difference, in my opinion.

SQUATTERS' RIGHTS

I was going to touch on this matter of squatters' rights. The junior Senator from Nevada, as he mentioned the other day, held a commission as mineral surveyor under the Government for 25 years. Under $5,000 bond, you could go out into your surveyed or unsurveyed country and survey a mining claim or patent and put up your own monuments. It was never questioned. You simply filed with the Federal Government your notes, and your bond took care of the rest of it.

Squatters' right referred to unsurveyed land for mineral claims. A squatter was known as a man who would go out into an area that was unsurveyed and take up what he would call a homestead. You could not take up a homestead on unsurveyed ground, but if he stayed right there he could hold what is known as squatter's right. If the first squatter left and someone else came to the location, the newcomer had the squatter's right. This is well known to the courts. You could not hold any unsurveyed land if you did not stay right on it. If you did stay right there on the land then when it was surveyed you could file on it.

Senator BARRETT. That is right. I think that when most of the States were admitted to the Union, two sections, 16 and 36, were granted to the State. I think you will find a provision of law in all the enabling acts to the effect that where certain people have acquired rights by reason of being squatters on the land, then the States would get in-lieu lands in place of the lands that were preempted by the squatters. The Federal Government recognized squatters' rights.

Senator MALONE. I doubt if the States got the lands, but the squatters' rights were recognized to the squatter himself as soon as it was surveyed, if he had not left the land and someone else moved in in his absence.

Senator BARRETT. That is true. If, when it came out, it happened to be all or part of section 16, let us say, or section 36, then the States did not get that land and they got land in lieu of the land taken by the squatter.

Senator MALONE. That is true. I misunderstood the distinguished Senator from Wyoming in his reference to sections 16 and 36. It was the other sections that I had reference to.

ROYALTY FROM RESOURCES FOR RECLAMATION FUND

In the proposed bills, Senate Joint Resolution 13 and Senate bill 294, all the now public lands under the marginal sea or sea-bottom lands would be granted to the coastal States, and all the revenues from the royalties resulting from the leasing of such lands would go to the States wherein such lands were located. These bills would repudiate the present division of royalties received by the Federal Government from the public lands under the National Oil and Gas Leasing Act, under which the Government receives 10 percent for supervision, 37½ percent goes to the State wherein such oil and gas may be located, and 57½ percent goes to the reclamation fund to be expended for reclamation within the reclamation States, which now include 17 Western States. It did only include the 11 Western States for a considerable time, and I think the junior Senator from Nevada had something to do with the expansion, because it was realized that the western half of that tier of States—Texas, Oklahoma, Kansas, Nebraska, and the two Dakotas—were semiarid, at least. Some of them are really arid west of the 97th meridian. West of that line it is considered semiarid, and then, of course, when you travel west of those States the land is really arid. Those States which I have mentioned wanted to come in under the Reclamation

Act, and they are under the Reclamation Act.

I want to say for the benefit of the Senators who may not have had experience in that line, that there are several other States that have wanted to come under the Reclamation Act because of the drought periods in those States where it is possible to store water and carry over during the drought period. I think it is clear why the 11 Western States were included as recipients through the reclamation fund created in part from the royalty received under the National Oil and Gas Leasing Act of 1920, because it was in those States where the principal revenues accrued. Oil had not been discovered, and there had been no Supreme Court decision, so there was not supposed to be any public lands in Louisiana or Texas or any of the Eastern States.

So it took a Supreme Court decision to determine that they are public-lands States, and at the moment they are, in the absence of any special legislation.

The reclamation fund has been described several times, and I would ask that a statement contained in my debate last year be included in the record at this time, clarifying it.

Senator BARRETT. Without objection, it is so ordered.

(The material referred to follows:)

"THE RECLAMATION FUND

"In 1920 the National Oil and Gas Leasing Act decreed that 52½ percent of the royalties from the leases on such public domain shall go to the reclamation fund, 37½ percent to the States wherein such leases are located, and 10 percent to the Federal Government for supervision.

"Distribution of revenues derived under the Mineral Leasing Act

"The revenues derived by the United States from mineral operations on public lands under the Mineral Leasing Act of 1920 are distributed as follows: 37½ percent is paid to the respective States within whose boundaries the lands comprising the source of the income are situated; 52½ percent goes into the reclamation fund; and 10 percent is deposited in the Treasury to the credit of miscellaneous receipts (sec. 35, Mineral Leasing Act of 1920; 30 U. S. C., 1946 ed., sec. 191).

"There are pending at the present time in the United States District Court for the District of Columbia several cases involving the question whether the Mineral Leasing Act of 1920 applies to lands comprising the bed of the marginal sea. If it should be judicially determined as a result of the pending litigation that the Mineral Leasing Act of 1920 is applicable to such lands, the income derived from the development of the oil and gas deposits in these lands would, of course, be distributed in the manner outlined above—i. e., the several coastal States would get 37½ percent of the money derived from operations in the portions of the marginal seabed contiguous to their respective coasts; 57½ percent of the money would go into the reclamation fund and would be used for the reclamation of arid lands in the 17 Western States; and 10 percent would be deposited in the Treasury to the credit of miscellaneous receipts.

"* * * The proponents of State ownership seeks to transfer that part of the public domain known as the sea bottom or submerged lands between low tide and the State line, to the States wherein they are located.

"The transfer would mean, of course, that all the royalties or revenues from such leases would accrue to the individual States to the exclusion of the reclamation fund, and thereby nullify the 32-year-old Government policy initiated by the Congress in 1920.

"One hundred billion dollars' worth of petroleum

"It is estimated that from $40 billion to $100 billion of petroleum will be produced within the sea-bottom lands area affected by the Supreme Court decisions affecting the sea-bottom lands. Twelve and one-half percent has been the customary royalty to be received from these areas. Fifty-two and one-half percent of that amount would go to the reclamation fund, amounting to between $2½ billion and $6 billion to such reclamation fund, with which to construct reclamation projects in the 17 Western States.

"Nevada is vitally concerned in the disposition of the royalty payments from oil and gas production in the public domain, since Congress stipulated in the 1920 National Oil and Gas Leasing Act that 52½ percent of such royalties should accrue to the reclamation fund, to be expended in the 17 reclamation States.

"The public-land States should be treated alike

"I may say that this act has been amended from time to time, but as it stands now, that is the situation. If the oil- and gas-bearing public lands are to be transferred to the States it should be done through a bill introduced in the 83d Congress in 1953, simply stipulating that when oil or gas is discovered on the publicly owned lands, immediately such lands are to be transferred to the States.

"That would then equalize the situation. Many companies are drilling for oil and gas now in my State of Nevada under the National Oil and Gas Leasing Act.

"We have high hopes that they will discover oil. Under a bill then of that nature, when such oil was discovered such lands would be automatically transferred to the State of Nevada in the same manner as it is proposed to transfer to the States in this case the publicly owned lands including the submerged or sea-bottom lands seaward from low tide to the State boundaries."

EQUAL TREATMENT FOR PUBLIC-LAND STATES

Senator MALONE. Mr. Chairman, I have no quarrel with the theory of extending jurisdiction of the coastal States out to their historical boundaries, just as the jurisdiction of the State of Nevada is extended to its boundaries, but I do contend that the policy of Congress to withhold to the Federal Government the rights in the subsoil of the public lands where mineral deposits are known to exist either should not be changed or, if it is changed, should apply to all of the public-lands States. In other words, it should not be done by special legislation and sharpshooting at Nevada and Wyoming, California, Louisiana, or Texas. It should treat them all alike. I see no reason why this policy should not be extended to the public lands under the marginal sea within the historical boundaries of the coastal States. In other words, there seems to have arisen in the public mind—through publicity which I want to say here and now had nothing to do with the newspaper people, because the statement was made so many times that they could not have understood it otherwise—that these were tidelands. If the State boundaries went out beyond the tidelands, which is between mean low tide and mean high tide, then, of course, if the State boundaries extended out there, then they owned the land, which is not true at all. Ownership of the land has nothing to do with the State boundaries.

PREVIOUS CONDUCT OF AGENTS DID NOT CLOUD FEDERAL TITLE

Through the Supreme Court decision that has now been made and is the law of the land until such time, if and when, Congress takes action to change the situation, they are public lands within the boundaries of the State just exactly the same as the 65 million acres in the State of Nevada. We have made that clear enough, I think. The Supreme Court covered that point specifically, that the mistakes or the conduct of its agents had nothing at all to do with the Federal Government's ownership of the sea-bottom land seaward of low mean tide. Public officials are transient, Mr. Chairman, just as Senators and Congressmen are transient. They may vote something in this session of Congress, and in some other session may change it. They can make or unmake the laws of the land.

So just because we decide something here, just because some public official decides something, does not mean it will not change. As the fellow said one time, "There is nothing permanent but change."

The Supreme Court specifically cleared up that point. Whether it was Mr. Ickes, who is now dead, whether it was the last Secretary of the Interior, or whether it was the present one, he has nothing to do with making the law, and anything he says is his interpretation, which in the final analysis, when passed upon by the Supreme Court, may or may not be correct.

PRODUCTION IS NOT RETARDED

Mr. Chairman, there is no foundation for the argument that the exploration and production of oil and gas would be retarded if the proposed legislation is not passed by Congress. I have heard this assertion many times, and it is a good argument if it is not explained. But as has been explained here, the Federal Government can proceed to lease such lands in the same manner as has been done for the past 30 years under the Federal Oil and Gas Leasing Act, and the revenues will continue to be divided as provided by law or as may be hereafter provided.

There is nothing permanent about the 52½ percent to the Bureau of Reclamation, 10 percent to the Federal Government, and 37½ percent to the States. If any Congress wanted to change it and the President signed the bill, it would be changed as of that date.

SEA-BOTTOM LANDS COULD NOW BE LEASED

If, as explained here, these filings—that I will come to pretty soon—are not bona fide due to the fact that they may be filed on existing or known structures, and the Secretary so rules—and he is the one to do the ruling, in the absence of special legislation by Congress—then and in that event, if it is known oil land, the Federal Government, under the Secretary of the Interior, could proceed to lease these lands on the basis of competitive bids or otherwise, as provided by law, and no delay would ensue whatever unless deliberately designed by the Secretary of the Interior. And we think the previous Secretaries of Interior did deliberately delay it by their two rulings. It appears a little too much as if they had an objective, first, when Mr. Ickes said that he could not grant these applicants permits because the States owned the land; and then after the Supreme Court said the States did not own the land in the case of United States against California, Mr. Chapman suddenly said that the National Oil and Gas Leasing Act was not applicable.

Mr. Chairman, the applicants then promptly sued, which it was their right to do, to reverse that decision. Arguments have been made, as we heard in the testimony here yesterday, and they are awaiting decision on the Supreme Court's action on the special master's recommendation as to the boundaries of the inland waterways.

I want to say to you, Mr. Chairman, there has been no delay, anyway. The States have continued to grant leases, even after it was under consideration by the Supreme Court, and they continued to drill new wells. There was no delay. They are getting out a lot of oil. If you think there is any delay, go down and take a look at it. I did. There is no delay. There need not be any delay. That is my point.

POTENTIAL OIL IN THE SEA BOTTOMS

It is variously estimated, Mr. Chairman, by people who have knowledge of this situation and have a foundation for their estimate, that the lands in question seaward

from their boundaries contain from 40 to 100 billion barrels of oil.

Senator DANIEL. Will you give me the name of anybody making such an estimate?

Senator MALONE. I will finish it for the record. (The estimate did include the Continental Shelf.)

Senator DANIEL. This is in the friendliest of spirit. I think this whole controversy maybe gets a little bit too big if we use those estimates, unless they are pretty true.

You heard the United States Coast and Geodetic Survey estimates, did you not?

Senator MALONE. Their record is not very good. They claimed we had 5 billion barrels of oil, if you remember, in 1925; and Mr. Ickes said, in the early thirties that we would be out of oil very soon. He was running out of oil every year, because he figured that we knew where all the oil is located.

People who are experienced in the drilling for oil—and I will furnish the references for the record—believe that this amount of oil is very likely to be found within this area.

Senator DANIEL. Is that just within the historic boundaries?

Senator MALONE. Within the claimed boundaries of the States on this public land.

Senator DANIEL. You will give us the names of those who made the estimates you have mentioned?

Senator MALONE. I will give you the references.

(NOTE.—Senator MALONE subsequently submitted the following explanatory statement:)

"I find upon investigation that my reference to the estimated amount of oil in the submerged lands included the entire Continental Shelf. However, since only an infinitesimal area of the sea bottom lands under the 3-mile belt of the marginal sea has been actually subjected to drilling exploration, it can well be expected the total amount of oil discovered there over the years ahead will probably be many time the present estimates. Past experience has shown that the estimates have usually been much too conservative in other areas which have now been developed."

Senator MALONE. I made speeches about it and debated it, and through engineering experience for 30 years, and having fought Secretary Ickes for 20 years on it, I finally got him to the point where he did not make such assertions.

I made the statement in San Antonio, Tex., before the Independent Oil Operators in 1948, that you could not possibly run out of petroleum fuels in the United States of America except by desire, and proved it.

He never since that time has made any such statement.

Senator DANIEL. The only reason I question you here is that you have just given the highest figures of anybody I have ever heard, as to the possibilities within original State boundaries.

Senator MALONE. Not the original State boundaries. I am talking now about the claimed boundaries. The Continental Shelf is included.

Senator DANIEL. Are you talking about the entire Continental Shelf?

Senator MALONE. No. I am talking about the claimed boundaries of the States. The Continental Shelf is included in such estimates.

Senator DANIEL. You mean the 3-mile and 3-league boundaries?

Senator MALONE. That is right. The Continental Shelf is included.

Senator LONG. My understanding was that the 40-billion-barrel estimate which I heard, which at that time sounded enormous to me, was based on the theory that if you went into the Gulf of Mexico south from the shoreline to the edge of the Continental Shelf, and then you estimated the amount of oil that could be produced based on experience going north on dry land an equal distance, you could estimate that if it was just as good, acre for acre, south of the shoreline, as it was north of the shoreline, you might arrive at your 40 billion barrels. But this is the first time I have heard it urged that even the 40-billion figure, which I regarded as being very large at the time and far more than you would ever recover, was to be multiplied within the 3-mile limit or the 10-mile limit. The 40-billion figure, as I recall, related to the entire Continental Shelf, which is out as far as 125 miles.

RESERVE OF NATURAL RESOURCES UNDERESTIMATED

Senator MALONE. I will say to the distinguished Senator from Louisiana that there never has been yet an estimate by the USGS that was not an underestimate. In other words, since we are in this quarrel with the Department of the Interior—you might call it so—I was so irritated that it adds up to one of the reasons I ran for the Senate to start with. There was so much misinformation on minerals and oil and everything else, put out by the Department of the Interior at that time, to the effect that we were out of all kinds of minerals. I would not go into this business if it was not necessary.

All of the information proved, if exploration were allowed to continue—which it was not under that regime—that there would be plenty of oil and a much larger supply of the so-called strategic and critical minerals, and materials if the miners and prospectors were allowed to continue their work without a Government bureau breathing down their necks.

I could go into that. In the matter of tungsten, we were out of tungsten, according to Mr. Ickes, when he came into office. When I went into World War I, we were out of tungsten. We finally, through World Wars I and II, became self-sufficient in the production of tungsten when it was necessary. I know about the matter because I was special consultant to the Senate Military Affairs Committee and reported to them.

So we used tremendous amounts of tungsten for 35 years, and we have more domestic tungsten in sight now that we have ever had. If the SEC would get off the necks of the miners and if we had a floor under wages and investments in the form of a duty, tariff, or import fee, there would be a much greater domestic supply of such strategic minerals. The Constitution of the United States provides that the Congress shall regulate foreign commerce and impose tariffs, imposts, and excises.

I visited Burma to inspect one source of our competition and saw these tungsten deposits. They are at war now, but when it is stopped, the flow of tungsten from there will cause domestic production to practically cease, unless there is a floor in the form of a tariff under these investments.

The main thing that has kept you in the oil business and the mining business is the depletion allowance.

We have had to fight the administration and Congress every year to retain the depletion allowance. I have appeared so regularly before the committee of the House that some of them think I am a Member of the House of Representatives.

This 27½ percent depletion allowance on oil and 15 percent depletion allowance on minerals, is the only thing that has kept us in the mineral or oil business.

I think if the distinguished Senator from Louisiana goes into this question he will find that out.

SEC RETARDS RESOURCES EXPLORATION AND DEVELOPMENT

But the SEC, with its small-caliber engineers—and they cannot hire any other kind because a man who can do anything about it is out there doing it—try to determine the feasibility of a mine, an oil well, or anything, before they will allow any stock to be sold. After the stock is starting on the market, they get a crackpot letter or some similar misinformation, as I suppose General Motors gets sometimes, and then they announce in a loud tone of voice that they are going to investigate this matter. No matter what they find, the boy is through selling stock. So with the SEC, with the restrictions that the Department of the Interior put on for 20 years, we were just about out of business. Just as the cowmen are getting hurt now, minerals have been hurt all the time.

LOW WAGES IN FOREIGN COUNTRIES

I will not go into these matters because in my opinion they have no place here, but I can. I have studied them for 30 years. I visited Japan to find out from where the crockery which I find all over town in the medium-priced and cheaper market was coming and I found it processed in factories paying 7 to 12 cents an hour for a Japanese skilled worker, as against $1.80 over here.

That is the reason these pottery manufacturers are going out of business in Ohio and other places. You will hear more about it on the Senate floor.

So with all of the restrictions around it, the USGS were almost able to make their predictions come true, but not quite.

Senator LONG. I believe you used the figure 100 billion barrels of oil. If there are 100 billion barrels of oil within the 3-mile limit——

Senator DANIEL. Forty.

Senator LONG. I believe you estimated 40 to 100 billion.

Senator MALONE. Yes, I did.

Senator LONG. If there are 40 to 100 billion barrels of oil within the 3-mile limit, if you use the same yardstick that was used in some of the prior estimates in estimating that it would be just as good, acre per acre, the further you went out on the Continental Shelf, would that not indicate that there are perhaps several trillion barrels of oil on the Continental Shelf beyond the original boundaries?

ENGINEERING PROGRESS WILL PRODUCE ADEQUATE OIL SUPPLY

Senator MALONE. I am entirely impatient with anybody who thinks we can possibly run out of oil if you turn the oil companies loose and let them go. That is all you have to do, either way, whether it is under the supervision of the Government or under the States. Let them alone. They know how to drill for oil. Do not try to break them.

An engineer told me on my visit to the coast when this was under consideration before, that while they could not at this moment drill in the deep water, they were perfecting methods and they thought within a very reasonable time they would be able to drill wells in the deep water on the Continental Shelf. Engineers will whip anything if there is enough money in it to let them experiment and go through with it.

Senator BARRETT. How deep did they say they could go?

Senator MALONE. They did not say there was a limit. They just said they thought they could go wherever there was oil, given time, and the incentive.

Senator BARRETT. Even under 600 feet of water?

Senator MALONE. I would say so; yes.

Senator BARRETT. I do not know a thing about it.

Senator MALONE. Neither did I at that moment, but that is what the technical men told me.

MUST BE AN INCENTIVE FOR INVESTMENT

Of course, the incentive must be there so they can profit from it. We went through 20 years of trying to take the profit or the incentive out of wildcatting and prospecting, that is, drilling for oil, or prospecting for new mines. We did almost run out of minerals, and might have, except for the fact that the people concerned flocked into Washington, D. C. They are pretty smart,

after you break them once. They got loans from the General Services and the RFC, and the guaranteed unit price, and a short amortization period, and put every taxpayer in America in business with them.

Of course, they are not going to lose the money. They will not lose Government money. These people do it on the theory that if Uncle Sam is a partner, then the Congress will be more lenient with them and probably will not try to break them.

CONGRESSIONAL RESPONSIBILITY TO REGULATE FOREIGN COMMERCE

However, if the Federal Government will establish a long-range policy, through a flexible tariff to provide a floor under wages and investments, then private capital will go into the mining business.

The Constitution empowers Congress to fix tariffs and imposts and to regulate foreign commerce, but it does not say that such powers can be transferred to the Secretary of State, yet the Congress in 1934 transferred its constitutional responsibility to the executive branch.

If I were adviser to a President, I would advise him to refuse to accept this responsibility. The previous Presidents have accepted this tremendous responsibility for the last 18 years, and our present President is now in the throes of making a decision whether or not he is going to accept it. I doubt if he does, when he realizes its implications.

LARGE REVENUE FROM SEA-BOTTOM RESOURCES

Oil is selling—I have not looked up the market recently—at somewhere around $2.50 a barrel. That means, Mr. Chairman, $100 to $250 billion involved in this transfer in the event this estimate is anywhere near correct.

(See explanatory statement above.)

The law provides that in granting leases within proven territory, the Federal Government may ask for bids on the amount of royalty to be paid. Much of this area is within proven fields. That has all been reviewed, and I guess there is no question about that.

The city of Long Beach has let leases—I get this from the testimony of the engineer of the city of Long Beach and other sources—has let leases giving it a gross of as high as 94 percent, instead of the customary 12½ percent or one-eighth of the production that is generally collected by the Government and by the States. The net to the city in some cases, after the expense of drilling and marketing, is said to be as high as 68 percent.

There is no reason why the Federal leases could not be on a similar basis to that of the city of Long Beach, and then the Federal Government could ask for bids and, if arranged on a similar basis, it could mean a return to the Government of $60 to $170 billion. It would be quite a nick in the national debt, even if they took it away from the reclamation fund, which we would hate to see; but it would, after all, belong to the Federal Government, and Congress could do with it as they saw fit.

Assuming an average of the 2 figures, of $119 billion, which is equal to more than 45 percent of the national debt, it would be quite a boon to the taxpayers of this Nation; or, divided in the usual manner, would mean $44 billion to the States wherein such oil is located, $11.9 billion to the Federal Government, and $62.475 billion to the Bureau of Reclamation. This $62.475 billion might be divided between reclamation, Federal roads, and flood-control projects, which would help to develop and build up our Nation.

I think we went into that very thoroughly. Some of the States may not want reclamation, but they certainly want appropriations for flood control, and get hundreds of millions of dollars for flood control for which there is no return to the Federal Government; and, Mr. Chairman, I am for that. It is a settled policy of the Government, and until we see fit to study the question and change the policy, I am for their getting this money.

EQUAL TREATMENT FOR ALL STATES

Mr. Chairman, if the Congress of the United States is determined to grant—and I use the term "grant," not "restore," advisedly—to the States the title to the submerged lands and all of the resources in the soil therein, I feel that all States should be treated equally. Therefore, I wish to submit an amendment to be inserted at the end of Senate Joint Resolution 13, and to S. 294, respectively, granting to all States wherein there is located any public lands, the title to the minerals, including oil and gas, in the subsurface soil.

Mr. Chairman, I ask that a statement that I previously made before this committee be included at this point.

Senator BARRETT. If there is no objection, it is so ordered.

(The statement referred to follows:)

"NOT RETURNING LANDS TO THE STATES

"I point out that the Government is not, as is often said, returning anything to the States through the legislation. The States never have had these lands. There has been only one previous decision touching the submerged or sea-bottom lands. That was an Alaskan decision (*Hynes* v. *Grimes Packing Co.* (337 U. S. 86, decided May 31, 1949)), in regard to fisheries, in which it was held that the Government controlled the lands and had the right to reserve such lands for the Indian fisheries.

"There were many decisions by the Supreme Court, however, involving inland waterways, tidelands, navigable rivers, and lakes. Mr. President, those decisions always held that the States owned and controlled such lands.

"The Supreme Court decision to which I have referred did not in any way affect these lands or these decisions.

"We in Nevada have never desired to own such public lands. However, if oil were to be discovered upon such public lands within our State, there might be a change with respect to the desire to own and control such areas."

FIRST OIL WELL IN NEVADA

Senator MALONE. I want to say, Mr. Chairman, that while the question of oil and gas has been academic up to now in the State of Nevada, I was just informed by telephone a while ago that they had discovered an oil well, producing 25 barrels a day, out in east-central Nevada, which is greater than the average production of oil wells within the United States of America; that is to say, the average production of all the wells is about one-half as much.

Senator ANDERSON. How deep was it?

Senator MALONE. A very shallow well. I do not know the depth, but they expect to get more oil at a greater depth.

A geologist is a fellow who goes on present information, and they are the best we have. I am not a geologist, myself, but I have a high respect for them. They said that in this volcanic area the oil, if any, had been burned, and there could not possibly be any oil. They said that until 10 years ago, I believe. Then they struck oil in Utah, in the same kind of structure, the same kind of area. So they began drilling in Nevada. They have not gone as deep yet as they have in other areas, but we have high hopes that we will develop a producing commercial area.

They have brought in one 25-barrel well in eastern Nevada. One well in the center of a large area would not be a commercial well, except to furnish oil to local communities. This is the first oil, and it is very significant, I think.

KNOWN MINERAL RESOURCES RESERVED TO FEDERAL GOVERNMENT

Mr. Chairman, it was brought out before in the testimony that prior to 1914 it was the general policy laid down by Congress to reserve all public land wherever there was a known deposit mineral in character. In 1914, an act was passed which in effect separated the surface and the subsoil, and wherever there was subsoil mineral in character, that part was reserved by the Federal Government, and the surface was conveyed to private ownership; that is, whenever it could be conveyed under some existing Federal law. This reference is 30 United States Code, sections 121-124.

Under the present policy, it is impossible for the States to acquire title to land which is mineral in character unless through an act of Congress. However, Congress could convey to the States both the surface and the subsoil, even though it was mineral in character.

As I have previously stated, Mr. Chairman, if we are going to set that precedent, I believe the amendment I am about to offer should be included in this act.

VESTED RIGHTS MUST BE PROTECTED

It has long been the practice of Congress to protect prior rights and claims whenever it made a disposition of lands or mineral rights belonging to the United States. In many acts of Congress such prior rights have been protected.

In order to protect many small investors who have made application under the Federal Oil and Gas Leasing Act of 1920 for leases in the submerged lands beneath the sea-bottom lands or the submerged lands in the marginal sea, and whose cases are pending before the courts where their rights will be eventually determined, I wish to protect them by inserting at the end of section 5 in both Senate Joint Resolutions 13 and S. 294, the following amendment—I have heretofore read this amendment, Mr. Chairman, and if I may, include it in the record at this time.

Senator BARRETT. It may be received.

(The amendment referred to follows:)

"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 act 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 act 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."

Senator MALONE. Mr. Chairman, I want to emphasize again that there has been a great effort here to minimize the importance of persons who file on public lands due to the fact that some may be small, and their opponents may be worth a billion dollars. They may be worth only $2, and maybe they are in debt.

I want to describe one person, a lady who worked for the county government in Lincoln County, Nev. Her husband had spent about all their money in this particular matter, and died practically broke. She got herself a job to support herself and her family. Under her name the suit was filed that is about to be decided in the court in Washington, D. C. I have quite a responsibility, in my opinion, as Senator from the State of Nevada, to see that these small investors are protected if they have any rights. That is the way this amendment will work.

Mr. Chairman, the reason that a relatively small amount of money was put down on these lands is because that is what the law called for. They simply conformed to the law, whatever it was.

As a matter of fact, as the Senator from Wyoming knows, some of the greatest mines in the country have been located for a filing

fee with the county recorder. That is provided under our Federal law.

Then after they have $500 worth of work done, they get a mineral surveyor and they can survey that claim and patent it and pay $5 an acre.

Senator BARRETT. I do not think anybody is disposed to dispute the statement made by the Senator.

Senator MALONE. They do not dispute it, but they keep mentioning it every other breath.

Senator BARRETT. I do not think they can consistently do so, in my judgment.

Senator MALONE. They complain that the reporters get the wrong idea. I think the reporters are given the wrong idea. That is the reason they have it in their stories. As far as I know, they are very fair reporters. As far as I am concerned, they are.

I ask permission to put into the record here two amendments I am submitting. There are two amendments necessary, because one is Senate Joint Resolution 13 and the other is Senate bill 294. So I will ask permission to have them included at this point.

Senator BARRETT. Without objection, it is so ordered.

(The amendments referred to follow:)

"PROPOSED AMENTMENTS TO SENATE JOINT RESOLUTION 13

"On page 2, line 3, insert before 'this act' the following: "Titles I and II of.'

"On page 9, line 12, insert before 'this act' the following: 'Titles I and II of.'

"At the end of such joint resolution insert the following:

" 'TITLE III—MINERAL RIGHTS IN PUBLIC LANDS GRANTED TO STATES

" 'SEC. 10. Subject to the provisions of section 11 of this act all minerals and mineral rights in deposits in the public lands belonging to the United States, including (1) lands temporarily withdrawn or reserved for classification purposes, and (2) lands within grazing districts established pursuant to Public Law No. 482, 73d Congress, approved June 28, 1934, as amended (commonly known as the Taylor Grazing Act), except any such lands forming a part of a national forest, are hereby granted to the several States within the territorial boundaries of which such lands are situated. Such minerals and mineral rights and the proceeds derived from the sale, lease, or other disposition thereof shall be used for such purposes as the respective legislatures of such States shall determine.

" 'SEC. 11. (a) The provisions of section 10 of this act shall not apply (1) to any public lands with respect to which any entry has been made, or any right or claim has been initiated, under the provisions of law in force on the date of acceptance by the State of the grant made by such section except that upon the relinquishment or cancellation of such entry, application, right, or claim such lands shall become immediately subject to the provisions of this section, or (2) with respect to deposits of materials essential to the production of fissionable materials reserved for the use of the United States under the Atomic Energy Act of 1946, as amended.

" '(b) The grant made by section 10 of this act shall take effect with respect to the lands within a particular State whenever the legislature of such State (1) enacts legislation providing for the location and development of mineral deposits in the public lands of such States, corresponding to the laws then in effect relating to the location and development of mineral deposits in the public lands of the United States; (2) assumes in a manner satisfactory to the Secretary of the Interior all obligations of the United States with respect to any valid claims, rights, or privileges existing upon the date of acceptance by the State of the grant; and (3) by resolution, accepts the grant and deposits a certified copy of such resolution with the Secretary of the Interior. Upon receipt of a certified copy of a resolution of acceptance from any State and an instrument evidencing the assumption of such obligations, the Secretary of the Interior shall cause to be delivered to the proper officials of such State such maps, records, books, and documents as may be necessary for the enjoyment, control, use, administration, and disposition of such lands.

" '(c) Upon the acceptance by any State of such grant as provided in subsection (b), all laws and regulations relating to mineral rights and deposits in the public lands shall cease to be applicable to the public lands within such State, but such laws shall continue in force with respect to the lands and deposits excepted under this titlte.

" 'SEC. 12. As used in this title—

" '(a) Subject to the provisions of section 10 of this act, the term "public lands" means the public domain, surveyed or unsurveyed, unappropriated lands, and lands not held back or reserved for any special governmental or public purpose.

" '(b) The term "State" means any State of the Union.'

"PROPOSED AMENDMENTS TO S. 294

"On the first page, line 5, before 'this act', insert 'titles I, II, and III of.'

"On page 10, line 5, before 'this act', insert 'titles I, II, and III of.'

"At the end of the bill insert the following:

" 'TITLE IV—MINERAL RIGHTS IN PUBLIC LANDS GRANTED TO STATES

" 'SEC. 20. Subject to the provisions of section 21 of this act, all minerals and mineral rights in deposits in the public lands belonging to the United States, including (1) lands temporarily withdrawn or reserved for classification purposes, and (2) lands within grazing districts established pursuant to Public Law No. 482, 73d Congress, approved June 28, 1934, as amended (commonly known as the Taylor Grazing Act), except any such lands forming a part of a national forest, are hereby granted to the several States within the territorial boundaries of which such lands are situated. Such minerals and mineral rights and the proceeds derived from the sale, lease, or other disposition thereof shall be used for such purposes as the respective legislatures of such States shall determine.

" 'SEC. 21. (a) The provisions of section 20 of this act shall not apply (1) to any public lands with respect to which any entry has been made, or any right or claim has been initiated, under the provisions of law in force on the date of acceptance by the State of the grant made by such section except that upon the relinquishment or cancellation of such entry, application, right, or claim such lands shall become immediately subject to the provisions of this section, or (2) with respect to deposits of materials essential to the production of fissionable materials reserved for the use of the United States under the Atomic Energy Act of 1946, as amended.

" '(b) The grant made by section 20 of this act shall take effect with respect to the lands within a particular State whenever the legislature of such State (1) enacts legislation providing for the location and development of mineral deposits in the public lands of such State, corresponding to the laws then in effect relating to the location and development of mineral deposits in the public lands of the United States, (2) assumes in a manner satisfactory to the Secretary of the Interior all obligations of the United States with respect to any valid claims, rights, or privileges existing upon the date of acceptance by the State of the grant, and (3) by resolution, accepts the grant and deposits a certified copy of such resolution with the Secretary of the Interior. Upon receipt of a certified copy of a resolution of acceptance from any State and an instrument evidencing the assumption of such obligations, the Secretary of the Interior shall cause to be delivered to the proper officials of such State such maps, records, books, and documents as may be necessary for the enjoyment, control, use, administration, and disposition of such lands.

" '(c) Upon the acceptance of any State of such grant as provided in subsection (b) all laws and regulations relating to mineral rights and deposits in the public lands shall cease to be applicable to the public lands within such State, but such laws shall continue in force with respect to the lands and deposits excepted under this title.

" 'SEC. 22. As used in this title—

" '(a) Subject to the provisions of section 20 of this act, the term "public lands" means the public domain, surveyed or unsurveyed, unappropriated lands, and lands not held back or reserved for any special governmental or public purpose.

" '(b) The term "State" means any State of the Union.' "

Senator MALONE. Mr. Chairman, I asked permission in the beginning to round out or supplement my testimony because I had not had an opportunity to have a written statement. I simply made an extemperaneous statement.

Senator BARRETT. Senator Daniel, do you have any questions?

Senator DANIEL. I do not believe I have, sir.

Senator BARRETT. We thank you very much, Senator.

"SUPPLEMENTAL STATEMENT OF GEORGE W. MALONE, UNITED STATES SENATOR FROM THE STATE OF NEVADA

"The sea-bottom lands

"The proposal to cede or deed the sea-bottom lands with all the mineral rights therein to the States of California, Louisiana, and Texas completely reverses a century-old policy of the Congress of the United States reserving to the Federal Government known mineral rights underlying areas deeded to States or individuals.

"If the 83d Congress desires to chang this long-established policy then the change should be made to apply equally to all the States. My State of Nevada is 87 percent federally owned and the mineral rights are vital to us. All the public-land States are vitally affected and they should have the same privilege of receiving the mineral rights as the coastal States.

"For 50 years the Congress of the United States has followed a policy of advancing the cost of irrigation and reclamation projects. This policy provided for the Federal Government to advance the cost whenever a project was found feasible by the engineers of the Department of the Interior. Water users in these irrigation projects repay, without interest, the funds advanced by the Federal Government.

"At first only the 11 Western States were included in the area benefited by the reclamation fund, now 17 western arid and semiarid States receive its benefits.

"In 1920 the Oil and Gas Leasing Act was passed and for 33 years it has had the effect of supplementing the reclamation fund with 52½ percent of the royalty obtained from oil, gas, and mineral products produced on the public lands.

"These funds have been expended for irrigation and reclamation developments on the condition that the money be returned to the United States Treasury through repayments extending over a definite period of years.

"The Oil and Gas Leasing Act of 1920 provided that 10 percent of the royalty collectible under these leases would go to the Federal Government for administration purposes; that 37½ percent of such royalty would be paid to the States wherein the oil, gas, or minerals are produced; and that 52½ percent of such royalty is allotted to the reclamation fund for reclamation projects.

"Long before the Supreme Court of the United States rendered those decisions in the submerged lands cases, which decisions held that the sea-bottom land was not owned by the coastal States but was federally owned

lands, many citizens of the United States filed, under the Oil and Gas Leasing Act of 1920, on certain areas of these sea-bottom lands seaward from mean low tide.

"Those people made application under the Oil and Gas Leasing Act of 1920 to the Secretary of the Interior for leases to enable them to prospect for oil and gas in the sea-bottom lands of the marginal sea.

"In the first instances these applications were denied by the Secretary of the Interior on the ground that the Federal Government did not own such lands. Then almost immediately following the rendering of the decision by the Supreme Court in the case of the *United States* v. *California*, which decision denied State ownership and affirmed Federal ownership of the sea-bottom lands; the Secretary of the Interior again refused to consider the applications for leases, this time on the ground that the Oil and Gas Leasing Act of 1920 did not apply to the sea-bottom lands.

"Almost immediately these applicants, whose interests are evidenced in 11 applications, sued the Secretary of the Interior and petitioned the courts to reverse his opinion and for an order directing him to issue such leases. These 11 applications include the interests of several hundred persons, approximately 400 of whom are residing in my State of Nevada.

"To the pending bills which would cede or deed the sea-bottom lands to the coastal States, I have offered two amendments: First to provide that all public-land States shall be treated equally, if the century-old policy of reserving known mineral rights to the Federal Government, when public land is conveyed to States or individuals, is to be changed; and second, to protect any right that may have been acquired by citizens of the United States, by virtue of applications, under existing statutes of the United States, such as the Oil and Gas Leasing Act of 1920. Such rights should be completely safeguarded by this or and other Congress affecting them.

"Mr. Chairman, in my statement before the committee I intend to show:

"1. That there are no tidelands, inland waterways, river beds or lake bottoms involved in the Supreme Court decisions which decided that the States did not own sea-bottom lands; that the proposed legislation before this committee would reverse that decision by ceding the sea-bottom lands to the coastal States.

"2. That the statute of limitations or principle of laches or estoppel does not run against the Government; that the Government has not lost any rights by the prior actions of its officials or agents, and that the title to Federal lands or property could not be "clouded" by claims of ownership either by States or individuals.

"3. That there are no States rights involved, since the States have no legal interest in the sea-bottom lands beneath the marginal sea, and while the Congress has the unquestioned power to deed or cede any public property to a State or States—they cannot claim such action as a right.

"4. That the question of ownership of the sea-bottom lands came before the Supreme Court of the United States for the first time in the case of the *United States* v. *California*, decided June 23, 1947. The Supreme Court in its own words said '* * * it (the question of ownership of the submerged lands) is squarely presented for the first time.'

"5. That the Supreme Court, by its action, has not reversed any of its previous decisions in regard to States' ownership of the tidelands and inland waterways, but on the contrary has restated the rule of ownership by the States of their tidelands, inland waters, and lands under navigable lakes and streams.

"6. That the Supreme Court has squarely decided that the same rule of law—namely State ownership—applies to the lake-bottom lands of the Great Lakes as to the tidelands, inland waters and the bottoms of navigable rivers.

"7. That the 10th amendment of the Constitution (States rights) has not been violated by the Supreme Court decisions in the sea-bottom land cases, but on the other hand that amendment has been strengthened through clarification of ownership of the sea-bottom lands for the first time.

"8. That the sea-bottom lands are public lands in the light of Supreme Court decisions, and have always been public lands since the title could not have been clouded by any prior action by its agents, or any prior claim by any individual or State.

"9. That as public lands the sea-bottom lands should now be subject to leasing under the Oil and Gas Leasing Act of 1920 the same as any other public lands in spite of the opinion of the Secretary of the Interior to the contrary. Applicants for permits under the Oil and Gas Leasing Act have sued the Secretary of the Interior to reverse his decision.

"10. That any vested right, which may have accrued under any existing Federal statute prior to the effective date of quitclaim legislation ceding to the coastal States the sea-bottom lands, must be completely protected; and second, that all the public-land States should be treated equally and have conveyed to them the title to the mineral and mineral rights in the public lands within their boundaries, if the century-old congressional policy of reserving to the Federal Government known mineral rights when land was conveyed to individuals or States, is to be changed by quitclaim legislation.

"No property rights taken from the States

"The Supreme Court said in the California decision (*U. S.* v. *California* (332 U. S. 19, 39–40)) that 'the Federal Government's paramount rights in the 3-mile belt have not been lost by 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.'

"NOTE.—'Paramount rights' means the supreme title to property. Paramount—supreme. Right—a claim or title to property. (Webster's New International Dictionary of the English Language, 2d ed., 1949.)

"(By the term 'paramount' is meant superior, preeminent, or the highest rank (*Big Horn County* v. *Bench Canal Drainage District*, Wyo. (108 P. 2d 590, 594)).

"('Right,' as defined in law, is an enforceable claim or title to any subject matter whatever. Webster defines it as a legal claim, ownership, property (*Hathorn* v. *Robinson* (56 A. 1057, 1959))).

"The Court also said in that decision (332 U. S. 19, 29–39), that: 'California is not the owner of the 3-mile marginal belt along its coast.' One of the basic fallacies which constantly crops up in the contentions of the quitclaim advocates is that the Supreme Court by its decisions in the submerged-lands cases took away something from the States which had previously belonged to them.

"Thus there are statements (e. g., p. 238, supra) to the effect that the Federal Government, through the decisions of the Supreme Court in these submerged-lands cases, took away from 21 coastal States 17 million acres of land that they have claimed for over 100 years.

"This assumption involves two fallacies which I believe are obvious upon the slightest examination of such a statement. It assumes, first, that there is some statute of limitations or principle of laches which runs against the Federal Government, which, of course, has never been the law; and that principle is, in fact, reasserted in the California decision (321 U. S. 19, 39–40).

"Second, such a statement assumes that the Supreme Court in its submerged-lands decisions conveyed title to these submerged lands from the States to the Federal Government. But this completely overlooks not only the essential character of the judicial function, merely to declare the preexisting status of disputed property interests, but also the express determinations of the Supreme Court in those submerged-lands decisions that the States involved never, while they were States of the Union, had any title or property interests whatsoever in this area. As States, therefore, they were utterly destitute of any property interests in this area which the Supreme Court or anyone else could take away from them.

"These points appear to me, at least, to be undeniable from the barest statement of them, but I feel that they should be stated to combat and clear up the erroneous impressions and the confusion that they have undoubtedly caused in the minds of a number of people who are sincerely seeking to understand this controversy but who have been led heretofore to regard such fallacies as valid arguments.

"It is therefore established that the State does not own such sea-bottom lands within its borders, and that the Government does own such lands.

"Legal rules and precedents followed in deciding marginal sea cases

"Some of the testimony indicates that the Supreme Court on numerous occasions heretofore, has decided that the marginal sea lands belong to the States, and that in its recent decisions it has overturned and reversed that long line of decisions.

"I specifically refer, as an example, to the statement of my distinguished colleague, Senator DANIEL, at page 235, that 'there are about 43 Supreme Court cases that write the rule of State ownership broad enough to cover all submerged lands, both inland and coastal.'

"While I, of course, know that Senator DANIEL made that statement in good faith, I must point out that it is misleading on the basis of the decision of the Supreme Court, as specifically set out in the California case. The statement I refer to is based upon an incomplete version of the Supreme Court's language in that case, which language has often been advanced for the proposition which I am now considering. I am referring to the following portion of the Supreme Court's statement appearing at pages 36–37 (332 U. S. 19):

" 'As previously stated this Court has followed and reasserted the 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.'

"But the people who rely on that statement, it is to be noted, always refrain from continuing to quote the next statement immediately thereafter, which is as follows:

" '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.'

"What I want to emphasize is the Supreme Court's express determination that none of these 40-odd cases involved or decided any question of ownership of the sea-bottom lands in the marginal sea.

"All the lawyers with whom I have conferred assure me that it follows inescapably that all of the intimations regarding the status of the marginal sea, which may appear in some of these earlier decisions, and

which the quitclaim advocates contend should have controlled the Supreme Court's determination in the marginal sea cases, were purely obiter dictum. That being the case, the Supreme Court was acting with complete propriety and in the performance of its proper functions as a judicial body, when it ignored and disregarded such intimations by way of dicta in its earlier decisions.

"This point again is elementary, and typical statements of it can be found in any hornbook legal treatise. For example, a typical statement of this fundamental principle appears in 14th American Jurisprudence, pages 295–296, 'Courts,' section 83, as follows:

"'Obiter dicta. The doctrine of stare decisis contemplates only such points as are actually involved and determined in a case, and not what is said by the court or judge outside the record or on points not necessarily involved therein. Such expressions, being obiter dicta, do not become precedents.'

"I have gone into this question to set at rest the baseless criticisms which the quitclaim advocates have continuously made of the propriety of the Supreme Court's determination in the marginal sea cases, in the light of the obiter dicta in its previous decisions which, as the Court itself admits, in the California case, might be construed as pointing the other way.

"But the refusal of the Court to follow these dicta, under settled principles, was entirely proper; and the contentions of the quitclaim advocates to the contrary are simply in conflict with the elementary and universally accepted principles to which I have referred.

"State ownership of lands under inland waters affirmed in marginal sea decisions

"It is fundamental that no 'tidelands, inland waterways, navigable streams, or States rights,' are included in the Supreme Court decision. Time and again the advocates of the quitclaim legislation have raised the specter of a vast scheme on the part of the Federal Government, proceeding under the authority of the marginal sea cases, to seize without compensation anything within the boundaries of any State that the Federal Government wanted, and that the Supreme Court might say that the national interest required.

"I have always been inclined to believe that these arguments were raised in order to disguise the purpose of 3 States which will benefit greatly by State ownership, to frighten the other 45 States into making them a present of these immensely valuable resources that belong to all the people of the United States.

"Certainly, it does not follow from the fact that the Supreme Court in the California cases refused to extend out into the ocean rule of State ownership of inland waters, exemplified in *Pollard's Lessee* v. *Hagan* (44 U. S. 212), that the inland-water rule has been impaired or discredited in the slightest degree.

"Quite on the contrary, the Court recognized the continued force and existence of the inland-water rule as applied within the boundaries of the respective States.

"Thus the Supreme Court in the California decision expresses its conception of the doctrine of the *Pollard* case (332 U. S. 19, 30), as follows:

"'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.'

"The question before the Supreme Court in the California case was not whether the rule of the Pollard case should be abandoned, or impaired, or even qualified. The question was, as the Supreme Court itself said, whether the rule of the Pollard case—this rule of State ownership of tidelands and inland waters—should be extended beyond tidelands and out into the open sea.

"The Court on page 36 of the *California* case (332 U. S. 19, 36), while recognizing the continuing force of the Pollard rule, refused so to extend it in the following statement:

"'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.'

"So to me it is perfectly plain that the Supreme Court in the California case, far from impairing or overruling the Pollard rule of State ownership of inland waters, recognized and reaffirmed the doctrine of that case; but refused to extend it to an area to which it had never—in spite of the dicta upon which California relied—been applied in any case involving the question of the ownership of the marginal sea.

"The quitclaim advocates have repeatedly stated their unalterable opposition to any proposed legislation which would merely confirm the rule of the Pollard case, and vest in the States title to all State lands which would have qualified as such under the principle of the Pollard case, at the time of the Supreme Court's decision in United States against California.

"Why are they so strongly opposed to legislation that would completely and for all time remove the very apprehension upon the basis of which they urge the necessity for quitclaiming not merely the inland waters, but also the marginal sea oil to the three States of California, Texas, and Louisiana?

"By a quitclaim measure merely confirming State ownership under the principles of the Pollard case, they would be afforded a complete and final protection against the very thing they claim most to fear, and yet they have consistently and even violently rejected it. It is to be noted above all else that such a measure would not operate as a protection and a benefit to 3 States merely, but it would operate to the benefit, actual or supposed, of all 48 States.

"Yet they reject it and insist, upon some line of reasoning that I cannot follow, and that I challenge anyone to follow, that the way to remove this supposed threat to the property of all the States, is not merely to remove it specifically by legislation, but in addition for 45 States to deed away their oil property in the ocean solely to the enrichment of the 3 coastal States which lie adjacent thereto. To me this situation speaks so strongly for itself that I cannot see that further comment is called for.

"There is, of course, no question that the Congress can deed or transfer the publicly owned sea bottom lands, seaward from the mean low tide, to the contiguous States as well as any of the publicly owned land within the public land States—but certainly no State can claim a right to such transfer.

"State ownership of the lands under the Great Lakes is confirmed

"There is no basis for the claims that the Supreme Court decision affects any inland waters including the Great Lakes—in fact the reverse is true—because the decisions in the sea bottom lands cases establish even more firmly that the States own the land under their inland navigable waters.

"The proponents of the quitclaim legislation claim that the United States under the Supreme Court sea bottom lands decisions now have the authority to go out and seize the lands underlying the Great Lakes. For this proposition there has been cited the case of *Illinois Central Railroad Co.* v. *Illinois* (146 U. S. 387). It is said that this case holds that the Great Lakes are like the open seas and not like inland waters.

"From this, as I gather, it is to be inferred that the Supreme Court will next say that the Great Lakes are not like the State-owned tidelands whose status is governed by the Pollard rule which the Supreme Court expressly recognized and reaffirmed in the California case, but, on the contrary, are like the sea bottom lands under the marginal sea, which the Court in the same decision said is subject to the paramount rights of the United States.

"But on its face, as clearly as language could possibly express it, the Illinois decision states just the opposite position, namely, that the Great Lakes are governed by the Pollard rule, and are owned by the States just as fully as any State owns its tidelands.

"I am in fact greatly surprised that such a contention should have been advanced before the committee. I have carefully considered the language of the Supreme Court in this Illinois decision, and I have obtained the views of several able lawyers as to the Supreme Courts holdings in that case.

"Without exception their views have concurred with my own, and I have concluded not only that the Illinois decision squarely decides that it is the States, and not the Federal Government, that own the bottom of the Great Lakes, but also that this ownership arises by virtue of the force and application of the rule of the Pollard case.

"In my opinion, the contention I am considering is refuted and entirely disposed of by the following statement of the Supreme Court appearing at pages 434–435 of the Illinois decision:

"'The State of Illinois was admitted into the Union in 1818 on an equal footing with the original States in all respects. * * * The boundaries of the States were prescribed by Congress and accepted by the State in its original constitution. They are given in the bill. It is sufficient for our purpose to observe that they include within their eastern line all that portion of Lake Michigan lying east of the main land of the State and the middle of the lake * * *.

"'It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tidewaters, within the limits of the several States belong to the respective States within which they are found. * * * This doctrine has been often announced by this Court, and is not questioned by counsel of any of the parties. *Polland* v. *Hagan* (44 U. S. 212, 3 How. 212). * * *

"'This same doctrine is in this country held to be applicable to lands covered by fresh water in the Great Lakes over which conducted an extended commerce with different States and foreign nations. These lakes possess all the general characteristics of open seas, except in the freshness of their waters, and in the absence of the ebb and flow of the tide. In other respects they are inland seas, and there is no reason or principle for the assertion of dominion and sovereignty over and ownership by the State of lands covered by tidewaters that is not equally applicable to its ownership of and dominion and sovereignty over lands covered by the fresh waters of these lakes.'

"No States rights involved

"There are no States rights involved in this controversy concerning the sea-bottom lands of the marginal sea.

"In the course of the hearings and of previous debates, both this year and in past years, I have heard bandied about a great many references to States' rights and many implications and assertions that the Supreme Court's decisions in the submerged lands cases stood in violation of the provisions of the 10th amendment of the Constitution. The 10th amendment, of course, provides—

"'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.'

"While I do not profess to be an authority on constitutional law, this argument which, as I understand it, is apparently to the effect that the Supreme Court by its decisions in the submerged lands cases unlawfully invaded States' rights in violation of the 10th amendment, and in my judgment these statements are without foundation.

"The Supreme Court in the *California* decision (332 U. S. 19, 37) said that '* * * It [the question of ownership of the sea bottom land] is squarely presented for the first time.'

"It is also established that the statute of limitations does not run against the Government—therefore when the Court said that 'California is not the owner of the 3-mile marginal belt along its coast' (*U. S.* v. *California* (332 U. S. 19, 29-39)) it declared that California had no interest in the sea bottom lands and no right could be established by virtue of prior claims.

"Chief Justice Hughes, I am told, once said that the Constitution is what the Supreme Court says it is, and certainly no truer words have ever been spoken.

"The Supreme Court in the California case said that since the States had by the Federal Constitution delegated to the National Government exclusive powers in the fields of war, commerce, and international affairs, the proper exercise of those exclusive functions, under the Constitution, required that the Federal Government, and not the States, have paramount rights in the marginal sea. And inasmuch as these constitutional powers have been delegated by the States to the National Government with respect to these marginal sea lands, these powers are expressly excepted by the terms of the 10th amendment itself from the reservations of power which are preserved to the States thereby.

"In the light of these undeniable considerations, I must confess that I am unable to follow their reasoning when they say that the Supreme Court went counter to the 10th amendment.

"Sea-bottom lands are 'public lands'

"Many of the proponents of quitclaim legislation and former members of the Departments of Justice and Interior claim that the sea bottom lands under the marginal sea are federally owned but are not 'public lands.'

"The former Solicitor for the Department of the Interior took the position that the National Oil and Gas Leasing Act of 1920 applies to 'public lands,' but that it does not apply to the federally owned sea bottom lands because those lands do not qualify as 'public lands.'

"On that basis the Department of the Interior has refused to grant permits to applicants under the Oil and Gas Leasing Act, and has denied the application of those who have filed for prospecting permits and leases under that act. These lands could be leased under the Oil and Gas Leasing Act now if it were not for what I consider erroneous opinions given by members of the previous administration.

"The case of *Hynes* v. *Grimes Packing Co.* (337 U. S. 86) decided by the Supreme Court of the United States on May 31, 1949, has come to my attention, and I believe that the decision definitely and finally determines that the land under the marginal sea is 'public land.'

"The issue in that case was whether certain Indians in Alaska had the right to fish for salmon in the marginal sea off the Alaska coast. The existence of this right depended upon whether the marginal sea lands were covered by a statute, the body of which specifically declared that it should apply to the 'public lands' of the United States in accordance with the explicit requirements of the statute under which the rights of the Indians were claimed. The material part of the statute in question (S. 2 of the act of May 1, 1936, 49 Stat. 1250, sec. 337 U. S. 86, 91) provided:

"'SEC. 2. That the Secretary of the Interior is hereby authorized to designate as an Indian reservation any area of land which has been reserved for the use and occupance of Indians or Eskimos * * * together with additional public lands adjacent thereto, within the Territory of Alaska, or any other public lands which are actually occupied by Indians or Eskimos within said Territory. * * *'

"Here, then, was a measure which by its own plain and explicit terms was stated by the Congress to be applicable to 'public lands' of the United States. The Supreme Court reversed a decision of the circuit court of appeals which had held that the statute did not apply to the marginal sea lands by reason of the 'public lands' limitation in the text of the act.

"In reversing the court of appeals, the Supreme Court held, exactly to the contrary, that this statute, applicable to 'public lands' does apply to the marginal sea. Unless it is to be argued that the 2 situations are different because 1 involves oil, and the other involved fish, I see no escape from the conclusion that the marginal-sea lands, wherever situated, are 'public lands' under the authority of the Supreme Court's decision in this case of *Hynes* v. *Grimes Packing Co.*

"Vested rights must be protected

"The point has been raised and statements made to the effect that there is no need for an amendment to the proposed legislation before this committee, because vested rights could not be destroyed by legislation. The former Senator Burton K. Wheeler's testimony before this committee very ably explained why a saving clause is necessary.

"I join with Senator Wheeler in his statement that such a provision is necessary and that the congressional precedent in safeguarding such rights is both necessary and customary—when he said:

"'At previous hearings I have been asked, since vested rights cannot in any event be destroyed by legislation, why I nevertheless am asking for a specific saving clause in the bill to protect those rights. While from the academic standpoint of abstract theory that might be a good question, yet anyone who has had practical experience as a lawyer must know that where a piece of legislation sets about to destroy vested rights, the chances of the people affected to have their rights vindicated in judicial proceedings are often jeopardized and very unfairly prejudiced. As a practical matter, these people will have to overcome both the presumption which the courts say exists in favor of the constitutionality of all acts of Congress, and the reluctance of the courts to apply this drastic remedy which would nullify a congressional enactment in order to save private rights which enjoy the higher protection of the Constitution. Now I have no doubt that these applicants would ultimately succeed in having this legislation stricken down on that basis; but I only say that failure to include a saving clause protecting their rights will impose upon them an unfair and entirely unnecessary burden in the courts.'

"As a practical matter I believe this committee, which has spent so much time and effort to hear all sides of this controversy, should take every precaution to protect its own legislation from attack on the grounds of constitutionality.

"Historically it has been the policy of Congress to protect prior rights and claims whenever disposition was made of lands and mineral deposits belonging to the United States.

"In at least 19 acts of Congress, vested rights were specifically protected. In the Mineral Leasing Act itself prior claims were protected in section 37 of that act. As another example when the Congress passed the Acquired Lands Act of August 7, 1947, it inserted a savings clause which not only protects all prior rights but even went so far as to reinstate any valid applications filed on such lands under the Oil and Gas Leasing Act of 1920.

"Inasmuch as the policy of Congress has been to include a savings clause in its acts in making disposition of lands with mineral deposits, I see no reason why that policy should now be changed.

"Grant ownership of minerals to all the States

"Mr. Chairman, it has long been the policy of the Federal Government in its disposition of public lands to withhold rights in the subsoil containing known mineral deposits. For the benefit of the record I wish to include as part of this statement a letter from Mr. William Pincus, Assistant Director of the Bureau of Land Management of the Department of Interior, setting forth this well-established policy.

"DEPARTMENT OF THE INTERIOR,
"BUREAU OF LAND MANAGEMENT,
"Washington 25, D. C., March 2, 1953.

"Hon. GEORGE W. MALONE,
"United States Senate,
"Washington, D. C.

"MY DEAR SENATOR MALONE: You have asked for a brief statement outlining the conditions under which minerals are reserved by the United States in grants of land made under acts of Congress.

"Prior to the act of March 3, 1853 (10 Stat. 244), which granted inter alia certain lands to the State of California for school purposes, it had been the general policy of Congress to grant lands, whether to individuals or to States, without regard to whether or not they contained minerals. That act marked a change in this policy. It provided in express terms that the mineral lands were excepted from preemption and from public sale. And, as held by the United States Supreme Court in *Mining Company* v. *Consolidated Mining Company* (102 U. S. 167), this exception went to land grants generally thereafter made by Congress.

"The general policy of reserving mineral lands from disposal under all grants except for locations under the mining laws, act of May 10, 1872 (17 Stat. 91, 30 U. S. C., sec. 22, et seq.), and the sale of coal lands under the act of March 3, 1873 (17 Stat. 607, 30 U. S. C., sec. 71), was continued without change until 1909. The act of March 3 of that year (35 Stat. 844, 30 U. S. C., sec 81), provided for the patenting of entries theretofore made under the non-mineral-land laws of lands classified, claimed, or reported as being valuable for coal with a reservation of the coal deposits to the United States. The act of June 22, 1910 (36 Stat. 583, 30 U. S. C., sec. 83), extended this principle to all nonmineral, homestead, and desert land entries and to all selections of coal land thereafter made. The act of July 17, 1914 (38 Stat. 509, 30 U. S. C., sec. 121), permitted the entry and patenting of lands withdrawn or classified, or which are valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals with a reservation to the United States of the particular mineral for which the land was withdrawn, etc. Sodium and sulfur were added by the act of March 4, 1933 (47 Stat. 1570, 30 U. S. C., sec. 124).

"The act of December 29, 1916 (39 Stat. 862, 43 U. S. C., sec. 291), provided for stock-raising entries of 640 acres with a reservation to the United States of all minerals. This act differed from the three preceding acts in that all minerals were required to be reserved as a matter of course without regard to the known mineral character of the land whereas the prior acts, applicable, as to private entries to a maximum of 320 acres under the enlarged homestead and desert land laws, provided for a reservation only of known minerals of the kinds specified in the acts.

"The act of March 20, 1922, as amended February 28, 1925 (43 Stat. 1090, 16 U. S. C., sec. 486), provided for the exchange of national forest land or timber for privately owned lands and that either party to such an exchange might make reservations of minerals, etc., in the lands exchanged. Similar authority is contained in section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272, 43 U. S. C. sec. 315g).

"The Taylor Grazing Act, supra, in section 7, as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C., sec. 315f), also provided that before disposing of any public land the Secretary of the Interior should classify it as more valuable or suitable for the purpose contemplated by the proposed disposal than for the production of native grasses and forage, but did not effect any change in the policy of reserving minerals, except that by implication it repealed the Stock Raising Homestead Act of December 29, 1916, supra. Thus, under present law and with the exception of the forest and Taylor Grazing Act exchange provisions (and perhaps other laws of limited scope) under which all minerals may be reserved whether known to exist or not, the policy of reserving minerals in lands disposed of under nonmineral-land laws applies to minerals known or believed to exist in the lands on the date of entry and/or patent. Those minerals, except asphalt, are all subject to leasing under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437, 30 U. S. C., sec. 181, et seq.), as amended. Under that act all proceeds from leasing are distributed 37½ percent to the State in which the leased land is situated, 52½ percent to the reclamation fund, and 10 percent to the general fund.

"As of June 30, 1950, all minerals had been reserved in 36,611,032 acres of patented lands; coal had been reserved in 10,947,032 acres and either oil, gas, phosphate, potash, sodium, sulfur, or asphalt or combinations of those minerals, but principally oil and gas, had been reserved in 2,135,131 acres of patented public lands.

"I trust that this is the information you desire.

"Sincerely yours,

"WILLIAM PINCUS,
"Assistant Director.

"As I have previously stated, the coastal States certainly have no valid claim to the sea-bottom lands of the marginal sea since the Supreme Court decisions in *U. S.* v. *California* (332 U. S. 19). However, if the Congress is going to change its long-established policy of reserving the mineral rights, and is instead going to grant to the coastal States fee simple title or title to the mineral rights or title to the subsurface values found under the sea-bottom lands as the present Attorney General suggested in the committee hearings, then I say all of the States must be treated equally.

"I have proposed in my previous statement before this committee an amendment to grant to such States title to all minerals and mineral rights within their boundaries.

"At this point I wish to include as a part of this statement a portion of a telegram addressed to me from Mr. Louis D. Gordon, executive secretary of Nevada Mining Association, recommending that the mineral rights be granted to the States:

"'In re your telephone conversation with Hardy, we advocate transferring all mineral rights—metallic, nonmetallic, and oil—to States.'

"Mr. Chairman, I again want to call to the attention of this committee the century-old policy of reserving to the Federal Government known mineral rights whenever federally owned public lands are conveyed to States or to individuals.

"I want also to emphasize the benefits derived under this long-established policy. As a consequence, the mineral rights are leased under the provisions of the Natural Oil and Gas Leasing Act of 1920 and from the royalties 52½ percent is allocated to the reclamation fund and is expended for irrigation and reclamation projects in the 17 Western States.

"These benefits will be nullified if this quitclaim legislation is passed and the mineral rights in the submerged lands are conveyed to the States.

"Mr. Chairman, in closing, I want to again point out that many citizens of the State of Nevada and of other States have made application under the National Oil and Gas Leasing Act for permits and leases to prospect for oil and gas in the sea-bottom lands.

"These applicants which I have mentioned have an interest in 11 applications filed at least 90 days prior to an amendment to the Mineral Leasing Act of 1920, dated August 21, 1935, which directed the Secretary of the Interior to grant leases for all valid applications.

"Through certain pretexts, which have heretofore been set forth and explained, these applicants have not been granted leases to certain areas of the sea-bottom lands.

"If the Federal Government is going to cede or deed the sea-bottom lands to the coastal States, these applicants with vested rights under the existing Federal laws must be protected. I have proposed an amendment to protect these rights, and I intend to work for its adoption."

Mr. MALONE. Madam President, I also ask to have printed in the RECORD certain excerpts from the biennial report of the State engineer of Nevada for 1929-30, GEORGE W. MALONE, then State engineer of Nevada.

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

BUREAU OF INDUSTRY, AGRICULTURE, AND IRRIGATION

The State engineer, by virtue of his position, is a member of the commission of bureau of industry, agriculture, and irrigation.

This commission has not been active, due to lack of appropriations to support investigations and operations necessary to the proper functioning of this body.

RANGE CONTROL

The problem of proper utilization of the public range in our State is difficult of solution due to the extremely low grazing value. According to Government reports covering the approximately 55 million acres of unappropriated and unreserved public domain, it requires an average of 140 acres to graze a cow unit and 40 acres to graze a sheep unit for 1 year. It is obvious then that any solution of our range problems must be such that a very small expenditure for supervision will be required.

RANGE ALL UTILIZED

It is well known to the stockmen and those familiar with range conditions that all of the public range in Nevada has been utilized for 25 or 30 years, and during that period any new user who has placed additional livestock upon the range has only displaced stock that were already there or caused the range to be overgrazed. No new wealth has been created—rather, it has tended to decrease the resources of the State on account of the deterioration of the range due to overgrazing.

RANCHES DEPENDENT UPON RANGELAND

The value of the ranches scattered widely throughout the public lands of our State is for the most part directly dependent upon the surrounding range. To preserve such value enough of the adjacent range must be retained to graze the number of livestock during the spring, summer, and early fall that the ranch will provide feed for in the winter.

The assessed valuation of such ranch property is based upon a complete unit in nearly every case, and if the range is to be considered separately or taken from the control of the ranches, then the assessed value of the ranch must be reduced accordingly.

If each individual were to be given the range unit used by him, no new values would be found or created, but the present assessed value would merely be redistributed. The only new value created would be whatever development of the range could be brought about by virtue of more perfect control of the range unit and it would require considerable time to become noticeable.

FOREST RESERVE VERSUS STATE METHODS

The Forest Service has done and is doing a splendid work in conservation of the forests; however, when any branch of the Government created for a special service enlarges its field of activity and enters into an entirely new work, its methods should be scrutinized carefully and the personnel of such branch of the Government should study local conditions carefully and consult men familiar with the particular territory before establishing principles and policies affecting an important industry.

The Forest Service follows the policy of redistribution of range and of charging the stockmen the full value of the feed. Redistribution in some instances means taking part of the range from one user and giving it to another under certain conditions and at certain periods.

The State's method is to protect the range units, insofar as possible, as established by long use, allowing the natural economic situation to take care of any redistribution and appropriating sufficient funds for the actual expense of supervision.

It would seem that when a complete livestock unit has been built up over a period of years, such unit consisting of a summer, winter, spring, and fall range, with a ranch of sufficient size to balance same, one part of the unit as the summer range—which is largely controlled by the Forest Service—should not be arbitrarily decreased, leaving the owner of such unit with a reduced carrying capacity and with the same investment in his plant.

In the matter of the charges for the use of such range, where the land is of such small grazing value, it is concluded that any system of charges must be subject to close scrutiny or a real injustice may be done.

STOCK WATER LAW

The Stock Watering Act of Nevada became a law on April 1, 1925. This act is predicated upon the principle that the value of a right to the use of water for stock watering at a particular source upon the public domain is directly dependent, not upon the number of stock that can water at said watering place, but upon the number of stock that can graze and feed upon the available range readily accessible to livestock watering at such place. In other words, there has been a definite relationship established between the water and range value. Thus, it would seem that the Nevada Stock Watering Act accomplished indirectly that which is intended by the Colorado regulation. The constitutionality of the Nevada Act has been upheld by the Nevada Supreme Court in the Calvo case, decision No. 2747, February 21, 1927. The validity of this act therefore seems to be unquestioned, while the Colorado law remains to be tested in a higher court.

Contrary to the opinion held by many, the Nevada Stock Watering Act did not change the manner of procedure in which a valid stock watering right could be acquired. It has, however, fixed a method for the more exclusive control of range by virtue of valid stock watering rights and protects prior or vested users against subsequent appropriation. Neither has the act, as asserted by some of its opponents, granted any additional rights not previously enjoyed by stockmen, such as a right to 1 day's watering without

penalty, as prior to the enactment of this legislation there was no limit to the number of times stock could be watered at a particular place.

RANGE MAPS

In order that the State engineer, who is charged with the administration of the Stock Watering Act, could intelligently formulate departmental policies governing the administration of this act, it has been necessary to make a comprehensive study of the whole stock watering and range problem during the past 4 years. As an aid in making this study and formulating policies, numerous stockmen throughout the State have, upon request, submitted maps showing boundaries of the range claimed by them. With these maps as a working basis a State range map has been compiled, showing the relative locations of ranges claimed by various stockmen throughout the State of Nevada. Up to the present time 224 range claimants have submitted maps, which have proved an invaluable source of range and stock watering information, and which will undoubtedly form the basis for the ultimate determination of range rights and the settling of range disputes.

VESTED RIGHTS IN RANGE

There has been considerable discussion as to whether or not a vested right should be gained by long use of the range on the same principle as laid down in our water law. Whether rights are vested or not, it is generally conceded that any division of the range or the fixing of range boundaries should be based on "use of range." The State's method of control of range units built up over a long period of years must be recognized as economically sound and protected as far as possible under the police power of the State, provided Federal recognition can be secured of the State's method of control.

FURTHER RANGE LEGISLATION

It is proper at this time to proceed with further legislation under the police power of the State to protect established range limits from further encroachment in order to prevent range conflicts, with the consequent overgrazing and abuse of the range.

Mr. MALONE. Madam President, I offer my amendment to Senate Joint Resolution 13 for the purpose of treating all of the public-land States alike, if we are to break the precedent of withholding known minerals when land is deeded to the States.

I offer the amendment for the further purpose that if the Congress determines to split away from the reclamation fund the production of petroleum and gas from certain public lands in certain States, then allow the remaining States to utilize their own resources for their own development.

Madam President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks certain excerpts from the hearings in executive sessions before the Committee on Interior and Insular Affairs of the Senate.

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

OWNERSHIP OF THE PUBLIC LANDS IN CALIFORNIA

Senator CORDON. With respect to California, and a portion of California coast; yes.

The next change, and I am not referring now to the changes in the letters identifying the paragraphs, in line 16, we have subparagraph (d), in line 19, the word "from" has been inserted. In line 20, the phrase "if legally validated" has been inserted. The reason for that phrase being inserted is that with respect to the Louisiana Purchase and possibly some of the Mexican grants, there were ancient grants by the former sovereign. Those grants have either been validated or are no longer deemed to be instruments of title.

Senator MALONE. Who was the original sovereign off the coast of California?

Senator CORDON. Spain.

Senator ANDERSON. And Russia after that.

Senator CORDON. Yes; I believe Russia then.

Senator MALONE. It is included in the land grants from Spain?

Senator CORDON. The grants in California were from Spain.

Senator MALONE. And they were granted to whom?

Senator CORDON. Various Spaniards.

Senator MALONE. To individuals.

Senator CORDON. That is correct.

Senator DANIEL. And Mexico.

Senator CORDON. That is right, Mexico. I forgot about that.

Senator MALONE. The grants were to individuals, were they not?

Senator CORDON. That is right, grants to persons. And there were vast grants in Arizona, what is now Arizona, and New Mexico.

Senator MALONE. What happened to the land where there were no grants to individuals? The remainder of such land was granted to or ownership assumed by the Federal Government of the United States, was it not?

Senator CORDON. When the areas came under the jurisdiction of the United States, the land became owned by the United States, and the grants in part, where they hadn't been secured by fraud, or there wasn't some other reason for failure to validate, were validated.

Senator MALONE. The Government of the United States did there and then own the lands that were not specifically granted to individuals, and then the United States Government recognized such legitimate grants to individuals; our Government then recognized such grants as they considered were obtained from Spain or Mexico in a proper manner.

Senator CORDON. That is right.

Senator MALONE. Then the State of California never did at any time own such land?

Senator CORDON. No.

* * * * *

Senator MALONE. Mr. Chairman, I had intended to offer two amendments to each of the bills. Now, as I understand it, there is only one bill before the committee. Everything else has been discarded. That is, the rewritten bill presented by the chairman today nullifies all other offered legislation.

Senator CORDON. I do not want to say everything has been discarded. This is *the one* bill that has been gone through with regard to perfecting its amendments, as far as its major provisions are concerned, and the Chair has submitted it to the committee.

Senator ANDERSON. Permit me just a second. There are some bills that naturally would fall by the wayside. For example, I have a bill for interim operation of this area. If you are going to give title, definitely, to the States, there is no need for interim operation in that area. Secondly, I have a bill to try to make sure that title to these inland waters and lands underneath navigable streams, and filled-in lands, return to the States. Now, on the basis of the explanation that the chairman just made, if this bill were to be passed, I would not be interested in pushing that legislation because if the grants to the States should be held unconstitutional, the other act still applies.

I have no assurance that this act would be held unconstitutional, but if it should then the grants to the States on the inland waters still apply.

PERMIT APPLICANTS—NATIONAL OIL AND GAS LEASING ACT

Senator MALONE. I will amend my statement, Mr. Chairman, that the junior Senator from Nevada did not recognize the bill after the chairman brought it in, and could not find any suitable place to immediately offer the amendments. But, given time to read it, I think it can be arranged.

Senator BUTLER. Mr. Chairman, there may be others in the same predicament, and I think that all that is necessary is for Senator MALONE to offer his amendment to be placed at the proper place in the bill, and it will be done.

Senator MALONE. As I understand the proposition it is that we will read them into the record now, if we wish to, but nothing will be done about it until tomorrow.

Senator CORDON. That is the chairman's thought about it.

Senator MALONE. I intend to offer two amendments, Mr. Chairman. In view of all the debate and the hearings that were held, it was made very clear that there had been certain applications for permits to prospect for oil and gas under the National Oil and Gas Leasing Act. These filings were made prior to the amendment to the National Gas and Oil Leasing Act, in 1935. That is, August 21, 1935, is the date of the amendment.

The applications were made one certain specified time before this amendment which would bring them within the purview of the act itself. The only reason is that they were not granted, and there were two reasons given as time went on, as follows: The first and earlier reason was that the Secretary of the Interior thought they belonged to the States and therefore he could not grant the permit through the applications, and then as soon as he found that they were publicly owned Government lands, he immediately, and without delay, ruled that the National Oil and Gas Leasing Act was not applicable to the sea-bottom lands, thus giving the appearance of reading the menu backward in both cases to prevent permits being granted under the applications. Under these rulings the Secretary of the Interior would not be under obligation to issue the permits.

As has been brought out in the argument and testimony before the committee, there were 11 applications, and approximately 400 people in my State and perhaps others in other States are interested in these 11 applications. Immediately after the Secretary's decision, there was a suit directed against the Secretary of the Interior through the Federal court here to reverse his decision. That case has been argued, I understand, in the Federal court here in Washington, D. C. It has been tried and argued and is ready for decision.

That decision, and the fact seems to be well known, has been held up until the Supreme Court has either adopted the master's report as to where the boundary between the inland waterways and the open sea is located, or has been amended or settled that issue in any case, and then this decision will be rendered either for or against the Secretary.

If it is rendered against the Secretary, then these applications would be immediately ready to be acted upon by the Secretary under the National Oil and Gas Leasing Act in the absence of legislation by the Congress transferring these lands to the States or making disposition of them in some other way.

PROTECT RIGHTS OF APPLICANTS, IF ANY

I will offer an amendment that will protect any rights that may have been acquired by these individuals through the 11 applications for permits to develop these sea-bottom lands, by virtue of the fact that they were in good standing before the Secretary of the Interior.

I will read this amendment that was prepared for the bill as it stood before committee print No. 4 came before us today. It reads:

"At the appropriate place in Senate Joint Resolution 13, as amended, insert the following:

"'(b) Nothing contained in this act shall affect such rights, if any, as may have been

acquired under any law of the United States by any person in lands subject to this act 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 contained in this act 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 act or authorizes or compels the granting of such rights in such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything contained in this act.'"

Senator MALONE. That completes the first amendment. I would suggest, Mr. Chairman, that it be discussed at the proper time and that it be inserted in the proper place.

Senator CORDON. May I interrupt you to ask if you, after reading them into the record, would permit the committee to have them. Tonight we could have a print made of them so that every member may have your amendments tomorrow morning.

Senator MALONE. Now, Mr. Chairman, I wish to offer another amendment to Senate Joint Resolution 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. Chairman, this amendment is presented for the record for the reason that is known to most persons who are familiar with the Federal action on public lands over the last few years, and brought out very clearly in the hearings, that for approximately a century the Federal Government had withheld known mineral rights when they were deeding lands to the States or persons.

The public-land States, of course, are the 11 Western States, although the 2 Dakotas have a certain amount of public land. But that is about all the public land that is left as such.

Mr. Chairman, if that precedent is to be broken, the precedent as it has been established of withholding mineral rights, then treat all public-land States alike. The Supreme Court did rule that the States did not own the sea-bottom lands, that the Federal Government had paramount rights in and dominion over these lands, and all of these words and phrases are foreign to engineer language. But upon looking them up in the dictionary, and consulting eminent attorneys, they are defined as the highest possible title. The Federal Government owns these lands so the Supreme Court says. There is no question about their being public lands. Now if we are about to break that century-old precedent and deed the mineral rights on Federal land containing known minerals to the States, then my amendment would treat all public-land States alike.

Therefore, I offer this amendment to be inserted in the proper place in the resolution.

In many States the question of public lands may be a small matter, but when you get out to Colorado, New Mexico, and Nevada, it becomes a major issue and is nothing to be trifled with, or just laughed off, that you can do something with public lands in some States and you can do something else with other public lands in other States, because you cannot do it and still keep faith with the public-land States.

PUBLIC LANDS IN TRUST FOR THE STATES

It has been established in the testimony before this committee many times that the whole public-land policy of Congress for nearly a century pointed to the fact that they were holding the lands in trust for the States until they could find some method of transferring them to private ownership under Federal law and putting them on the tax rolls. They did that through homesteads, through mining claims, and other Federal legislation for a nominal filing fee. The objective was to arrange it so that an individual secures enough land to make a living. If it is mining, it is the amount of land that he can work handily, because in the Mining Act it is set down that he must do $100 worth of work a year to hold his mining claim. If it is agricultural land, 160 acres was estimated about right for a family—all for a nominal filing fee.

This is a definite change in public-land policy. We are about to deed this land with the known mineral rights to the United States.

I therefore offer the following amendment to be placed at the end of Senate Joint Resolution 13:

"TITLE III—MINERAL RIGHTS IN PUBLIC LANDS GRANTED TO STATES

"SEC. 10. Subject to the provisions of section 11 of this act all minerals and mineral rights in deposits in the public lands belonging to the United States, including (1) lands temporarily withdrawn or reserved for classification purposes, and (2) lands within grazing districts established pursuant to Public Law No. 482, 73d Congress, approved June 28, 1934, as amended (commonly known as the Taylor Grazing Act), except any such lands forming a part of a national forest, are hereby granted to the several States within the territorial boundaries of which such lands are situated. Such minerals and mineral rights and the proceeds derived from the sale, lease, or other disposition thereof shall be used for such purposes as the respective legislatures of such States shall determine.

"SEC. 11. (a) The provisions of section 10 of this act shall not apply (1) to any public lands with respect to which any entry has been made, or any right or claim has been initiated, under the provisions of law in force on the date of acceptance by the State of the grant made by such section except that upon the relinquishment or cancellation of such entry, application, right, or claim such lands shall become immediately subject to the provisions of this section, or (2) with respect to deposits of materials essential to the production of fissionable materials reserved for the use of the United States under the Atomic Energy Act of 1946, as amended.

"(b) The grant made by section 10 of this act shall take effect with respect to the lands within a particular State whenever the legislature of such State (1) enacts legislation providing for the location and development of mineral deposits in the public lands of such State, corresponding to the laws then in effect relating to the location and development of mineral deposits in the public lands of the United States, (2) assumes in a manner satisfactory to the Secretary of the Interior all obligations of the United States with respect to any valid claims, rights, or privileges existing upon the date of acceptance by the State of the grant, and (3) by resolution, accepts the grant and deposits a certified copy of such resolution with the Secretary of the Interior. Upon receipt of a certified copy of a resolution of acceptance from any State and an instrument evidencing the assumption of such obligations, the Secretary of the Interior shall cause to be delivered to the proper officials of such State such maps, records, books, and documents as may be necessary for the enjoyment, control, use, administration, and disposition of such lands.

"(c) Upon the acceptance by any State of such grant as provided in subsection (b) all laws and regulations relating to mineral rights and deposits in the public lands, shall cease to be applicable to the public lands within such State, but such laws shall continue in force with respect to the lands and deposits excepted under this title.

"SEC. 12. As used in this title—

"(a) Subject to the provisions of section 10 of this act the term 'public lands' means the public domain, surveyed or unsurveyed, unappropriated lands, and lands not held back or reserved for any special Government or public purpose.

"(b) The term 'State' means any State of the Union."

Mr. Chairman, that concludes the amendments that I intend to offer at the proper time, to conform to the policy being adopted by this act.

Senator ANDERSON. May I ask the Senator from Nevada if this is a grant to the public land States of the minerals lying beneath their public lands?

Senator MALONE. That is true in the same manner as the mineral rights are going to the States under the sea-bottom lands.

Senator ANDERSON. The forests are exempted here. There are mineral values in the forests. While I would not interfere with the national forests, does he intend to include mineral rights beneath the national forests?

I ask that question, Mr. Chairman, because while I was Secretary of Agriculture I attempted to transfer—and I believe I did transfer—to the Department of the Interior the responsibility for leasing forests for mineral development on the theory that they were equipped to handle mineral development and the Department of Agriculture was not.

Senator MALONE. It would be subject to discussion. Perhaps they should be included with proper safeguards. My idea, principally, was to transfer the mineral rights to all lands not specifically withdrawn for a specific Federal purpose. That does not, of course, really prevent the United States Government from proceeding in the usual manner from releasing the minerals upon the lands at their discretion. But perhaps they should be included in this amendment.

Senator ANDERSON. Furthermore, I happen to know in my State, and I assume in a good many other States, there was a good deal of land to be selected by the State for various purposes, grants to schools and otherwise.

The Federal Government never allowed the States to select any section known to be mineral in character or where the geological report at any time had indicated the presence of mineral deposits.

Now, since a great section of the State is known to have coal underlying it, all those areas where coal underlies it, which means any area a few miles north of Albuquerque up to the corner of the State where it borders Utah, Colorado, and Arizona, that entire section is underlain with coal. Therefore, all that land has been retained by the Federal Government since the mineral is there.

It does seem to me that if that mineral was held by the Federal Government all these years, the situation is quite comparable to what is taking place here, and perhaps that mineral does belong to the State that has it within its borders. I am just trying to find out if he intends to include all that type of mineral within his amendment so that the State will get it as a direct benefit from it.

Senator MALONE. Not including the land directly withdrawn for a specific Federal purpose on a permanent basis. I will say further to the distinguished Senator from New Mexico that, in the opinion of the junior Senator from Nevada, there has been a good deal of doubletalk and mixed metaphors and a lot of things in the discussion of this problem.

First, of course, it started out widely advertised as tidelands and States rights, neither of which are in any remote way affected or included. The Supreme Court said specifically that there never had been any decision directly affecting the sea-bottom lands. Of course, there has not been any such Supreme Court decision. The public

can be deluded by discussing the fringe of several decisions and by stretching the imagination, allege that these sea-bottom lands were included in prior decisions—but it is not seriously contended. There has never been any question, I will say further, Mr. Chairman, about the States having full police power over all the lands within its boundaries, either public or otherwise; that is, public, State-owned, or privately owned.

POLICE POWER OF THE STATE

We tried that out in our State, I have already outlined to the committee. In my State of Nevada, 87 percent of our land is public land, and we have about 60 million acres of rangelands without forests. Now, as a matter of fact, we passed a stock-raising act to regulate grazing long before the Taylor Grazing Act came along. It worked very well, since it allowed the State engineer to refuse an application for a permit to water cattle or sheep or livestock of any kind at a certain spring or waterhole, to deny that application, even though there were plenty of water for an additional permit, if he found, upon examination, that all the range was being substantially utilized from a subsisting right; meaning that if you threw another band of sheep or herd of cattle or herd of horses in there, it meant trouble. You could curtail the permits under the police power of the State.

Some people said that you could not keep them off the public land, that they had a perfect right to go any place on a public land. But our supreme court held it constitutional under the police power of the State. To keep the peace, the State legislature had the right to prevent you or me, or anyone else, from going on that land under certain circumstances that might cause trouble. So we regulated the use of the land under the police powers of the State and did a very good job of it. It was taken away from us under the so-called Taylor Grazing Act, which is not working satisfactorily in our State.

We will have either general legislation or special legislation, and maybe both, to deal with this problem at the proper time. It will be a matter for separate discussion.

APPLICABILITY OF NATIONAL OIL AND GAS LEASING ACT

There has never been any reason why, since the sea-bottom lands were ruled to be public lands within State boundaries, just exactly the same as the 87 percent of our land in the State of Nevada, they should not be treated like other public lands. If there was a technicality, which I doubt, and the National Oil and Gas Leasing Act was not applicable to these lands after they were declared public lands, it would require only a very simple congressional amendment to the act to make them applicable.

Therefore, there is no legitimate excuse for saying that in order to develop these lands they must be owned by the State any more than the lands in eastern or central Nevada, where we brought in an oil well a few days ago.

There is no more reason to say that these lands must be under State ownership to be developed, than there is to say that the public lands of Nevada must be under State ownership to be developed. It is simply a matter of what Congress wants to do.

Senator JACKSON. How long has the Federal Government been reserving mineral rights?

Senator MALONE. About a century. That is, not always, but off and on.

Senator JACKSON. Sometimes they would grant a fee simple of everything?

Senator MALONE. I do not know of any specific cases. When it was known that it was a known proven mineral area, they generally did not grant mineral rights.

Senator ANDERSON. I will say that in about 1878 or so a party of surveyors crossed a section of New Mexico and found outcroppings of coal, and traced the general geology of the area, and determined that hundreds of square miles were mineral in character, and therefore, could not be selected by the State as lieu lands because there was known mineral there.

My question to him has been this: If a strip along the open ocean developed mineral and that mineral is now going to belong to the State, does he see any reason why that coal that underlies the area in my State should not belong to the State?

Senator MALONE. None whatever. No, Senator, and further along this line, I will come back to the matter of the Federal lease in a moment.

To show or to illustrate the utter idiocy of some of the rulings made out of the Department of the Interior in recent years, suddenly nuclear energy becomes the order of the day and atomic ores become very valuable and become very necessary. So the Secretary of the Interior Ickes, in his wisdom, the same kind he has used in nearly all of his career, immediately withdrew all Federal lands whenever a discovery of uranium ore was discovered. In other words, whenever it became known that it contained any of this mineral, fissionable mineral, that acreage was immediately withdrawn. That, of course, fixed it so that no one would tell him when they discovered uranium, so he delayed the mining of the metal indefinitely.

This was in line with his general policy, practically 100 percent, he fixed it so that the Government would never find out where these discoveries were made because a prospector may only know one thing but he knows that very well, and that is that he is not going to tell you or me or the Government where he discovered the minerals until he has it located and it belongs to him. So when he has it known that it would immediately belong to Uncle Sam and there was no set price to be paid for it, Uncle Sam received no more information. Mr. Ickes set us back at least 20 years in mining. Today there were people in my office on this very problem.

GRAZING LAND

I was just illustrating some of the utter idiocy displayed through ruling by an ignorant Government official. As a matter of fact, up until 1934, when the Taylor Grazing Act was passed, when Mr. Ickes came into office and discovered suddenly thousands of acres where it took from 20 to 150 acres to run a cow unit a year—and in some areas a cow could not travel far enough in a day to get enough to eat so there was no value in the land—he was going to save the poorest grazing land in the United States and make a large amount of money for all the people in the Nation by leasing it.

Of course he could not possibly get enough out of this land as rental to repay the cost of administering it. That, however, he did not tell the people of the United States.

A CENTURY OF LAND LAWS

Up to that time, of course, Congress had used very good judgment. You can trace the whole period, their whole list of land laws starting a century ago, and they all point to one thing.

They pointed to putting the public land into private ownership with enough land for a man to make a living, charging only a nominal fee, with no charge for the land. The policy was private ownership. It was not until Mr. Ickes came along with his bright ideas that all of that changed and the policy was completely reversed so that these poorest lands in the Nation would remain forever in the hands of the Government to be kicked around by Federal officials.

Now to come back to the Federal lease. There is no reason why this land could not be put under the National Oil and Gas Leasing Act. A very simple amendment, if the decision of the Federal court when finally it is made, upholds the Secretary of the Interior. No amendment is necessary if the court reverses the Secretary.

Senator ANDERSON. Would you yield a moment?

Senator MALONE. I will yield.

Senator ANDERSON. Of course, you are familiar with the fact that when helium was discovered in my State, and people thought it was going to be needed for the purpose of supplying dirigibles to fly across the ocean, immediately the Secretary of the Interior removed that from the field where a man could prospect.

I was just going to say, would it be difficult, where these Federal leases are in existence in our area, to validate all of the leases where there is production of oil, but it would be easy to change the place where the proceeds are paid on the royalties? The Federal Government is familiar with handling these royalty payments and the $5 million being taken out of my State by the Federal Government each year, and more than that in the State of Wyoming, could be paid directly to the State under the amendment that the Senator has introduced. Is that not correct?

Senator MALONE. That is correct. And it would be very easy.

Now to get back to the original disposition of the fund. Congress has used very good judgment over the years. Like I have said, they might vary a little here and there, but they always righted themselves. The long-established policy is to develop the fuels and the minerals under the act (National Oil and Gas Leasing Act), and to pass the agricultural lands into the hands of the man who would work it, into the hands of the people in amounts so that the family could make a living and the transfer would be made at a nominal filing fee and the individual would not pay anything for the land.

Even a mining claim, when you patent it, after doing $500 worth of work—and I have patented hundreds of claims in the Western States over 20 or 25 years' time—there are certain Federal fees and State fees which must be paid. But when you pay those and finally get the patent survey made, then they charge you $5 an acre for the land, no matter if it may be worth a million dollars or $2, but you still pay $5 per acre.

The theory is that you are going to work this land, and then pay the State taxes and the income tax. It just gets lost in the general property taxes of the country around which the entire Government is built.

RECLAMATION FUND

In 1920, in the National Oil and Gas Leasing Act, the Government set down a very definite disposition of the moneys from these leases. The 11 western land States were the arid States. They all needed agricultural development. It was not determined at the moment where the development would be, but it was thought that it would average among the States in the long run. They did not know where the oil would be discovered and do not know yet, as a matter of fact, where more of it will be found. We are discovering oil on land on which geologists, for 50 years, said there would be no oil discovered, for example, the volcanic areas. So they said in their wisdom that 10 percent would go to the Government for supervision, presumably, 37.5 percent would go to the State wherein such oil and gas was located—that is, of the royalty, whether it was 12.5 percent or more—and 52.5 percent would go to the reclamation fund which originally was distributed in 11 western public land States in accordance with the direction of the Congress of the United States for the construction of irrigation projects.

This committee, the Public Lands Committee before the name was changed, has been passing on those projects. As a matter of fact, the Senator from my State, Senator Newlands, was the author of the Bureau of Reclamation bill in 1902. The first project ever built under it was in Fallon, Nev.

If we should suddenly wake up, and suddenly say, through the Congress, that since these are very rich lands and since these States have claimed these lands, then we are going to deed such lands to them. Concerning the reclamation fund there is no question in my mind but that the National Oil and Gas Leasing Act is applicable and, naturally, the 52.5 percent will go into the fund and will not need any further legislation except a simple amendment providing the Federal court says that under the present provisions the National Oil and Gas Leasing Act is not applicable. That is the worst that could happen. If they said it is applicable, no legislation is necessary.

So when you are taking the land, you are taking 52.5 percent of the royalties, whether it is 12½ or 20 percent, and you are forever keeping the funds from the reclamation fund.

If you are going to separate these lands from the fund, then why not complete the job and let the mineral deposits of the States go to the States wherein they are located? That, then, would supplement and replace, to a certain extent for each State the loss of revenue that you are beginning to chisel off here.

Senator BUTLER. Will you yield?

Senator MALONE. Yes, I will yield.

Senator BUTLER. I think I gather the general tenor of what the Senator desires to do, and I think I am in sympathy with his objective because certainly I believe that the whole country would be better off if every acre of land that has not been reserved for public parks and things like that was in private ownership and was on the tax rolls. But I wanted to ask this question:

You have proposed a couple of amendments to the bill we propose reporting for one objective. That is to take care of the lands, submerged lands, sir. Would it not be wiser to let that bill go through as it is planned without trying to swallow the whole elephant in one gulp, to let that become a law and then you have established the precedent for the passage of a bill similar to what you have in mind, and I think I would support it?

Senator MALONE. Well, as I would say to the distinguished chairman of this committee, and for whom I have the highest regard, I am a little like the distinguished Senator from New Mexico. Probably that is the last you will hear of it if this bill is passed without such a provision.

There is so much money in this picture, apparently around thirty to one hundred billion dollars.

Senator DWORSHAK. Will you yield?

Senator MALONE. Yes.

Senator DWORSHAK. You are merely transferring the mineral rights below the surface?

Senator MALONE. And the States would have to accept them in the regular manner before it would become effective.

Senator DWORSHAK. If you carry that proposal a little further, in Idaho we have extensive and valuable Federal forests on federally owned land. Why would we not be entitled to have a transfer of the surface rights? We do not have oil in Idaho, but we have virgin stands of white pine and other valuable timber. I think we might justify that approach in our State. But we would not want to confine the transfer to subsurface minerals.

Senator MALONE. I have no objection whatsoever. I am trying to emphasize that you are cutting a piece of the pie and then backing away from the rest of it. You are not really facing the issue. You are just going in and cutting the best looking piece of pie. This is my 7th year here and I think I have been very patient about the way the public lands are kicked around, or the people that are using the public lands in my State are being ruined.

I do intend to bring a bill before this committee that would deal with a small section of my State as an experiment.

What you have done, what this Congress did do, when they jammed through the Taylor Grazing Act in 1934 was to mess up the entire grazing question in the public-land States.

I was not in the Congress, but I was right outside the door. I wrote the amendment to the bill, and Senator MCCARRAN forced them to take what became known as the McCarran amendment. It was the only good thing about the bill, and they defeated that by not granting permits.

The amendment read that whenever a permit was granted to a customary user of the range in connection with his own land, that you could not cancel it as long as there was an obligation on the livestock unit.

The livestock unit was made up of three parts. The owned land, the water rights, filed on water for irrigation, and the water rights to the spring where the cattle and sheep water, and the feed-producing ranch.

Any organization that controls one of those parts of that livestock unit controls the whole business. So, Mr. Ickes got the idea suddenly that he must make a lot of money for all of the people of the United States. I will say this for Senator MCCARRAN: He stood up on the Senate floor and would not let them adjourn until they took that amendment. That was in 1934.

Now what they have done for 20 long years, the boys from nice agricultural schools, start to regulate the men who have been running a certain number of cattle 30 to 60 years, and tell them they must cut the carrying capacity 20 percent or 30 percent. The rancher has his investment for the certain number of livestock, whatever it is. The Federal range supervisor cut the carrying capacity without cutting investment and ruins the livestock man.

This has been a very interesting problem to me all the way through, to see what can be done with public lands if you can hit the public hard enough and with the right kind of propaganda.

I would like to see this committee tackle this public lands problem. Take my bill that merely would make an adjudicating bureau out of the Bureau of Land Management.

As far as district 6, to which my range bill would apply, it is in a small part of Nevada, let them adjudicate it and see how it works on the basis of customary use.

Senator CORDON. I do not recall that there is an amendment of that character before us.

Senator MALONE. The amendment I have offered is to correct a situation caused by your Senate Joint Resolution 13. The problem I was discussing was caused by a similar Congress 20 years ago.

Senator CORDON. You are entitled to get anything you want before this committee. The ordinary method is by introducing bills.

Senator MALONE. I introduced an amendment here for the purpose of correcting an injustice about to be executed by this legislation.

Senator CORDON. You were discussing, I thought, another matter which was extraneous.

Senator MALONE. It is not extraneous; it is the same principle. If you are going to take a piece of the pie, let us cut the entire pie.

I have yielded to the chairman.

Senator BUTLER. The senior Senator from Wyoming appeared before the committee in connection with S. 807 which he filed on February 6. He did not propose that it be handled as an amendment to this bill, but it is still before the committee and I think in due time will be given attention by the proper subcommittee here. It is introduced by Mr. HUNT and entitled "To provide for granting to the several States the mineral rights in public lands belonging to the United States."

Senator ANDERSON. He appeared before this committee on this bill.

Senator BUTLER. But he did not introduce it as an amendment.

Senator MALONE. Now I would like to finish this one thought. You would then be holding the public lands status quo if you adjudicated the use and allowed this use. You would not own the land, you would own the use of it like you do water, and transfer it like you do water. You would then hold the status quo until you could locate it for a higher use, for mineral claims or for oil. You would not then, under that kind of a setup, deed the land to the State every time you found an isolated place, every time it was valuable enough to cause a furore in the United States so you could do it. That was my point.

I just want to say that we will discuss the amendments tomorrow, or whenever you care to bring this committee together again. I think this is a good bill of Senator HUNT, and I think it is the last you will hear of it if it is not hooked onto this bill.

Mr. HOLLAND obtained the floor.

Mr. JOHNSON of Colorado. Madam President, will the Senator yield to me for 1 minute?

Mr. HOLLAND. Madam President, I yield 1 minute out of my time to the Senator from Colorado.

Mr. JOHNSON of Colorado. Madam President, I am supporting the Malone amendment, but if the Malone amendment is adopted, I still will not be able to support Senate Joint Resolution 13.

The reason I am supporting the Malone amendment is that if these valuable deposits on Federal lands are to be transferred to any State, I think they ought to be transferred to all States. What is good for the goose ought to be good for the gander. However, I do not think the petroleum deposits under Federal lands ought to be transferred to any State. That explains, perhaps, the erroneous charge of inconsistency of my position. I wanted to make it clear in the RECORD as to just what my position is with respect to the amendment of the Senator from Nevada. I am supporting it, but even if it is adopted I shall still vote against Senate Joint Resolution 13.

Mr. MALONE. Mr. President, will the Senator from Florida yield to me so that I may ask the Senator from Colorado one question?

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

Mr. HOLLAND. I yield time for the question to be asked and answered.

Mr. MALONE. I ask the distinguished Senator from Colorado, who was Governor of his State at the time when I was State engineer of my own State, and who thoroughly understands the public lands problem, if he does not believe, with the junior Senator from Nevada, that a thorough and studied overhauling of public lands legislation is long overdue?

Mr. JOHNSON of Colorado. Indeed I agree with the Senator on that proposition.

Mr. HOLLAND. Mr. President, I shall first address myself briefly to the amendment offered by the distinguished Senator from Nevada [Mr. MALONE]. I think that without any study whatsoever at this point the Senator from Florida could not be expected to express any judgment upon the merits or demerits of that amendment, whatever they might prove to be.

I feel very deeply that for an amendment of this sweeping nature to be attached to the joint resolution would be entirely improper and improvident, and for that reason I oppose the adoption of the amendment.

This amendment relates to all the States but, of course, particularly and peculiarly to the public-land States. It provides, in effect, that the minerals and mineral rights and deposits in public lands belonging to the United States, including both lands which are temporarily withdrawn or reserved for classification purposes and lands within grazing districts except lands forming a part of a national forest, shall be granted, if the amendment is adopted, to the several States within the territorial boundaries of which such lands are situated.

There is no showing whatsoever as to the areas which are covered. The Senator from Florida understands that they probably amount to about 200 million acres.

There is no showing as to the values which are involved. The Senator from Florida understands that the values which would be affected by the amendment would amount to many hundreds of billions of dollars.

There is no showing whatever as to how the situation would be changed with respect to the reclamation program.

As the Senator from Florida understands, under the present law 52½ percent of the receipts from such lands form the bedrock of the financing of the important reclamation projects of the Nation.

There is no showing as to how numerous other important programs would be affected by this amendment.

Furthermore, the Senator from Florida believes that when the reclamation States have been treated as generously as they have been treated by the Federal Government, that is, by granting them 37½ percent outright as a grant from the revenue from this type of public lands, and by granting them, in addition, 52½ percent to go into the reclamation fund, at least there should be ample time allowed to subject this matter to careful hearings, to ascertain where the equities are, and to see how seriously the Western States are being held back, if at all, by the present situation. The Senator from Florida is perfectly willing to keep a completely open mind on the subject as it relates to the legitimate rights and interests of the Western States.

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

Mr. HOLLAND. Mr. President, the Senator from Florida does not feel that he should be hurried into an expression on a subject of such vast importance, affecting such complicated and difficult problems as it does, without having available the necessary facts in order to express a wise and deliberate judgment.

I now yield to the Senator from Nevada.

Mr. MALONE. Mr. President, I should like to ask the Senator from Florida whether he understands that only 37½ percent of the revenue derived from the oil and gas resources within its borders accrues to the particular State. The State is given only 37½ percent of that which comes out of its own soil. Does the Senator from Florida understand that to be the fact?

Mr. HOLLAND. The Senator from Florida understands that to be the fact; and he also understands it to be the fact that 52½ percent of the total revenue, which, with the 37½ percent, adds up to 90 percent, goes into the reclamation fund, the expenditure of which fund is confined to the very public-lands States which are most concerned.

The Senator from Florida finds no fault with that program, because he thinks that the program has helped in producing values which not only are most desirable for the States which are affected but are also important for the American people as a whole, as well as for their Government.

The Senator from Florida is not asking that the law be changed. He might be willing to amplify it after the facts pertaining to it are made available to him. However, with the scant knowledge which he has—and he has attended all the hearings on the joint resolution and he realizes that very little in the way of detail was produced in this field—he feels that it would be unwise and very wrong for Congress to express a final judgment upon a matter of such great importance without careful and deliberate hearings to produce all the facts.

The Senator from Florida is perfectly willing—and he so states now to his friend from Nevada—to hold his mind open and look at the facts when they are produced, and to look at them against the background of the development which has been attained and is still going on in the public land States, and to do for them as generously as he feels the Nation should do for any State. Further than that he could not go at the present time.

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

Mr. HOLLAND. I yield.

RECLAMATION STATES PRODUCE THEIR OWN FUNDS

Mr. MALONE. I should like to draw the Senator's attention to the fact that 17 Western States, the beneficiaries of the reclamation fund produced by the oil and gas found within their borders, repay over a definite amortization period all of the money expended for reclamation projects within their borders.

Does the Senator from Florida further understand that the money which goes into the fund is made up almost entirely of gas and oil revenues from the States wherein it is later expended for reclamation purposes? The only other source of funds is by way of repayment of funds expended through the projects constructed.

THE CENTRAL FLORIDA PROJECT

The Senator from Nevada recalls that, as chairman of the Flood Control Subcommittee of the Committee on Public Works, he was instrumental in allocating $112 million to Florida, with no repayment provision whatever. That was only one project. Does the Senator recall the project?

Mr. HOLLAND. Mr. President, in the first place the Senator from Nevada is wrong about his figures. However, as to that, the Senator from Florida wants to say that the Senator from Nevada was wholesome, generous, and fully American in his approach to the subject, and the Senator from Florida appreciates that fact. The figures which he has in mind, however, are greatly in excess of the actual figures.

In the second place, the Senator from Nevada probably remembers that under the Florida flood control program which was approved by Congress, under the able direction of the Senator from Nevada, as chairman of the subcommittee of the Committee on Public Works, the State of Florida is required to pay approximately 38 or 39 percent of the funds to be used in the development of that completed project and in its maintenance.

So I suspect, if the Senator from Nevada will compare our situation against that which prevails in the reclamation States, he will find that any difference which exists is in favor of the Western States.

The Senator from Florida does not complain of that fact, because he believes the program is wise, and is just, and he approved of it himself. He is grateful to the Senator from Nevada for his willingness to go into it on its merits. The Senator from Florida has exactly the same attitude with reference to the situation in the public land States.

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

Mr. HOLLAND. I shall yield one more time.

Mr. MALONE. Mr. President, I merely wish to say that if the Senator from Florida will examine the figures he will find that more than $100,000,000 was authorized for the project referred to. However, be that as it may, it is in accordance with a 75-year national policy and I approve of it.

However, the reclamation money we are talking about comes from the resources found in the States in which the funds are expended. That is what we are talking about. On the other hand, all the eastern and central States keep their resources and the funds appropriated for their flood control and rivers and harbors projects come from taxpayers of all of the States. The resources are owned by individuals in the Eastern and Middle Western States, and they are on the tax rolls of the States.

In the case of the State of the junior Senator from Nevada such resources are in lands which are in public ownership.

I will say now that a bill should be introduced in Congress for the Federal Government to pay taxes just the same as any other owner of lands. The principle might change the minds of some of the bureaucrats who want the residents of the public-land States to be permanent tenants.

Mr. HOLLAND. Mr. President, the Senator from Florida appreciates the comment of the Senator from Nevada. As Governor of the State of Florida, and since he has been a Member of the Sen-

ate, the Senator from Florida has consistently taken the position that the Federal Government should pay in lieu of taxes a reasonable amount to the States and to local units of government who find themselves short of funds because of ownership by the Federal Government of large bodies of public lands within their limits.

Mr. President, the Senator from Florida will not deal longer with this particular amendment. However, he does have two matters relating to the joint resolution which he thinks should be mentioned some time during the debate, and he will do so at this time.

The Senator from Florida recalls that several Senators who are opposing Senate Joint Resolution 13 evidently have been under a misapprehension of the facts, since from time to time they have said that the State of Rhode Island was prepared and had already passed legislation empowering its attorney general to go immediately into court and test the validity of Senate Joint Resolution 13 as soon as it becomes law.

I can well understand how that mistake of fact could have occurred, because the newspapers carried the news that the lower house of the Rhode Island legislature had adopted 2 resolutions, 1 of which was in opposition to Senate Joint Resolution 13 and the other of which was to empower the Attorney General to bring the suit of the type mentioned.

However, Senators evidently let their wishful thinking precede the actual event, because last Thursday the upper house of the Rhode Island legislature took exactly the opposite position.

In order that the RECORD may be kept entirely clear, the Senator from Florida asks unanimous consent at this time, that the news item reporting the action taken on the two joint resolutions of the Rhode Island House of Representatives may be printed in the RECORD at this point, as a part of his remarks. The two resolutions were killed by the Senate of Rhode Island last Thursday.

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

RHODE ISLAND SENATE KILLS TIDELANDS SUIT—DEFEATS BY 26–17 VOTE LEGAL ACTION BASED ON DECISION IN CONGRESS

The Republican majority yesterday killed on the floor of the Senate the administration's resolution directing Rhode Island's attorney general to institute court action if Congress votes to turn over control of tidelands to California, Louisiana and Texas. The rollcall vote, strictly along party lines, was 26 to 17.

Lengthy debate preceded action on the measure which the GOP-controlled judiciary committee had reported out with recommendation that it be defeated.

After citing tidelands legislation pending in Congress, Senator Donald A. Kingsley of Barrington, Republican floor leader, declared that the late President Franklin D. Roosevelt had been of the opinion that the Federal Government "should be a wet nurse to everyone in the country."

CITES SUPREME COURT DECISION

Some who shared his philosophy were appointed to the Supreme Court, Kingsley said. He mentioned the Court's tidelands decision in the California case, which held that the Federal Government had the paramount right in tidelands property.

Kingsley said that was contrary to previous legal opinions and to the previous opinion of two Democratic officials in Rhode Island, including the late Attorney General John H. Nolan.

He said he saw no heresy in Congress attempting to put title in the tidelands into the States where up to 2 years ago it was felt it belonged. Political expediency was not the question, the senator contended.

Senator Raymond A. McCabe, of Providence, Democratic floor leader, argued that the Court's decision made clear that title to the tidelands rested in all the people of the United States.

"ONE OF THE GREATEST GRABS"

Senator Frank Licht, Democrat, of Providence, held that Congress was dealing with "one of the greatest grabs in the history of the country," and reiterated that the Court has said the property belongs to the people everywhere.

The Court's decision, said Senator Joseph R. Weisberger, Republican, of East Providence, threatens title to all submerged lands under any navigable stream.

Senator John G. Murphy, Republican, of Cranston, contended that Congress is doing just what the decision said it has the right to do. The question involved was not political but legal, Murphy said. Of the 48 States involved, Murphy said, the attorneys general of 47 take a position very different from that of this State.

Senator Hoyt W. Lark, Republican, of Cranston, said he was not in favor of a little State like Rhode Island spending its hard-earned money to try to "steal" something from Texas, Louisiana, and California.

Defeated without debate on a division vote 26 to 13 was a resolution asking Congress to confirm title of the people of the United States in offshore resources.

Mr. HOLLAND. Mr. President, in order that Senators may be under no misapprehension at all as to what is contained in the article, I will say that the committee of the Senate of the Rhode Island Legislature conducted hearings on the subject. No hearings had been held by the house committee of the Rhode Island Legislature. After hearings had been concluded the senate committee reported by a vote of 7 to 2 that neither of these measures should pass. It recommended against the passage of both of these joint resolutions.

Then when the measures came to the floor the Senate of Rhode Island, by a recorded vote of 26 to 17, killed the house joint resolution, which would have empowered the attorney general of Rhode Island to bring suit in the event Senate Joint Resolution 13 were passed and became law.

By a vote of 26 to 13 the Senate of Rhode Island killed the resolution asking Congress to confirm the title of the people of the United States in offshore resources.

I think it would be interesting to read from the article 2 or 3 quotations showing how the majority of the Senate felt on the issue. The first quotation which I wish to read is as follows:

The Court's decision, said Senator Joseph H. Weisburger, threatens title to all submerged lands under any navigable stream.

The second quotation I wish to read, reads as follows:

Senator John G. Murphy contended that Congress is doing just what the decision says it has the right to do. The question involved was not political but legal, Murphy said. Of the 48 States involved, Murphy said, the attorneys general of 47 take a position very different from that of this State.

I think this quotation is peculiarly appropriate:

Senator Hoyt W. Lark said he was not in favor of a little State like Rhode Island spending its hard-earned money to try to "steal" something from Texas, Louisiana, and California.

Therefore, Mr. President, instead of empowering its attorney general to bring suit, the Legislature of Rhode Island decided not so to do. Instead of memorializing Congress to defeat Senate Joint Resolution 13 and pass some other legislation, the Legislature of Rhode Island decided not to take any such course.

So the statements made in the best of faith by Senators who are in opposition to Senate Joint Resolution 13 prove to be not in accord with the final word spoken by the Legislature of the sovereign State of Rhode Island.

Mr. President, I go next to another matter, namely, the fantastic, extravagant, and vastly differing figures which have been used. I have been amazed at the very conflicting results which some of the mathematicians who oppose Senate Joint Resolution 13 have reached. When contending with the same figures, which are basic, they arrive at such tremendously different results that it is apparent that they did not attend the same schools, at least insofar as their arithmetic textbooks were concerned.

I wish to present what I believe to be a completely accurate picture on this subject, and I ask my colleagues to follow it as closely as possible.

THE TRUTH ABOUT SENATE JOINT RESOLUTION 13—A REPLY TO THE CIO PROPAGANDA CAMPAIGN AGAINST STATE OWNERSHIP OF SUBMERGED LANDS WITHIN THEIR BOUNDARIES

The Congress of Industrial Organization—CIO—used the time consumed by the ultra-liberal filibuster against Senate Joint Resolution 13 in the effort to spread a vast amount of false and misleading propaganda to exert pressure on Members of the United States Senate against this proposed legislation. This propoganda was handed out principally to newspapers, public-school officials, and local unions.

An example was the full-page ad run by the CIO on page 25 of the Washington Post on April 17, in opposing Senate Joint Resolution 13, and in supporting the Hill amendment to the Anderson substitute. This advertisement, directed to Members of the United States Senate, and later mailed to them by the CIO, contains gross exaggerations of the values involved, and completely misrepresents the terms of the Holland bill (S. J. Res. 13) and the Hill amendment.

This deceptive propaganda of the CIO would not justify a reply except that some of the figures and arguments used have been included in the speeches of certain Members of the Senate who oppose State ownership. The true facts clearly refute the CIO and those who have adopted their arguments.

FIGURES AND VALUES GROSSLY EXAGGERATED—SENATE JOINT RESOLUTION DOES NOT COVER PUBLIC LANDS OR THE OUTER NINE-TENTHS OF THE CONTINENTAL SHELF

All the figures in the CIO ad and the multi-billion-dollar figures used by the Senator from Alabama [Mr. HILL], the Senator from Illinois [Mr. DOUGLAS], the Senator from North Dakota [Mr. LANGER], and other opponents of this measure, are grossly exaggerated, in that—

First. They are based upon the erroneous claim that Senate Joint Resolution 13 includes that vast portion of the Continental Shelf—nine-tenths of the entire area—which lies outside of the historic 3-mile and 3-league limits. Actually, the proposed legislation covers only the one-tenth of the Continental Shelf which lies within State boundaries.

Second. The CIO figures are based not only upon the above blatant error, but upon the additional assumption that Senate Joint Resolution 13 will result in the conveyance to the States of all federally owned land. The CIO says that the Holland bill—Senate Joint Resolution 13—is step one of a proposed two-step giveaway of the entire public domain. This, of course, is wholly untrue.

Third. The exaggerated values must be further reduced in many cases by seven-eighths thereof, because the customary royalty paid under either State or Federal leases is one-eighth of the full value.

The truth is that Senate Joint Resolution 13 covers only the lands beneath navigable waters within the historic boundaries of the 48 States—lands which the States have possessed, used and developed for more than 100 years. As to the 21 coastal States, this measure does not extend to any property beyond their recognized seaward boundaries 3 miles from shore, except in the cases of Texas and the West Coast of Florida, where 9 marine miles—nearly 10½ land miles—was long ago recognized by Congress as the seaward boundary in the Gulf of Mexico.

Senate Joint Resolution 13 releases to the States no part of the Continental Shelf seaward of the 3-mile or 3-league limit, an area valued in the CIO ad at from $62½ billion to $300 billion.

Senate Joint Resolution 13 covers no part of the Federal public lands in the 11 Western States, listed in the CIO ad at a value of well over a trillion dollars.

Senate Joint Resolution 13, releasing to the States only one-tenth of the total area of the Continental Shelf, specifically asserts that the natural resources of all the remaining nine-tenths of the Continental Shelf are confirmed to be subject to the jurisdiction and control of the United States—section 9, Senate Joint Resolution 13.

Mr. President, I ask my colleagues to observe the next statement very carefully, because it is the truth as regards Senate Joint Resolution 13, in connection with the matter of its effect upon the Continental Shelf: Senators who vote for this joint resolution will be joining in the first congressional assertion of Federal rights to this vast area of land. They will be helping to safeguard Federal rights to this area, rather than giving them away.

TRUE VALUES AMOUNT TO 41 CENTS PER SCHOOLCHILD PER YEAR

The Hill amendment would not have given any money to the States or to the public schools at the present time; and even if it had, the revenues derived from lands covered by Senate Joint Resolution 13 would amount, at most, to about 41 cents per student per year, during a 50-year period.

These figures are based upon the only reliable estimate of oil and gas resources within the historic marginal-sea boundaries of the coastal States, as given to the Senate Interior and Insular Affairs Committee by the United States Geological Survey. See hearings, pages 567–586. They show the undiscovered but potential existence of 15 billion barrels of oil and 68.5 trillion cubic feet of gas in the entire Continental Shelf. These are the identical estimates for oil that were stated by President Truman in his veto message of 1952, and used in the debate last year by the Senator from Alabama [Mr. HILL] and the Senator from Illinois [Mr. DOUGLAS]. See CONGRESSIONAL RECORD, volume 98, part 3, page 2892 and page 3341.

This official agency of the United States Government, the Geological Survey, states that only one-sixth of the estimated oil—2½ billion barrels—and only one-seventh of the estimated gas—9¼ trillion cubic feet—existing in the entire Continental Shelf are located within the historic 3-mile and 3-league State boundaries.

Mr. President, at this time I ask unanimous consent to have incorporated at this point in the RECORD, as a part of my remarks, table I, taken from the hearings at page 584, and covering the official estimate made by the United States Geological Survey to the Congress of the United States.

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

TABLE I.—*Estimated potential oil and gas reserves of Continental Shelf landward of traditional State boundaries and for entire Continental Shelf*

[All miles indicated are statute miles]

	Oil (in billions of barrels)	Gas (in trillions of cubic feet)
Texas:		
Within 10½ miles of the coast	1.2	6.0
Total Continental Shelf	9.0	45.0
Louisiana:		
Within 3½ miles of the coast	.25	1.25
Total Continental Shelf	4.0	20.0
California:		
Within 3½ miles of the coast, bordering 3 productive basins	1.1	2.0
Total Continental Shelf bordering 3 productive basins	2.0	3.5

Source: Statement of Ralph L. Miller, Chief, Fuels Branch, Geologic Division, U. S. Geological Survey, Department of the Interior (p. 584).

Mr. HOLLAND. Mr. President, I ask unanimous consent to have printed at this point in the RECORD, as part of my remarks, table V, from the testimony of Mr. H. G. Barton, chief of the Oil and Gas Leasing Branch, Conservation Division, United States Geological Survey, Department of the Interior.

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

TABLE V.—*Estimated proved reserves*

FIELDS WITHIN THE AREA CLAIMED BY UNITED STATES BUT LANDWARD OF TRADITIONAL STATE BOUNDARIES

State and product	Number of proved fields	Estimated proved reserves
Louisiana: Oil or oil and gas.	5	84,000,000 barrels.
Texas:		
Oil	2	15,000,000 barrels.[1]
Gas	1	75,000,000 thousand cubic feet.[1]
California: Oil	5	160,000,000 barrels.
FIELDS SEAWARD OF TRADITIONAL STATE BOUNDARIES		
Louisiana:		
Oil or oil and gas	17	335,000,000 barrels.
Gas [2]	[2] 14	2,100,000,000 thousand cubic feet.
Texas	None	None.
California	None	Do.

[1] Estimates based on incomplete data.
[2] Includes 2 gas and 12 oil and gas fields.

Source: Statement of H. G. Barton, Chief, Oil and Gas Leasing Branch, Conservation Division, U. S. Geological Survey, Department of the Interior (p. 577).

Mr. HOLLAND. Mr. President, in order that there may be no question at all about the facts previously stated in my remarks, namely, that the estimates contained in these two tables were recognized last year by the President of the United States in his veto message and by the distinguished Senator from Illinois [Mr. DOUGLAS] and the distinguished Senator from Alabama [Mr. HILL], I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, first, an excerpt from the veto message of the President.

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

About 235 million barrels of oil have already been recovered from the submerged lands affected by this joint resolution—nearly all of it from lands off the coasts of California and Louisiana. The oilfields already discovered in these lands are estimated to hold at least 278 million more barrels of oil. Moreover, it is estimated that more than 2½ billion additional barrels of oil may be discovered in the submerged lands that would be given away off the coasts of California, Texas, and Louisiana alone. (From veto message on title to certain submerged lands bill dated May 29, 1952, p. 3.)

Mr. HOLLAND. Next, Mr. President, I submit for the RECORD an excerpt from the statement made by the distinguished Senator from Illinois [Mr. DOUGLAS], as it appears at page 3341 of the CONGRESSIONAL RECORD, volume 98, part 3:

TREMENDOUS RESOURCES UNDER THE MARGINAL SEA

The oil resources of the submerged lands are presently estimated as 15 billion barrels which, as present prices, would be worth $40 billion.

The Senator from Illinois was talking about the entire Continental Shelf, that is, the nine-tenths outside the State

boundaries, and also the one-tenth within the State boundaries.

Here is the statement made by the Senator from Alabama [Mr. HILL] as it appears at page 2892 of the CONGRESSIONAL RECORD, volume 98, part 3:

In an earlier speech in the Senate I pointed out that the ablest petroleum geologists in the oil industry estimate the offshore oil reserves of the marginal sea and the Continental Shelf at 15 billion barrels More than a year ago Dr. E. O. DeGolyer, of Dallas, Tex., who has an international reputation as one of the most outstanding petroleum geologists in the world—if not the outstanding one—stated in an article in Life Magazine that there may be 10,500,000,000 barrels of oil along the coasts of Texas and Louisiana alone. The Geological Survey of the United States Department of the Interior confirms these estimates. At present prices, these 15 billion barrels are worth over $40 billion (p. 2892, CONGRESSIONAL RECORD, vol. 98, part 3).

Again, Mr. President, the Senator from Alabama was speaking about the entire Continental Shelf, the nine-tenths that is outside the State boundaries, plus the one-tenth that is within the State boundaries.

The customary one-eighth royalty on this entire production at present average prices—which have been furnished to us by the Petroleum Administration for Defense, and are stated to us as $2.56 a barrel for oil and 9 cents a thousand cubic feet for gas—would amount to a total of $920 million if the whole estimated amount of oil and gas could be actually produced, which is clearly impossible in view of the authoritative statement of the Geological Survey that "the estimate includes, of course, much oil that is not now economically recoverable by processes of exploration and production that are now known to be practicable."

Mr. President, from the figure last stated must be subtracted three-eighths thereof, inasmuch as even the opponents of Senate Joint Resolution 13 concede that the coastal States should receive 37½ percent of the royalties on production within their State borders. This would leave a total $575 million to be distributed among the 48 States throughout the years, if the opponents of Senate Joint Resolution 13 should prevail and if the Hill amendment were adopted. Distributing the entire amount over a period of 50 years, which is estimated by many as the full period of production, the average annual royalty would be $11,500,000 per annum. Dividing this annual income among the 28,196,000 public-school students, annual estimates, 1952–53 school year, Office of Education, Department of Health, Education, and Welfare, in the Nation at this time would provide about 41 cents per student per year as contrasted with the extravagantly astronomical figures of the CIO and other opponents of Senate Joint Resolution 13.

These prospective receipts would be of great assistance to the public schools within the States which discovered and developed the natural resources in these lands, but they would amount to very little, to a negligible amount, to any State if spread throughout the entire Nation.

Mr. President, if I may do so, I should like to present what is indeed a contrast. The total amount of $575 million is available from royalties, over the full time of production, from everything that could be produced from lands lying within the State boundaries. I should like to contrast that with some of the extravagant figures set forth in the page-wide CIO advertisement, which, incidentally, appeared on the same day the distinguished Senator from Alabama [Mr. HILL] stated on the floor of the Senate that it was unfortunate that all the people who had money and who were able to command publicity were on the other side, and that therefore, those who were opposing the pending measure had not been able to take their case to the public. That very morning, a page-long advertisement was published in the Washington Post by the CIO.

Senators will remember how the amount imagined to exist as royalties was applied and apportioned among the several States, and then, within the States, brought down to the county level, and in some instances, down to the town level within the counties, in an effort to show, through the production of extravagant and completely untrue figures, that the schools and the public were being despoiled by Senate Joint Resolution 13.

By way of contrast, for example, the amount the CIO said should go to Connecticut, but was being taken away by Senate Joint Resolution 13, was $676,635,000; which, by the way, exceeds by more than $100 million the total amount available to the whole Nation out of the royalties in all the areas within State boundaries, throughout the whole period of production. In the case of Georgia, the CIO is very modest. It makes the amount going to Georgia only about 6 times the amount that the whole Nation would get under the correct figures, because it says Georgia would get $3,125,000,000 plus, or almost 6 times the amount the whole Nation would actually receive if all the potential oil in the reserves could be produced—and the CIO knows that this, itself, is impossible.

In the case of the State of Illinois, the statement is made by the CIO that Illinois is giving away $2,946,000,000, which is about 5½ times the full amount the whole Nation would get if the correct figures were used. In the case of Massachusetts, the amount is more than 3 times as great as that which the whole Nation would receive; and in the case of New York, more than 7 times as great.

Mr. President, one would think that, with those ridiculous figures, opponents of the pending measure would have been content—and many of them quoted those figures in the course of their arguments. But they were not content with relying upon that extravaganza; instead, they developed some fantastic figures of their own. For instance, if Senators will turn to page 3771 of the CONGRESSIONAL RECORD, under date of April 24, 1953, they will see the premise from which the distinguished Senator from North Dakota [Mr. LANGER] took off. I shall quote from a question he was asking of the Senator from Oregon [Mr. MORSE]:

Does the Senator from Oregon know that if the $175 billion is divided by the population of the United States, as shown in the World Almanac for 1953—the population being 150,697,361—the amount proposed to be given away, as a result of enactment of the pending joint resolution, would equal $1,161.26 per person?

Mr. President, of course, the distinguished Senator from Oregon expressed approval of that computation.

Next we come down to Connecticut. Let us recall that the CIO very modestly stated that Connecticut was being deprived of a mere $676 million, or only $100 million more than the whole Nation would actually receive. But our distinguished friend from North Dakota was not content with having the State of Connecticut so deprived of its rights.

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

Mr. HOLLAND. I will yield in a moment, I may say to my friend from Colorado. The questioning by the Senator from North Dakota related to Connecticut—and the question, by the way, was entirely approved by the distinguished Senator from Oregon. I read the question and answer, found on page 3771 of the RECORD:

Mr. LANGER. * * * Does the Senator from Oregon realize that even if we accept the $175 billion figure as the correct amount for the value of the natural resources which are proposed to be given away under the provisions of the pending joint resolution—althought that figure is only one-half the amount which it is estimated will be given away as a result of the enactment of the joint resolution—then the people of Connecticut and the school children of Connecticut would lose the sum of $2,330,973,972.80?

The Senator from Oregon, replying in like extravagance comments:

I hope the distinguished Senator who now is presiding over the Senate, the very great Senator from Connecticut [Mr. PURTELL], heard those figures for Connecticut. I believe the amount stated by the Senator from North Dakota is the amount that the people of Connecticut would lose.

Mr. President, the fact of the matter is that it is just a little more than four times the full amount the royalties from all the submerged areas within the State boundaries would produce to the whole Nation, or to whomever they should belong, over a period of 50 years, or over the full period of production. So that it is quite evident that extravagance became ever more extravagant, when interpreted by our distinguished friends, the senior Senator from North Dakota and the junior Senator from Oregon.

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

Mr. HOLLAND. I promised to yield to the Senator from Colorado.

Mr. BUSH. I merely wanted to obtain the page number.

Mr. HOLLAND. It is page 3771 of the CONGRESSIONAL RECORD of April 24, 1953. I may say the Senator will find it a very valuable archive, because it indicates that his State would receive more than four times the total

amount which the real owners, whoever they may be, of the lands within the submerged belts of the States, and extending out to State boundaries, could get by way of royalties. I congratulate the Senator from Connecticut, both upon the established importance of his State, and upon the fact that, apparently, according to the estimate of our distinguished friend from North Dakota, which I have just quoted, the enactment of the legislation would give the people of his State four times as much as the whole Nation, including all the operators, would get from the entire area.

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

Mr. HOLLAND. I promised to yield to the Senator from Colorado, after which I shall yield to the Senator from North Dakota. I now yield to the Senator from Colorado.

Mr. MILLIKIN. Mr. President, I shall vote against the Malone amendment, because I think it a mistake to raise and submit to decision the matters involved in that amendment, while deciding the matters involved in the Holland joint resolution. The questions involved in the Holland resolution will turn, in my mind, on claims of right. The matters covered by the Malone amendment will turn on questions of policy. The decision on one does not compel the same decision on the other. I fear that premature consideration of the matters covered by the Malone amendment will prejudice their consideration when they are brought before the Senate on their own separate merits.

Mr. HOLLAND. I thank the distinguished Senator from Colorado.

I now yield to the Senator from North Dakota [Mr. LANGER].

Mr. LANGER. May I say to my distinguished friend and colleague that at the conclusion of the speech of the Senator from New York [Mr. LEHMAN] I intend to speak for an hour on the pending legislation, and I intend to reiterate the very figures which the distinguished Senator from Florida has just criticized?

Mr. HOLLAND. I thank the Senator. I think he will again go into a field of extravagance where I shall not be able to follow him.

Mr. President, let us follow the distinguished Senator from North Dakota in his peregrinations among the great States of the Union. I find on page 3773 of the CONGRESSIONAL RECORD that when the distinguished Senator came to the State of Illinois he asked this question of the distinguished Senator from Oregon [Mr. MORSE]:

> And does the Senator realize that the distinguished senior Senator from Illinois is advised that the schoolchildren and the other people of the State of Illinois, even on the assumption of the accuracy of the estimate of $175 billion of total revenues to be derived under the pending joint resolution, will lose the staggering sum of $10,117,101,501.76?

Of course, Mr. President, the Senator from Oregon was properly shocked at that revelation, and I think we should all be shocked at it, because it is so completely out of proportion to anything like the full amount which, at most, will be derived. According to these figures, as stated by the distinguished Senator from North Dakota, he increased the CIO estimate, which was more modest—it was only 5 times as great as the total revenue—the Senator from North Dakota increased that figure for Illinois to more than 18 times as much as the entire revenue from royalties in all the States put together if they produced every drop of oil and every foot of gas estimated by the United States Geological Survey. Let us remember always that when oil is being taken from great depths of water, it cannot be hoped that all of it will be produced.

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

Mr. HOLLAND. I yield.

Mr. LANGER. I wonder whether the Senator knows that the CIO figures were unreasonably low.

Mr. HOLLAND. I may say to the distinguished Senator that possibly that is the explanation as to why the Senator from North Dakota proceeded to out-extravagandize even the CIO figures. I, therefore, compliment my distinguished friend that when he got through exaggerating there was nothing else left to exaggerate.

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

Mr. HOLLAND. I yield.

Mr. LONG. I wonder whether the Senator from Florida realizes that the source from which the late Secretary Ickes secured his figures was the same basic information which the Senator from Florida is now using, namely, the estimate of the United States Geological Survey, but he failed to take into consideration the fact that there is only a one-eighth or a one-sixth royalty, at the most, and, further, that 90 percent of the resources involved are beyond the States' historic boundaries and, therefore, not covered by the Holland joint resolution?

Mr. HOLLAND. That is correct, and I thank the Senator from Louisiana for his observation.

Mr. LONG. Nor did Mr. Ickes take into consideration the calculation that the figures involve a period of approximately 50 years.

Mr. HOLLAND. The Senator is, of course, correct.

Mr. President, I shall not quote further from these extravagant figures except to say that in the case of the State of New York the maximum of extravagance was attained when my distinguished friend from North Dakota, evidently getting his second wind, and since no one had questioned him, thinking that he would go the whole limit, used as big figures as he could state. I am not sure that I can properly state them——

Mr. LANGER. The figure was over $17 billion.

Mr. HOLLAND. I congratulate the Senator upon the excellence of his memory, if not upon the accuracy of his figures.

On page 3782 our distinguished friend from North Dakota, who is loved by every one of us, apparently attempted to completely and irrevocably outestimate the figures of the CIO, and he did a good job of it. I read from page 3782 of the CONGRESSIONAL RECORD:

> Mr. LANGER. Is the Senator aware of the fact that if the pending measure is passed, there will be taken from the pockets of the people of New York, $17,221,708,761.92, this being based only on the estimated $175 billion worth of oil?

The Senator from Oregon, strange to say, did not faint and was not shocked, but he came right back with imperturbability as great as any I have ever seen, and admitted that the Senator from North Dakota had accurately stated the situation, and it was just that way.

I shall not dwell further on this phase of the matter, but, once having been encouraged by the CIO to take off in flights of fancy into the wild-blue yonder, the Senator from North Dakota has certainly attained ethereal heights.

Mr. President, it is evident that each individual State stands to profit far more from the ownership of its own submerged lands than from a small share of the revenues now being received by the coastal States.

I see my time is about to run out. It will take me about 10 minutes to complete my statement. I wonder if Senators would be agreeable to charging my next time allowance with sufficient time to complete these remarks, because I shall be entitled to speak further at a later time on the next amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, every State has submerged lands, and their titles will be confirmed by Senate Joint Resolution 13. There is a table at page 35 of the printed hearings showing the acreage covered by this resolution in each State.

The total area of submerged lands under inland waters within all 48 States is 28,960,640 acres; the similar total beneath the Great Lakes in the 8 Great Lakes States is 38,595,840 acres; the similar total beneath the marginal sea within the boundaries of the 21 coastal States is 17,029,120 acres.

It is believed that the representatives of each State will serve their own people better by securing safe and secure title to these lands within their own boundaries than by setting a precedent for their surrender or loss to the Federal Government.

Some of the Senators from coastal States who are willing to give up their claims to their marginal belts in order to share in the future revenues of Texas, California, and Louisiana, may live to see this a bad bargain. In their own lands, uranium, iron ore, gold, or other valuable resources may be discovered in the future. They may find themselves like the landowner in the story, Acres of Diamonds, who sold his land and all of his possessions in order to go out and search the world for diamonds. After many years had passed, he ended up with nothing, but on the land which he had disposed of, in his own backyard, was found the greatest diamond mine in the world.

THE HILL AMENDMENT WOULD NOT HAVE GIVEN ANYTHING TO THE STATES OR TO PUBLIC EDUCATION

The CIO ad, and most of the speeches by those opposing Senate Joint Resolu-

tion 13, argue that the Federal Government should keep the submerged lands formerly held and developed by the 21 coastal States in order that future revenues may go to the schools of all the States under the Hill amendment.

The truth is that the Hill amendment, already defeated by the Senate, would not have appropriated any of these revenues to the States or to public education. It would have appropriated all of the revenues to national defense and national security for the duration of the present national emergency and, until Congress shall otherwise provide. Only after the present national emergency is over, and only if a future Congress so decides, would any of these funds be available for Federal aid to education. Here are the exact words of the Hill amendment:

All other moneys received under the provisions of this act 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.

There are two jokers in this proposal: First, the national emergency may outlast the production of oil and gas from the marginal sea within historic State boundaries; second, even if the emergency ends before these natural resources have been exhausted, a future Congress may decline to appropriate the remaining revenues for Federal aid to education, since similar measures have always been defeated in the past by those who fear that they would result in Federal control of our public schools, or who contend that children who attend private and religious schools should or should not share in the public grant.

The truth is that the total effect of the Hill amendment on public education would be to take away funds now dedicated to public schools in the coastal States and transfer them to the Federal Treasury for national defense purposes.

SENATE JOINT RESOLUTION 13 IS NOT A GIVE-AWAY BILL

In boldface headline type the CIO ad calls Senate Joint Resolution 13 a give-away bill. This CIO line of attack is the same that Senate opponents have followed continuously for the past month.

The truth is that Senate Joint Resolution 13 simply restores or gives back to the States the submerged lands within their historic boundaries which they have possessed, used and developed in good faith for over 100 years. It confirms the property to the same people who have always owned and used it.

The Federal Government recognized State ownership of these lands in accordance with a long line of Supreme Court opinions preceding the rulings of the present Supreme Court in 1947 and 1950. Even the more recent Court decisions recognize that Congress may restore the property to the States, or establish title in the States as it was previously thought to exist.

Throughout all these years of possession in good faith the States and their lessees have expended millions of dollars in developing the property. Oil was discovered in the coastal belt by 3 States under State management and development, and it was not until long after oil was being produced—more than 20 years after the original production—that Federal officials first asserted claims against the States. This was due to the insistence of Federal lease applicants and was contrary to the expressed will of the Congress.

If this had been a land suit between individuals, the family in possession in good faith for over 100 years would have received judgment against even the legal claims of a family which sat idly by until after the land had been highly developed by the family in possession. Such judgments, based upon long possession and improvements made in good faith by one party and acquiescence or laches by the other party, are based upon general principles of equity and justice.

In the Supreme Court cases against California, Texas, and Louisiana the Court said it could not apply such equitable rules as adverse possession, prescription, acquiescence, laches, or estoppel against the Federal Government, but it said clearly that the Congress could do so. After overruling the equitable defenses of the States, the Supreme Court said that it would not be assumed that:

Congress, which has constitutional control over Government property, would execute its power in such a way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission.

The Attorney General of the United States acknowledged the equities and told the Supreme Court in his oral argument and supplemental brief in the California case:

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. And he 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.

While we believe that the present Supreme Court was wrong in writing the law differently from what it was believed to be by all previous Supreme Courts, Senate Joint Resolution 13 does not overrule the recent decisions. It merely applies the equities which both the Court and the Executive recognized that Congress must consider. It would write the law for the future as it was believed to exist in the past by restoring to the States all lands beneath navigable waters within their historic boundaries. The application of such principles of equity and justice have never been considered to be a gift. One does not give away, in the true sense of the term, land which has been possessed and developed in good faith for over 100 years by another party. Then, too, that part of the recent Supreme Court decisions which dealt with the outside Continental Shelf beyond State boundaries—nine-tenths of the whole shelf—is confirmed and supported by Senate Joint Resolution 13.

THE REAL ISSUE

Obviously, the real issue is whether the United States Congress should approve and adopt a Federal policy for the taking of lands heretofore held in good faith for over 100 years by the coastal States and already developed in many respects by them and their grantees. This is part of the broad issue of whether we shall continue to build a bigger and more centralized Federal Government at the expense of the States, their local units of government, and thousands of individual developers.

Naturally, those who favor more and more centralization of power in Washington are opposed to Senate Joint Resolution 13. On the other hand, with few exceptions, those who think that our National Government is already too big, too wasteful, and too far away from the people, warmly support Senate Joint Resolution 13 as a matter of equity and justice to the States and their grantees and as a means of preventing further encroachment on State rights and property under the new applications of the doctrines of "inherent powers," "external sovereignty," and "paramount rights."

NOT A PARTISAN ISSUE

State ownership of submerged lands is not a partisan issue. A majority of both the Democrats and the Republicans have supported this legislation in the House both last year and this. Democrats last year were almost evenly divided in the Senate, while the legislation has always been supported by a majority of the Republican Senators. The Republican platforms of 1948 and 1952 call for State ownership legislation, and this course is strongly favored by President Eisenhower. The only attempt to write a contrary plank in the Democratic platform was at Philadelphia in 1948, and that was defeated. Only the Progressive Party of Mr. Henry Wallace has ever called, by a platform plank, for Federal ownership of this property.

While State ownership and control is frantically opposed by such ultra liberal national organizations as the CIO and Americans for Democratic Action, who do not want to see a reversal of the trend toward nationalization of natural resources and regimentation of private industry, it has the support of many substantial national organizations, including the following: Conference of Governors, National Association of Attorneys General, Council of State Governments, National Association of State Land Officials, American Association of Port Authorities, National Institute of Municipal Law Officers, Conference of Mayors, National Association of Secretaries of State, National Association of County Officials, American Municipal Association, Great Lakes Harbor Association, The American Bar Association, American Title Association, United States Chamber of Commerce, United States Junior Chamber of Commerce, National Water Conservation Conference, National Reclamation Association, National Sand and Gravel Association, National Association of Real Estate Boards, National Ready Mix Concrete

Association, Western States Land Commissioners Association—12 States, Western States Council—representing chambers of commerce in the 11 Western States.

I hope that this statement will so clarify the issues that no one will be misled by the exaggerated figures and deceptive propaganda which have been distributed at great expense by the CIO in opposition to Senate Joint Resolution 13.

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

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

Mr. DOUGLAS. The Senator from Florida read hastily, and I was not able to identify the names of all the organizations. Did I understand him to say that one of them was the "Ready Mix Concrete Association" or the "Ready Fixed Concrete Association"? [Laughter.]

Mr. HOLLAND. I thank the Senator from Illinois for his contribution, which illustrates how desperately our opponents are gasping for breath.

Almost every substantial business and civic organization in the Nation is with us in urging the enactment of Senate Joint Resolution 13, which has for its purpose the preservation of long-established States rights, and keeping away from bureaucratic control in Washington matters that reach down into the intimate details of property enjoyment along 5,000 miles of shoreline. They are opposing the grab which is taking place, the unwarranted and dangerous extension of the rules as to paramount rights external sovereignty and inherent powers.

I feel, and I think the great majority of the Members of the Senate feel, that it is in the interest of sound democratic principles, of preservation—resurrection, almost—of sound democratic government, and the protection of both States and people, to pass Senate Joint Resolution 13 and get on to other important business of the Senate.

Mr. DOUGLAS. Mr. President, I should like——

Mr. TAFT. Mr. President, I do not like to insist upon the carrying out of the agreement, but I suggest that we have gone long over the time permitted on this particular amendment. If the Senator from Florida is willing to cease and charge his time against the next amendment, perhaps we can reach a vote on the pending amendment. I would have objected at the time if I had understood the request. I think we must adhere to the rules.

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

Mr. TAFT. I yield.

Mr. LEHMAN. The Senator from Florida had yielded out of his time to the Senator from Nevada in order to allow him time to conclude his argument. It was only by reason of that fact that the Senator from Florida asked for 10 minutes additional, to be charged against the time on the next amendment.

Mr. TAFT. I think we should proceed to a vote on the pending amendment. Is the Senator from Nevada prepared to vote on the pending amendment, or would he prefer to have the vote put off until tomorrow?

Mr. MALONE. I appreciate the fact that the Senator from Florida yielded a part of his time to me. For that reason I ask unanimous consent that the vote be put over until tomorrow.

Mr. TAFT. Mr. President, I ask unanimous consent that the vote on the pending amendment may be taken tomorrow at 2 o'clock, when other amendments and the joint resolution itself are to be voted upon; also that it be in order to offer additional amendments at this time and discuss such amendments under the unanimous-consent agreement.

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

Mr. LEHMAN obtained the floor.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. McCLELLAN. Under the unanimous-consent agreement which is now in effect, is it necessary for a Senator who wishes to speak on the joint resolution, and not on an amendment, to have time yielded to him by one of the Senators in control of the time on the amendments?

Mr. HOLLAND. Mr. President, I will say to the Presiding Officer that the Senator from Florida had agreed to yield to the distinguished senior Senator from Arkansas time from the first time available following the discussion which the Senator from Florida has just completed. It appears that it must be upon the next amendment, because, as the Senator from Florida understands, the time to vote upon the amendment of the Senator from Nevada has now arrived, and the Senator from Florida assumes that a vote will take place immediately.

Mr. TAFT. Mr. President, by unanimous consent the vote on the Malone amendment has been postponed until tomorrow. The Senate is now about to consider the amendment of the Senator from New York [Mr. LEHMAN], for which 4 hours are available. When the Senator from New York completes the presentation of his affirmative case, the Senator from Florida will be able to yield ample time to the distinguished Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I wished only to get the parliamentary situation clearly in mind. The distinguished Senator from Florida had agreed to yield to me out of his time. However, his time on the amendment of the Senator from Nevada has expired.

The ACTING PRESIDENT pro tempore. The Chair is advised by the Parliamentarian that since the Senator from New York is about to offer his amendment, there will be opposition time out of which time can be yielded to the Senator from Arkansas.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MAGNUSON. How much time is allowed on each amendment?

Mr. TAFT. According to the modification made today, amendments generally are limited to 1 hour to a side. With respect to the amendment of the Senator from New York, however, 2 hours to a side will be available.

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

Mr. LEHMAN. I yield.

Mr. MORSE. I shall call up a couple of brief amendments, upon which I shall not require more than 10 minutes for explanation, because I discussed them at length last Friday. I shall be happy to yield time to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I appreciate the offer of the distinguished Senator from Oregon. I understand that the distinguished Senator from Florida will have plenty of time available to him on the amendment which the Senator from New York is about to offer. I shall require only a few moments.

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

Mr. LEHMAN. I yield, provided I do not lose my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from New York may yield under the conditions stated.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a statement on the joint resolution under discussion, as well as certain editorials from various newspapers relative to the same subject.

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

STATEMENT BY SENATOR MANSFIELD

On the basis of decisions already made by the Supreme Court, I believe that title in the submerged lands has been vested in the United States and, unless legislation such as the Holland bill is enacted, will remain so.

The Supreme Court of the United States on June 23, 1947, rendered an opinion in the case of United States against California and on June 5, 1950, rendered opinion in the cases of United States against Texas, holding that the United States has paramount rights in, and full dominion and power over, the submerged lands of the Continental Shelf adjacent to the shores of California, Louisiana, and Texas, and stated that the respective States do not own the submerged lands of the Continental Shelf within their boundaries.

At the present time the American system of primary, secondary, and higher education faces a financial crisis of severe magnitude because of the unusually large growth in the school-age population, because of the inadequate supply of teachers, and because of the deteriorating and infirm physical plant of the American educational system.

In my opinion the children of the United States—not oil—are this Nation's most precious natural resource and their education has from the beginnings of this Republic been traditionally held most dear by all Americans.

It is not my purpose to join in the complicated and technical controversy revolving around the ownership of these offshore lands. The Supreme Court of the United States has twice determined the question in unmistakable language. The high Court has ruled that this oil, which the Geological Survey has estimated to be worth at least $40 billion—others up to $300 billion at present prices—belongs to all the people of all the States. In my view the issue of ownership has been settled.

It is, however, my desire to emphasize once more to the Members of the Senate the crucial financial crisis which our American educational system faces. I know that it is not precisely a secret to any of my colleagues. I do, however, believe the actual bare figures will bring a new sense of shock to them as they did to me despite our mutual awareness of the crisis.

Our children, yours and mine, and those of our constituents, are the most precious asset this Nation has. They are America's greatest single natural resource. Their independence of mind, their individuality, their ability to think for themselves and to speak and act for themselves are what we hold most dear. It is their heritage as it was ours. As often as we are confronted with today's specter of Communist totalitarianism just as often do we take comfort in the ability of our young Americans to take care of themselves. They have always had this ability in the past. It is in the American tradition. But they have had it mainly because of our great system of education, a system which today is deteriorating and is in serious danger of breaking down. We have been blessed in times of international danger with the engineers, the chemists, the inventors, the technicians, the mechanics, the scientists, the military leaders who have always been imaginative and ingenious enough to protect our people.

Are we today so sure that this supply of American talent will always be available to us in the future? Ten years, twenty years from now, what kind of education can our children thank us for? Let us take a look at the record.

In 1947 the elementary-school enrollment in public and private schools was 20,300,000 children. By 1957 it is estimated that this enrollment will be 29,500,000. In this 10-year period our school-age children will have increased 50 percent.

Although there has been considerable school construction in the years since the war, the school buildings going up are merely replacing obsolete and unsafe school plants. They do not even begin to touch the problem created by the increased enrollments. It has been authoritatively estimated that it would cost around $11 billion over the next 10 years to construct the classrooms to meet the needs of our growing school population.

This neglect now puts us in a serious dilemma. First the depression and then World War II brought school construction to a standstill. At the same time building costs have doubled over the past 25 years. The longer we have waited the more we must pay.

Also, just as more and more of our children reach school age, so are more and more of our teachers leaving the schools. This is just as true today as it was during World War II. The labor supply is tightening and the teachers are leaving their low-paid jobs to go into defense work. During World War II 350,000 teachers left the profession. Most of them did not return. Why? The answer was given in one paragraph from the lead editorial in Collier's for July 28, 1951:

The average pay for elementary teachers during the past school year was less than $40 a week in 10 States, according to NEA figures. Twenty-one States paid less than $50 a week, and 37 States less than $60 a week. There are not enough replacements coming up. The 1951 National Teachers Supply and Demand Study reveals that this year only 32,000 qualified elementary-school teachers will graduate. That is the national supply. What is the demand? In 1953, this year, we will need 60,000 teachers merely to replace those who retire; we will need 10,000 teachers to meet the demands of increased enrollments; we will need another 10,000 teachers merely to relieve overcrowding; and we need thousands more to replace unqualified temporary teachers.

In the postwar years very little, not much, has been done to raise teachers' salaries. But the few raises have long ago been wiped out by our spiraling inflation. Teachers' pay has not kept pace with our people's pay. In 1949 they earned 99 percent more than in 1940, yet the average employed person earned 120 percent more.

School financing is a serious local problem. As the Federal Government takes more in taxes for purposes of defense, there is less for our local tax systems, which have in the past taken care of our school problems, and that is one great additional virtue of the oil-for-education amendment. It puts no additional burden whatsoever on the back of the taxpayer, since whatever grants-in-aid are made to the 48 States will not come out of his pocket but out of oil royalties.

I have summarized as briefly as I can the financial crisis in the education of America's children. We must supplement the funds for education or in a few short years our own children will be inadequately educated. Our illiteracy rates will start rising again.

In 1949 we spent approximately $5 billion for the cost of public schools, private schools, parochial schools, colleges, and universities. In that same year we spent more than $7 billion for foreign aid and $12 billion for defense. In my opinion, the dollars for foreign aid and national defense were money wisely spent. But we did not spend enough to educate our children at home. This amendment is a method for increasing our educational facilities without spending more tax money.

Tidelands oil has been a controversial issue for the past 12 years. It has been fought out on the political platforms, in the courts, and in the Congress. I suggest to all of you that here in this oil-for-education amendment you will find a reasonable—in fact, an idealistic—compromise for both sides. In accepting this compromise we will be contributing in the most direct way possible to the future of America.

Amendments have been offered to allocate royalties from submerged lands to reduce expenditures and curtail taxation. Unfortunately, these amendments, like the oil-for-education amendment, have been defeated.

The danger, once this bill passes and becomes law, lies in the possibility that, in addition to this giveaway, there will be additional takeaways. Bills have already been introduced in both Houses to take away from the Federal Government the mineral rights it possesses in the States and also to reduce the grazing authority of the United States Government on the public domain in the West. These are only indications of what may happen and I sincerely hope that what I anticipate may not come to pass.

[From the Great Falls (Mont.) Tribune of April 23, 1953]

MONTANA HAS STAKE IN TIDELANDS

Featured this week along with congressional debate on the controversial tidelands legislation is a letter to President Eisenhower from 25 Senators, including MURRAY and MANSFIELD, of Montana, asking him whether he supports State claims to boundaries beyond the 3-mile limit.

Claims, contentions, and technicalities in this prolonged controversy over offshore oil lands are numerous and complicated, but the main issue seems simple.

In two separate decisions, the United States Supreme Court has ruled that the ownership and control of the lands and assets beyond the low-tide mark rests with the United States. The purpose of the pending legislation is to transfer that ownership and control from the United States to the States from the borders of which the rich oil lands extend.

On a number of occasions in the past the Tribune has expressed opposition to the so-called tidelands legislation. We are not willing to accept contentions of those who favor giving Montana's traditional share of income from these assets to a few States or the cry of "State rights" as just reason for overriding the decisions of the highest court in the land. Those decisions established the Montana rights, and those of other noncoastal States, to a share in the assets that backers of the tidelands legislation are now seeking to present as a gift to the coastal States.

Further than that, there have recently sprung up in Congress various moves, closely akin to the tidelands affair, to seek other areas where public domain might be divided or served up to States or private interests. This is a trend against which the entire West, with its vast public domain, should be alert.

[From the New York Times of April 20, 1953]

OIL FOR THE NATION

One of the greatest, and surely the most unjustified, giveaway programs in the history of the United States is legally taking shape before our eyes. The administration has endorsed in principle, the House has already approved, and the Senate within a few days apparently will approve this plan to give to the people of a handful of States billions upon billions of dollars' worth of undersea oil that rightly belongs—and always has belonged—to the people of the entire Nation.

Although the fight over ownership of America's offshore oil resources involves many legal complications, the basic question is not hard to grasp. It is simply this: Will the Nation retain that control over the vast undersea resources beyond the low-water mark which the Supreme Court has repeatedly said belongs to the Nation, or will these resources be handed over to the coastal States? While direct self-interest accounts for the furious fight for the oil waged by Texas, Louisiana, California, and Florida, it is difficult to understand why the representatives of so many other States have joined in to deprive their constituencies—and the Nation as a whole—of an immensely valuable possession that rightly belongs to all of us. One explanation may be that a smokescreen of false issues has tended to obscure the real issue.

The argument is not and never has been over lands covered and uncovered by the tides. These unquestionably belong to the States. The argument is not and never has been over the bottom of rivers and lakes. These, too, belong to the States, and the opponents of the present bill have repeatedly offered legislation to make that fact perfectly clear. The argument is not over filled-in land along the ocean shore. This, too, belongs to the States; and whatever reasonable legal doubts may have been raised about that can easily be taken care of through appropriate legislation. The argument is not over socialism against private enterprise, because whether the States or the National Government controls the oil, it will be developed by private companies as at present.

The purpose of the pending legislation is to give to certain States what properly belongs to all the people. It is cast in such a form as to lead to endless legal complications, international as well as domestic. For instance, it would recognize historic boundaries in some cases far beyond the 3-mile limit on which the United States has always insisted in its relations with other countries. Since nobody, including the proponents of the bill, knows just where the historic boundaries lie, anyway, the confusion will be indescribable. Furthermore, the bill would pave the way for State claims to other federally held resources within the States, including public lands and forests. It would deprive the Federal Government of direct control over a vital reserve for the national defense.

The opponents of the bill, led by such careful thinkers as Senators DOUGLAS, of Illinois, and LEHMAN, of New York, offer a sound alternative in the Anderson bill, which would confirm Federal jurisdiction over the offshore oil resources and State jurisdiction over lands beneath tidal and inland waters, and would give the coastal States a percentage royalty on oil taken from within the 3-mile limit. Under the Hill amendment all money received by the Federal Government from leases for oil development would eventually be used exclusively as grants-in-aid of primary, secondary, and higher education. According to this provision, Senator DOUGLAS estimates that New York, for example, would receive in royalties anywhere from $500 million to nearly $5 billion, depending on the actual worth of the reserves and the royalty percentage eventually agreed upon. What sums of this order would mean to education in all 48 States is self-evident. Again we urge the Senate leadership and the administration to think through the offshore oil question and to look at it in terms of benefit to the Nation.

[From the Great Falls (Mont.) Tribune of April 9, 1953]

SHALL FORESTS BE PRIVATE PRESERVES?

A dangerous storm is brewing, imperiling national forests of Montana and throughout the mountain West. It is embodied in identical bills now pending in both branches of Congress. If enacted into law these measures could turn grazing permits on our national forests into legal property rights for the benefit of a comparatively few large livestock operators.

In the House this bill (H. R. 4023) has been introduced by Representative D'EWART, of Montana. Notation that it was introduced "by request" may indicate that Mr. D'EWART has some reservations regarding it but we believe his sponsorship of it, limited or otherwise, is a serious mistake. In the upper branch a companion bill, is sponsored by Senators BARRETT, of Wyoming, and BUTLER of Nebraska.

The bills would reverse the established policy of administering our national forests for the greatest good to the greatest number. That policy recognizes Government control as necessary to safeguard vital resources for the benefit of all the people. Timber and watersheds are given first priority. Other uses are secondary. This overall policy has proved wise and farseeing.

The Forest Service now affords the stockmen considerable protection in the exercise of grazing privileges. Having once granted a rancher a permit to graze a specific number on the national forest, he is accorded preference rights for a similar number as long as he retains the ranch holdings. But limits are established as to how many one owner may graze on the forests and these limits vary in accordance with the economy of the area which surrounds the forests.

The pending legislation could, in effect, establish property rights to the grazing permits which could be bought and sold and which could lead to all of the rights eventually going to a few large operators. It would also transfer a major portion of the control and administration of forest grazing lands to advisory boards elected by the permit holders.

There are bountiful assets in our public forest lands and a multiplicity of interests—some of them conflicting. The grazing privilege is important to the livestock industry. It deserves both fair and practical administration but it does not deserve special advantages that would jeopardize the best long-term interests of the region and the country.

We are told that the impetus for this legislation came from the Southwest. There is no conflict in Montana, but there could be in years to come, under such a law. Hence we think it is a bad piece of legislation for Montana as well as for the entire mountain area of public domain.

[From the Washington Post of April 17, 1953]

HOME ON THE RANGE

Now that the bills to give away offshore oil are well advanced, a new sort of land grab has been proposed to Congress. This is the D'Ewart bill in the House and the companion piece sponsored by Senators BARRETT and BUTLER of Nebraska in the Senate—bills which purport to set uniform standards for tenancy of federally owned grazing lands in the national forests. Couched in appealing and deceptive language, the bills actually would turn over much of the control of grazing lands in 14 Western States to the grazers. The result would be like depriving a landlord of any say as to who should sublet his property and as to what uses should be made of the premises.

It is important to bear in mind that grazing is a decidely subsidiary use of the national forests. These lands have been set aside by law primarily to protect watersheds—vital in the arid West—and to provide stabilized sources of timber. Recreation, the protection of wildlife, and the provision of forage for livestock are incidental uses. The Secretary of Agriculture, through the Forest Service, is charged with administering the national forests in the broad public interest. To accommodate stock raisers, a system of permits or "preferences" has been developed, authorizing them to graze specified numbers of livestock in accordance with the carrying capacity of the range. Grazing fees are, in general, far lower than those charged for private forage.

What the new bills would do is give grazers property rights in the permits, thus enabling the holders to sell or deed their permits. The determination of standards would be under the joint control of the Secretary and local advisory boards made up of permit holders, and decisions of the Secretary could be contested in court. Perhaps the most mischievous section is the one which eliminates the authority of the Secretary and the Forest Service to reduce the number of head that could be grazed when permits were transferred. This power is essential to protect sections that have been overgrazed.

The Forest Service has resorted to a minimum of bureaucracy in accommodating the legitimate desires of the stockmen, and the system has worked reasonably well. But the sponsors of the new bills would place the grazing interests above the larger public interest. We cannot think that the people of the West, of whatever party, will sanction a move which would jeopardize the protection of the national forests.

[From the Denver Post]

ANOTHER LAND GRAB ATTEMPT IN THE OFFING

Western livestock ranchers are out in the open at last with their latest attempt to grab control of the national forests of Colorado and 13 other States for their own benefit.

Congressman D'EWART, Republican, of Montana, has introduced, "by request," H. R. 4023 which would give firm, legal property rights in the national forests—rights which would be worth many millions of dollars—to those ranchers who now happen to hold permits to graze cattle, sheep and horses on the forests.

Passage of the bill would be complete reversal of our whole policy of administering national forests in the public interest.

The law creating our national forests recognized that Government administration of the lands was necessary to protect timber resources and watersheds, upon which western irrigation and western cities depend for their lifeblood.

In administering the law the Department of Agriculture has issued grazing permits whenever it has believed that the running of livestock would not damage watersheds. The Department also has encouraged the use of the forests for recreational purposes.

The first aim of H. R. 4023 is to put into law the idea that one of the main purposes for having national forests is to provide pasturage (for a fee) for stockmen who are fortunate enough to have grazing permits.

An entirely new vested right would be established. When a grazing permit expired, the present holder would have a legal right to first preference for renewal. The grazing right would belong to him so completely that he could bequeath it to his heirs or deed it when he sold his ranch.

He could even rent his right at a profit to another livestockman if he didn't want to use it himself.

We now have a single custodian for our forests, the Secretary of Agriculture. Unified administration is necessary if a consistent conservation policy is to be followed.

Under H. R. 4023, part of the Secretary's authority would be delegated to advisory boards of stockmen and to the courts. Judicial review of decisions by the Secretary is not now possible because there are no special rights in the forest except those granted by the Secretary.

If the law itself grants special rights to stockmen, the courts necessarily will become involved in protecting those rights under the law and unified administration will be further diluted.

H. R. 4023 is a slick rights-grabbing scheme on behalf of special interests. In promoting it, stockmen have overplayed their hand. It deserves quick death.

[From the Great Falls (Mont.) Tribune of April 17, 1953]

BILL FOR NEW FOREST GRAZING CONTROL CALLED "LAND GRAB" BY WILDLIFE LEADER

A congressional bill relating to Federal grazing land, introduced by Representative WESLEY A. D'EWART, Republican, Montana, was described here Thursday as the greatest land grab in history.

The bill, H. R. 4023, was given that label by Tom Messelt, Great Falls businessman and secretary of the Montana Wildlife Federation, in a talk before the Civitan Club.

Messelt said the measure is "promoted by big livestock corporations in the Southwest which for years have fought restrictions of forest service" and he urged Montana voters to write to their Congressmen expressing opposition to the bill.

Section 5 of the bill, Messelt said, would place control of national forest-grazing privileges under local advisory boards, and he declared such boards are controlled by livestock interests.

Sections 6 and 7 give holders of established grazing privileges first preference for continued use and entitle them to transfer their grazing privileges to successors, Messelt said.

This is the vested right in national forest-grazing lands which the stockmen have long sought, and is one of the real purposes of the bill, Messelt declared.

Mr. LEHMAN. Mr. President, I call up my amendment E, as modified by my amendment C. I ask unanimous consent that the reading of the amendment, as modified, be dispensed with and that the text of the amendment be printed in the RECORD at this point.

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

The amendment, as modified, offered by Mr. LEHMAN, is as follows:

Strike out all after the resolving clause and insert the following:

"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 act, 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 act 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 act, 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 act 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 act;

"(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 act 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 act.

"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 act, 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 of 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 act. Payments made pursuant to such agreement, or pursuant to any stipulation between the United States and a State, shall be considered as compliance with section 1 (a) (4) hereof. Upon the termination of such agreement or stipulation by reason of the final settlement or adjudication of such controversy, if the lands subject to any mineral lease are determined to be in whole or in part submerged land of the Continental Shelf, the lessee, if he has not already done so, shall comply with the requirements of section 1 (a), and thereupon the provisions of section 1 (b) shall govern such lease. The following stipulations and authorizations are hereby approved and confirmed: (i) The stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated July 26, 1947, relating to certain bays and harbors in the State of California; (ii) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the attorney general of California, dated July 26, 1947, relating to the continuance of oil and gas operations in the submerged lands within the boundaries of the State of California and herein referred to as the operating stipulation; (iii) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the attorney general of California, dated July 28, 1948, extending the term of said operating stipulation; (iv) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the attorney general of California, dated August 2, 1949, further extending the term of said operating stipulation; (v) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the attorney general of California, dated August 21, 1950, further extending and revising said operating stipulation; (vi) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the attorney general of California, dated September 4, 1951, further extending and revising and 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 act.

"(b) A lease issued by the Secretary pursuant to this section shall cover an area of such size and dimensions as the Secretary may determine, shall be for a period of 5 years and as long thereafter as oil or gas may be produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon, shall require the payment of a royalty of not less than 12½ percent, and shall contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe in advance of offering the area for lease.

"(c) All moneys paid to the Secretary for or under leases granted pursuant to this section shall be deposited in a special fund in the Treasury to be disposed of as hereinafter provided.

"(d) The issuance of any lease by the Secretary pursuant to this section 4 of this act, 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 act, 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) all moneys received under the provisions of this act shall be held in a special account in the Treasury and shall be used exclusively as grants-in-aid of primary, secondary, and higher education as Congress may determine; and

"(2) 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 act pending the settlement or adjudication of the controversy.

"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 act.

"(c) All leases issued under this act, and leases, the maintenance and operation of which are authorized under this act, 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 act, 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 act 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 act 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 act 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 act shall not apply to water power, or to the use of water for the production of power, or to any right to develop water power which has been or may be expressly reserved by the United States for its own benefit or for the benefit of its licensees or permittees under any law of the United States.

"SEC. 11. (a) Any right granted prior to the enactment of this act 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 act.

"(b) The right, title, and interest of any State, political subdivision thereof, municipality, public agency, or person, 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, public agency, or person, holding thereunder for public or private purpose is hereby recognized and confirmed by the United States.

"SEC. 12. Nothing in section 11 of this act 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 act 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 act, shall apply therefor to the Chief of Engineers, Department of the Army, who shall have authority to issue such authorization, upon such terms and conditions as in his discretion may seem appropriate.

"SEC. 16. Within 2 years of the date of the enactment of this act, the Chief of Engineers shall submit to the Congress his recommendations with respect to the use and occupancy of submerged lands of the Continental Shelf for installations of the type enumerated in section 11 of this act.

"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 act.

"SEC. 18. When used in this act, (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."

Mr. LEHMAN. Mr. President, I address myself to the amendment I have introduced. I think it is a fair and proper substitute for the Holland joint resolution, proposing, as my amendment does, that all the revenues from the oil resources in the submerged tidelands be made available to the Nation, for distribution to the States for the support of education.

The Anderson bill, of course, provided that 37½ percent of the revenues from oil resources within the 3-mile zone be allocated to those coastal States off whose shores the oil deposits are found. Constitutional experts with whom I have discussed the matter suggest that there is considerable doubt as to whether such a prior allocation is legally permissible since, under the law, all the resources in question belong exclusively to the Nation. It might be that some Members of the Senate who voted to table the Anderson bill were troubled by this doubt. If so, I offer my amendment which eliminates this legal question by making it clear that all the revenues from the governmental regulation of the development of the oil and other mineral resources in the submerged lands—all the royalties—will accrue to the Nation as a whole.

Of course, Congress has the power to distribute these revenues among the States for a uniform purpose advancing

the general welfare, namely, the promotion of education.

But before I get into the subject matter of my discussion today, I am going to make some general remarks about this entire debate, and about my part in it.

Mr. President, I have taken a very active part in the debate on the great issue which has now been before us, and before the country, for some weeks.

I have spent, as have my colleagues, long hours in this Chamber, day after day and week after week. It has been a heavy physical burden, in which we have all been sustained by the knowledge that we were and are fighting in behalf of a high principle, the most important to come before the Senate this year, and as important as any to be decided in many years.

We have been fighting because we have felt that we stood at the dike against a flood of error which could—which very well might—cause as great damage to our country as any legislative proposal within memory.

We have been further supported in our efforts by the aroused sentiments of hundreds of thousands, yes, millions, of our fellow citizens. We have thus exerted ourselves in behalf of all the people, against the interests of a relatively few.

I believe that the country will regret the passage of the Holland bill. I believe the country will, in the end, rebuke those who acquiesced in its passage. I believe that those of us who have been convinced in this matter have been duty-bound to oppose this legislation with all our strength and skill in the hope that the majority of the Senate would yet be convinced, as we have been, and would come to prefer a formula like that contained in the Anderson bill, with the further proviso contained in the Hill amendment, or the combination of the Anderson and Hill bills as contained in the pending amendment—my amendment.

I can readily understand, Mr. President, how the Senators from Florida, and Texas, and Louisiana, and California feel in this matter. They seek special advantage for their States. They strive to obtain that advantage.

I do not deny them the sincerity of their motives, nor of their belief that they serve their constituencies well in seeking to override the decisions of the Supreme Court to the effect that the resources in the submerged lands off the coasts of their States belong to the Nation, and to all the people of all the States equally. Obviously, such a finding is distasteful to them and they are trying to reverse that finding by every means open to them.

What I cannot understand, Mr. President, is how the Senators from other States, who would, in fact, be deprived of a rightful share of what belongs to all the people equally, can support the proposition to give away to these three or four States that which belongs to the whole Nation.

I represent the State of New York. I would be remiss in my duty, in my judgment, if I did not use every proper resource to defend the interests of my State in this national resource. I am doing just that. In my remarks today, Mr. President, I propose to show what New York would lose, what the people of my State would lose, through the Holland joint resolution, and what they would gain through the Anderson-Hill formula; which, while tabled in the Senate, still remains before the country.

But, Mr. President, we, as Senators, represent more than merely our individual States. We represent the Nation.

It has been shown in this debate already what the Holland joint resolution would mean to the Nation, how it would violate the national and international interests of our country. It has already been indicated, I say, Mr. President, what mischief the Holland bill would work, what a precedent it would establish. I propose to go into that further, Mr. President, and I propose to show what it would mean to the Nation if the formula laid down in the Holland bill were to serve as a pattern for analogous demands by the State of New York. I propose to show, in short, some of the implications of the Holland bill for the national welfare, for the Federal system of Government which the Founding Fathers, in their wisdom, created—and which, in my opinion, we gravely endanger by the precedent which would be established by the Holland joint resolution.

I seriously doubt, Mr. President, whether what the Congress proposes to do is constitutionally possible. But I am not a constitutional lawyer, nor a lawyer at all. The Supreme Court will have to decide the legality of what is here proposed. But I am going to discuss the significance of the Holland joint resolution for the future, as well as for the present.

The supporters of this giveaway bill, in an excess of zeal to count the votes on the Holland bill—they have been so sure of its passage—charged last week that those who opposed the Holland joint resolution were engaging in a filibuster in order to prevent a vote on the bill. That charge has now been tabled along with the Anderson bill and the Hill amendment. In good time we did, indeed, agree to a limitation of debate. We agreed to set a date certain for a vote on the Holland joint resolution.

We were not filibustering. We were engaged, with all our strength and resolution, in debating the proposed giveaway, for the enlightenment of the Senate and of the country.

As the distinguished junior Senator from Arkansas [Mr. FULBRIGHT] so brilliantly pointed out last week, not we, but the proponents of the Holland joint resolution are the ones who were actually engaging in a filibuster, for it was brought out by the Senator from Arkansas that the original meaning of the word "filibuster" is "piracy on the high seas," and if the Holland joint resolution is not piracy of the Nation's rights on the high seas, it is the closest thing to it I have ever seen in the Congress.

But even so, Mr. President, the majority of those engaged in all-out opposition to the Holland giveaway joint resolution, the filibuster joint resolution—in the original meaning of that word—could not be successfully accused of engaging in a filibuster, in the current, parliamentary meaning of the word. We have always been opposed to the parliamentary filibuster—to endless debate for the purpose of blocking a vote and thus defeating the will of the majority. We continue to be so opposed.

In fact, as the record shows, I and many of my colleagues repeatedly urged the majority leader to make a motion which we promised to support, to set aside the pending giveaway joint resolution, and to proceed immediately to a vote on a motion to amend the rules, so as to provide for effective limitation on debate and to provide an effective cloture rule, so that debate could be shut off and a vote taken, after fair and reasonable debate.

The majority leader did not take us up on our offer. He brushed it aside. Apparently he did not want to consider a cloture rule. We were, instead, threatened with an invocation of cloture under the present rules, but this was only a gesture, for the present rule cannot practically be invoked, and the majority leader knows it.

Indeed, the distinguished majority leader is clearly on record against an effective cloture rule. As recently as January 6 of this year, in the course of the debate on our proposal to adopt new rules for the Senate, including an effective cloture rule, the majority leader said—and I quote from the CONGRESSIONAL RECORD, page 114:

> Even then, it seems to me that unlimited debate is no abuse, because it has been the practice of parliament and it has been the practice of the Senate for 165 years, and I do not think such debate could be considered an abuse sufficient to justify setting aside the precedents of the Senate.

So the distinguished majority leader cannot, I may say, have his cake and eat it, too. He could not properly lay against us a charge of filibustering, and at the same time be on record as saying that unlimited debate is not an abuse and does not justify changing the rules of the Senate.

No, Mr. President. We have not filibustered. Most of us on this side of the question are and always have been against the filibuster; and we have been and are ready at any time to support a motion to change the present rules to prevent filibusters—although, I for one, will always maintain the right to have fair and reasonable debate. Just as I oppose the filibuster, I would oppose with all my strength a "gag rule." The rule recently reported by the Rules and Administration Committee shows, I think, the paradox of the position of the majority party in the Senate.

On the one hand, the majority leadership refuses to support a truly effective cloture rule—a rule that would limit debate on a change in the rules; and, on the other hand, the majority propose that when cloture is invoked, it should arbitrarily and inflexibly shut off debate after 5 days—an unreasonably short period for a minority, if it is a sizable minority, to have in which to present its viewpoint. So much for that, Mr. President.

Now I return to the pending question, namely the resources giveaway proposed in the Holland joint resolution, and of the constructive alternatives which we who oppose that measure propose instead.

I do not think it is yet clear to all the Members of the Senate, and certainly not

to the public at large, what the Holland joint resolution does, and what it leaves undone in regard to the mineral resources in the submerged lands in the open sea.

Let me say, first of all, that the basic purpose of my amendment—as was that of the Anderson amendment—is to get the oil out of the ground, to develop the resources in the submerged lands, for the sake of our national economy and of our national security.

My amendment does not disturb or affect present rights in the offshore oil lands, in the submerged lands. That question is not dealt with because it is no longer a question, as far as the law is concerned. The Supreme Court has ruled, three times, that these rights belong to the entire Nation.

My amendment—as did the Anderson amendment—gives authority to the Federal Government to lease these lands to private oil companies, for the orderly development of the vital resources. That authority is needed. Without it, the Federal Government cannot proceed to issue leases. Without it, these oil lands in the ocean will remain undeveloped, while our inland resources are being swiftly drained.

The basic formula for this development, as contained in my amendment, and as it was contained in the Anderson amendment, was carefully worked out after years of study and discussion. It was worked out by the best experts who could be assembled under the direction of former Senator O'Mahoney, who formerly was chairman of the Committee on Interior and Insular Affairs.

It is not a hastily improvised formula. It should not be rejected merely upon the promise of the majority leader to bring up for consideration another formula, which might be concocted in a hurry, for the purpose of meeting the obvious objection that the Holland joint resolution does nothing to resolve this fundamental problem, namely, the development of the oil resources in the lands under Federal jurisdiction.

I wish to emphasize that point. The Anderson formula, as contained in my amendment, is absolutely essential for any Federal leasing of oil lands anywhere in the submerged land where the Federal Government has paramount rights and jurisdiction. In other words, without the Anderson formula, the Federal Government cannot issue a single lease for any oil development anywhere on the Continental Shelf, whether it be 1 mile out or 50 miles out.

The Holland joint resolution is a pure and simple quitclaim measure, giving away to the coastal States a certain portion of the resources in the submerged lands which the Supreme Court has ruled belong to the Nation as a whole, but the Holland joint resolution leaves completely unresolved the disposition of these resources which even that measure leaves within the jurisdiction of the Federal Government.

In other words, the Holland joint resolution cuts out a chunk of the Nation's offshore oil resources pie and hands it to Texas, California, and Louisiana, but leaves the rest of the pie out of reach as far as the other 45 States are concerned.

Now, let us get a closer look at what the Holland joint resolution really does, since I have already pointed out what it does not do.

It proposes to give away to Texas, California, and Louisiana the vast oil resources in the open sea off the coasts of the States I have just mentioned up to the so-called seaward boundaries of these States.

Until a few days ago, before certain restricting amendments to the Holland joint resolution were adopted, the extent of the seaward boundaries of the States in question was described as those which had "heretofore" or might "hereafter" be approved by Congress. But there was no definition of what "approval" really meant. It might have been some obscure statute in which reference to a seaward boundary was included, but without consideration of its significance. Indeed, this was clearly the case in the claim which Florida now maintains for a western seaward boundary of 10½ miles. An obscure provision of the constitution of the State of Florida, approved on its readmission to the Union in 1868, after the Civil War, is now cited as justifying this giveaway of submerged lands within 10½ miles of the western shoreline of Florida. There was no congressional discussion of this provision and no establishment of congressional intent. But the enabling act which readmitted Florida into the Union is now cited as "approval" by Congress of a boundary 10½ miles in the Gulf of Mexico, a boundary 7½ miles further into the Gulf than the United States has ever claimed for itself as a Nation.

But no matter, Mr. President. We are in the giveaway business, and the Senate appears intent on giving away to Florida, Louisiana, and Texas the resources in the Gulf which belong to the Nation.

I suppose the rest of us should be grateful that the Senate has voted to close, at least temporarily, the completely open end of the Holland proposal and to fix the extent of the giveaway to those resources within 10½ miles of the Florida coastline, 3 miles of the Louisiana coastline, 3 miles of the California coastline, and 10½ miles of the Texas coastline.

I must say that I, for one, do not believe that this will be the end of this story. I predict that these States will be back for more.

But for the moment, at least, all the Continental Shelf beyond these newly established seaward boundaries is left by the Holland joint resolution, in the hands of the Federal Government. But the Holland measure does not permit the Federal Government to do anything with these submerged lands and their resources. So this area will continue to be undeveloped and its oil resources untapped until we receive and consider the further legislation on this subject promised by the majority leader.

Mr. President, such a course of action makes a mockery of our national responsibilities. Our first need, as a Nation, is to develop these offshore oil resources. That is vital to our national security. To fail to make provision for that is to neglect the most urgent requirements of our national security, and to leave us vulnerable to a crippling oil shortage, if our supply lines to the Middle East and to South America should be interfered with. Should this not be our first consideration?

I should like to make one other thing clear, Mr. President. Under the terms of my bill, as of the Anderson bill, the development of these oil resources would be actually undertaken by private oil companies. There is no thought of governmental operation or development of these resources. We contemplate private development of these resources, even of those areas which might be reserved for national security purposes.

Of course, if the Federal Government issues the leases, the royalties would accrue to the whole Nation. Another point to be made is that under Federal jurisdiction, there would be a uniform and integrated program of development, of these resources, with due regard for conservation, and above all, of the needs of national security.

Mr. President, I hasten to say that I am not criticizing the oil conservation policies of any particular State. That is not the point. The point is that the resources in question belong to the Federal Government; even if the Holland joint resolution is passed, some of these resources will, at least temporarily, continue to belong to the Federal Government. It would certainly seem highly desirable that there be a uniform oil development program and policy for all this area. That can best be accomplished under the terms of the Anderson formula, as contained in my bill, and by the defeat of the Holland measure.

Of course the Holland joint resolution does not confine its effects to Louisiana, Texas, California, and Florida. It proposes to give analogous rights in the open sea to all coastal States. But its practical effect is to give these billions of dollars' worth of oil resources to Louisiana, Texas, and California, because the great bulk of the oil deposits are in the open ocean opposite these three States.

The Holland resolution purports to give the same kind of undefined proprietary rights in the ocean bottom to other coastal States. But as far as the other coastal States are concerned, the gift is a chimera, unless oil or other valuable minerals are discovered in the submerged land off their shores.

Moreover, it should be pointed out that even this grant is highly discriminatory, as between the coastal States. The fact is that, even without regard to the value of the oil and other mineral deposits, the practical effect of the Holland bill is to give a bonanza to a few of the coastal States and to make a meaningless grant to most of the other States.

For there is little meaning to the grant for those States with abbreviated coastlines. It is interesting to note that the 4 States most vitally interested in the Holland bill—Florida, Texas, California, and Louisiana—together have 56 percent of the entire coastline of the United States. Florida alone has 24.5 percent of the entire United States coastline; California, 17 percent; Louisiana, 8.2 percent; and Texas, 7.16 percent.

In addition to these 4, there are 17 other coastal States, all these States combined have only 43.4 percent of the coastline of the United States.

Thus, it can be seen that, speaking solely in terms of Continental Shelf area, aside from the question of the concentration of mineral resources, the Holland joint resolution is a bonanza for the four States in question, and a highly dubious grant for the other coastal States.

Of course, it is highly academic to speak of the submerged lands without reference to the mineral wealth concentrated in some parts of them. The mineral riches are in the Gulf and in the Pacific immediately off the California coast. In these areas there is little value. In the other offshore areas, there is only space and relatively little of that.

I hesitate to speak for States other than my own—and I shall shortly speak for my own and at some length—but I would think that the old Yankee traders of New England, for instance, would turn over in their graves at the idea of swapping their shares in the billions of dollars worth of oil-rich land off the coasts of Texas, Louisiana, and California, in return for an acreage of ocean ooze off the coast of New England.

Yet this is exactly the kind of bargain the Holland joint resolution is offering to the coastal States. As for the inland States, they are being completely shortchanged. Our southern friends and colleagues, along with those from California, with honeyed words and high-powered propaganda, have sold a bill of goods. They have reversed the fable and are selling us the Brooklyn Bridge.

As for myself, Mr. President, I cannot accept such a transaction without emphatic protest. Failing such a protest, I would be false to my conscience, my country, and my State.

As I have already said, I can understand the attitude of the Senators from California, Texas, Louisiana, and Florida. They are fighting for the special interests of their States and their constituencies. But the rest of us, too, must think of our respective States, and of the Nation.

What of my State, Mr. President? What of the interests of New York? My State was one of the original 13 which formed this Union, which participated in the great rebellion which led to the establishment of a new Nation on these shores. New York blood flowed in that revolution, and New York genius contributed to the fundamental charter of our Union.

The Thirteen Colonies did not form a loose association of competing sovereignties, each seeking special advantage at the expense of the others. The Preamble to the Constitution says that "We, the people of the United States, in order to form a more perfect Union—to provide for the common defense—and promote the general welfare."

And these key words—"To provide for the common defense and promote the general welfare"—are repeated, with emphasis, in the enumeration of the powers of the Congress.

The people of New York, in order to forge that Union, to create that Nation, to provide for the common defense, and to promote the general welfare, invested in the Union and in the Nation, the qualities, the rights, and responsibilities of sovereignty.

The people of New York vested in the Nation the responsibility to provide for the common defense, to guard the land borders and the sea approaches to the United States. New York and Massachusetts, and Connecticut, and Delaware, and Georgia, and Pennsylvania and Maryland, and the others of the Thirteen Original Colonies, gave the Nation the duty of maintaining the guard on the sea approaches to our shores, and of manning our borders.

Remember, Mr. President, that all 13 of the original States were coastal States. There were no inland States when our Nation was formed. Yet there was no doubt, at that time, that the United States, and not the individual States, was given all rights and responsibilities in the marginal sea.

New York was one of these States, Mr. President. New York, insofar as it was a sovereign entity, surrendered to the Union whatever sovereignty New York had in the marginal seas.

The seaward boundary of the Province of New York might have been claimed to be—although it was not—5 or 10 miles or 20 out in the open sea. But when New York became part of the Union, all of New York's claim to the open sea was vested in the United States. And the United States made at no time a greater claim of title and sovereignty than 3 miles into the open sea.

Prior to the Revolution, the British Crown was sovereign in these waters. Following the Revolution and the creation of the Union, the Union became sovereign.

At one time, Mr. President, the Province of New York included all of New England. As recently as 1792, New York State ceded to Vermont a major part of the territory which is now Vermont. Perhaps New York State should now assert a claim to jurisdiction over these lands. The claims of Texas and Florida to the submerged lands in the Gulf of Mexico have no greater, if as much, validity.

At one time, Mr. President, the State of New York—and this was after the establishment of the Union—held territories which extended far to the west, including lands which now constitute, in part or in whole, the States of Ohio and Michigan. But do you know, Mr. President, what New York State did in 1781? New York State gave all the western lands beyond her present borders to the Nation, to the United States, to be held as a National Territory, for the good of the Nation, and all its people, those of that day, and of the generations still to come.

New York divested herself of her sovereignty over those lands and gave them to the Nation, so that new States might be carved out of those territories, and so that the Nation might benefit from the public lands thereby acquired from New York by the United States.

In 1780 the New York State Legislature passed an act of cession, granting those lands to the United States Government. That act contained these words:

> The people of the State of New York were on all occasions disposed to manifest their regard for their sister States, and their earnest desire to promote the general interest and security.

In fact, New York State was the first State to turn over its western lands to the United States. Other States, including Virginia and Massachusetts, subsequently followed suit.

And this was very significant. As I have said, New York's grant of western lands to the National Government was followed by similar grants from other States. These grants resulted in the early creation of a sizable national domain. The creation of that national domain led, in turn, to the acceptance by the States of the idea of an overriding national sovereignty. Hence this grant of land by New York State in 1781, as much as any other single factor, prepared the way for the Constitution.

New York thus has a great historical, as well as a practical, interest in the maintenance of the national domain.

In the past our concern was to build up the country as a whole and to support the National Government.

What a contrast to the present trend, as reflected in the pending proposal. Instead of contributing to the resources of the National Government in these days of towering national responsibility, of astronomic public debt, and of unbalanced budgets, in these days when the National Government needs, as it did in 1781, fiscal resources to provide for the common defense and to promote the general welfare, it is now proposed that the Nation be stripped of its resources, that sovereign rights in the Continental Shelf be turned over to a few States, at the expense of all the other States, including my State of New York.

Thus, history is being turned upside down. The trend which made this Nation great is being reversed.

One of New York's great contributions to the Nation of that period was a citizen, an alien-born citizen, who was one of the architects of the Republic and who became one of the patron saints of the Republican Party. I refer to Alexander Hamilton, the chief advocate of federalism and of a strong Central Government. I wonder what Alexander Hamilton would have thought about this proposal to deprive the United States of its legitimate resources, of its proper sources of future revenues. It is strange that so few of the Senators who, at political gatherings, pay tribute to the memory of Alexander Hamilton are to be found in the forefront of this fight against tearing down what Alexander Hamilton struggled so hard to build up. This greatest of all Secretaries of the Treasury—at least, so proclaimed in Republican Party speeches—did what he could to build up the Federal credit to create new sources of Federal revenue so that the United States Government could discharge the responsibilities set forth in the Constitution.

But now it is proposed to give away those resources, to hand them over to a few States, at exactly the time when the National Government stands in the most critical need of finding additional sources of revenue to meet the crushing obligations and burdens it must now bear.

I shall not dwell at much greater length on history, but I should like to

make one further reference to the Constitution. Let us look at the enumeration of powers given to Congress, in section 8 of article I. Included in the many powers expressly granted Congress and the United States Government, is the following responsibility:

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

Mr. President, I respectfully suggest that the Holland joint resolution is a violation of this provision of the Constitution, and that Congress should be considering, not this giveaway legislation, but legislation carrying out this constitutional injunction contained in section 8 of article I.

If what the Holland joint resolution proposes is not actually piracy on the high seas, it is surely a violation of international law. It is an attempt to obtain title to an area which, according to international law, is international territory. At least, we should give this point due consideration, along with the other constitutional points which have been raised in the course of this debate.

Mr. President, I return again to the viewpoint that New York State, my State, having contributed so much to the formation of this Union, and to the upbuilding of the Nation, has a great interest in seeing that the Nation is not torn down, bit by bit, piece by piece, and that this Nation is rendered capable of meeting its obligations, under the Constitution, and satisfying the urgent needs of the general welfare.

The people of New York, 15,000,000 of them—one-tenth of the population of the Nation—have a proportionate right in the mineral resources in the Gulf of Mexico and off the coast of California. The people of New York have as much right in those resources as do the people of Texas, Louisiana, Florida, and California. It is our coast, the coast of the Nation. It is our marginal sea, the marginal sea of the United States of America.

It is not I who says so. Do not take my word for it. Take the word of the Supreme Court of the United States. That word was given three separate times, in three separate decisions.

The United States is sovereign in those waters. The United States has paramount rights and dominion in those waters, and over the land beds underlying those waters. The people of New York State, as citizens of the Nation, have a right in those waters, in those land beds off the coasts of Texas, California, Florida, and Louisiana, just as the citizens of those States have a right in the waters and land beds off New York State. Why should Congress give away those rights, worth billions of dollars—the amount does not really matter—to the 4 States I have mentioned? I repeat: Why? That question has been asked again and again in the course of this debate. It has not been answered. It cannot be answered. There is no good reason.

Oh, Mr. President, what a tangled web we weave, when first we undertake to rationalize error.

If Texas, Louisiana, California, and Florida are to be given title to the lands underneath the marginal seas—and, in the cases of Florida and Texas, 10 miles out into the open sea—if these States are to be given all title and rights and regulatory powers in these seas, in these land beds, where do we stop?

What comparable title and rights shall New York claim? True, we get 3 miles of ocean ooze off our shores. It is a joke, but not one at which to laugh. We yield our rights in billions of dollars' worth of oil resources to these few States and they yield to us their rights in some hundreds of square miles of mud.

Why, Mr. President? I ask again: Why?

It is true that this question would not have arisen, if oil had not been discovered in these ocean beds, in these submerged lands. But, by the same logic, the question of Federal jurisdiction over navigable waters would never have arisen if ships had not been invented, if there were no such thing as commerce. The fact of recent discovery of value in these ocean beds, the discovery of oil in the Continental Shelf, does not diminish the national rights in those resources, once the claim to those rights has been made. The Nation has those rights, not the States. Who said so? The Supreme Court, three times. Why should those rights be given to three or four States?

Mr. President, let us take a look at my State. Again, I wish to say that when I talk about my State, I am talking not only about the interests of New York, but of the interests of the Nation, as well, because I feel, as do many other Senators, that I represent not only my own constituency, but also the entire Nation. I am talking now about the direct interests of 15 million people in my own State. We do not at the moment have oil off our coast. At least, none has been discovered. But we do have great resources in New York, resources which are regulated by, and on which taxes are collected by the Nation.

We have commerce and industry. We have the greatest port in the world, and into that port flows a great share of the Nation's commerce, by ship, and by air.

The Federal Government has the right to collect customs duties on certain foreign products and commodities landed at the port of New York—products and commodities destined for the people of New York and the people of the Nation.

In 1950 New York harbor handled over 186 million tons of commerce, by far the greatest tonnage of any of the other great ports in our country. Private, State, and local public expenditures on the facilities at the ports in New York harbor have amounted to billions of dollars. But the State of New York did not carve this great harbor out of its coastline. This harbor is a phenomenon of nature, a gift of providence. It is one of our great natural resources, just as the Tennessee River is a great natural resource of the States of Tennessee, Alabama, and Kentucky.

The people of the State of New York could take the attitude that all the revenues which accrue from this great natural resource which lies mostly within New York State should go into the treasury of the State of New York.

Let us see how the people of the United States now profit from the port of New York. First I should explain that the figures I am about to use cover Federal revenues from only that part of New York harbor lying within New York State, commonly called the port of New York. These figures also include receipts from Idlewild airport.

For the fiscal year 1952 alone, the Federal Government collected at the port of New York over $209 million in duties, over $2 million in miscellaneous receipts, and over $64 million in internal revenue taxes on imports such as liquor. The total collections came to $276,687,550.26.

I am not talking about personal income taxes or corporation taxes. I will take them up in a moment. I am speaking only of those revenues which accrued to the Federal Government as a result of the commerce flowing into the great port of New York during the year 1952. As a result of our great natural resource, the harbor of New York, the Federal Government collected over $276 million. Now let us do a little comparing. This is more than the Federal Government collected in personal income taxes from all the people living in the State of Louisiana. It represents more than was collected in combined corporation income and excess profit taxes from both the States of Florida and Louisiana.

We in New York are glad that we have a great natural harbor which permits the development of commerce on such a great scale, and which is used by all the people of the United States. We do not ask of the Federal Government that the revenues which accrue from this great port remain in New York State. We have not come to Congress to ask that these funds be returned to New York, because the port of New York is in New York State.

Of course we do not. The Constitution says that the Federal Government shall have the right to impose customs duties, and to collect excise taxes. So the Federal Government exercises that right on commerce entering the port of New York.

That is the Federal Government's right, the Nation's right, in regard to foreign products entering the United States. Nor is there any reason to stop at that point.

I wish to emphasize certain figures which are of particular importance. New York pays almost $8 billion annually in Federal income taxes, at current rates—personal, corporation, and excess profits—roughly one-fifth of the total collected in the entire Nation. That is 20 times as much as Florida pays, and almost 30 times as much as Louisiana pays.

Why should not New York ask that this money, collected from our great resource, our commerce and industry, be retained in New York? If this were done, New York, like Texas, could do without a State income tax. We could have the finest school system in the world. We could have an old-age pension system that would be the envy of all other sections of the Nation, and of the world. As for the subways, we could run them without any fare at all.

I wish to give a comparison between the income taxes collected in New York, Florida, and Louisiana, broken down as between corporation income and excess

profits tax receipts, and personal income tax receipts.

Comparison of corporation income and excess profits tax receipts, fiscal year 1951

Florida	$81,694,752
Louisiana	102,686,324
New York	3,243,085,654

Comparison of personal income tax receipts, fiscal year 1951

Florida	$319,601,286
Louisiana	237,580,740
New York	4,720,430,686

We, too, could claim particular favors, because we pay so much to the Federal Government. But we do not. We believe—and I possibly more than anyone else in the State of New York—that every citizen of the State of New York should pay his full share of taxes accruing to the Federal Government, without any excuses whatsoever. By the same token I, like many of my fellow citizens in New York, feel that the resources of the country should not be applied exclusively to three or four States of the Union.

Oh, Mr. President, I am not indulging in pure sport. I am aware that such proposals as I am suggesting would never seriously be made or seriously considered. Yet, these proposals are just as logical as the Holland proposal. The resources to which I have referred—The New York port, the commerce and industry of New York—are major resources within the boundaries of New York State. There is just as much reason to give the income from those resources to New York State, as to give the income from the offshore oil deposits to Florida, and Texas, and California, and Lousiana.

But obviously there is no sense to such proposals. The Federal Government has a right, under law, to tax these activities and to obtain the equivalent of royalties from them. They are within the Federal domain, as defined by law. The Federal Government needs the income from these sources to meet its obligations. It needs even more—much more.

The same is true of the offshore oil deposits. These deposits are within the Federal domain. The Federal Government has a right to obtain royalties from the development of these mineral deposits. Why should the Nation deny itself these sources of revenue? Why should the Congress seek to give them away to the 3 or 4 States at the expense of all the others?

At the same time we are considering the Holland proposal, there is a great clamor to cut taxes and to balance the budget. However much appropriations may be slashed—and I want to make it perfectly clear, Mr. President, that I am strongly opposed to cuts in appropriations which sacrifice the national security or welfare—the national budget will still be unbalanced and taxes will still remain very high.

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

Mr. LEHMAN. I shall be glad to yield when I have concluded with this part of the statement.

We must seek new sources of revenue or go deeper into debt.

Mr. President, what will be the situation if the Holland proposal is adopted? I am realistic, Mr. President. I know that it will be adopted. What will be the situation as between the States? The four States involved will obtain great revenues, if the estimates are even partially confirmed, and such estimates have been made by many experts in various States. It is quite conceivable that the States of Texas, Louisiana, Florida, and California will be able to reduce their State taxes in great part, possibly even eliminate them.

All the other States of the Union will be burdened by their State taxes. State taxes are almost as burdensome as those which must be imposed by the Federal Government because of existing conditions.

New York State turns over to its communities, in the form of State aid for local education, nearly $300 million a year, and the communities themselves provide many times that amount. The citizens of New York must continue to pay these heavy State taxes, and possibly increase them. I am sure every Member of the Senate will agree with me that the education of the youth of the country is far below the standard it should be.

Yet, because of these resources, the income from which will accrue to the four coastal States—the States which are the main proponents of the legislation—those States will be able to reduce their taxes by a great amount.

I know, Mr. President, that the distinguished Senator from Florida, for whom I have a very high regard, has given figures purporting to show how little money the four States would realize from the development of the offshore oil resources. However, those figures do not agree with figures I have seen, which have been prepared by able experts representing the States which would benefit by this legislation.

I recall a report made by a great number of experts—forty, fifty, or sixty engineers and leading citizens of Texas—which show that in the Gulf off Texas alone there are oil resources worth from forty to one hundred billion dollars. So I am not impressed by the figures given by the Senator from Florida. If he does not think the amount of money involved is a large one, why does he fight for the proposal? Certainly he does not fight for it as a matter of principle. He cannot contend, as a matter of principle alone that the offshore waters belong to the States, when it has been clearly established from the time of Thomas Jefferson that the United States Government is sovereign in those waters.

It does not make sense to me that the Congress should be willing to give up these valuable oil resources to three or four States, and thus deprive the other States of their ownership of and title to the property.

How absurd, then, to give away the national rights in these rich oil resources? It is not only absurd, but it is unfair to New York, and to the other States, which pay the lion's share of the taxes collected by the Federal Government.

The Holland proposal is the road to national ruin. It establishes a precedent which must surely end in stripping away our Nation's resources, natural and otherwise, and giving them away to the States, so that the Nation will be left without domain, without resources, helpless, and impotent.

I am not drawing a long bow, Mr. President. This is the logical end of what is proposed to be done under the terms of the Holland joint resolution.

If we have any doubt about what is being attempted to be done, I should think the remarks of the junior Senator from Nevada [Mr. MALONE] and the senior Senator from Wyoming [Mr. HUNT]—and these remarks were not in any way contradicted by the Senator from Florida [Mr. HOLLAND]—would prove the danger of what is being attempted to be done.

The Senator from Nevada has urged, as has the senior Senator from Wyoming—and I believe the junior Senator from Wyoming also—that all natural resources now owned by the National Government be turned over to the States.

Mr. President, I thought we were a Nation. I have always thought so. I still believe the United States is a Nation, and I shall fight for that idea as long as I have breath in my body. It is proposed by the Holland resolution to turn over the offshore oil lands to the States, and it is proposed now by other amendments to turn over all the lands—the grazing lands; mineral lands, and timber lands, and the power facilities—to the States.

Mr. MALONE. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER (Mr. MARTIN in the chair). Does the Senator from New York yield to the Senator from Nevada?

Mr. LEHMAN. No, Mr. President; I decline to yield at this time.

Mr. MALONE. I wish to point out that the Senator from New York has just now made a misstatement.

Mr. LEHMAN. Mr. President, I have only a limited amount of time, and I prefer to continue.

Mr. MALONE. However, Mr. President, the Senator from New York has just made a misstatement.

Mr. LEHMAN. Mr. President, there will be 2 hours in which the Senator from Nevada can answer my argument.

Mr. MALONE. Mr. President, I rise to a question of personal privilege, for the Senator from New York has just made a misstatement.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nevada?

Mr. LEHMAN. For what purpose does the Senator from Nevada wish me to yield, Mr. President?

The PRESIDING OFFICER. For a matter of personal privilege.

Mr. MALONE. The Senator from New York would not yield for a question, so now I ask him to yield for a question of personal privilege.

Mr. LEHMAN. Yes; I am very glad to yield for a matter of personal privilege.

I yield for a question of personal privilege.

Mr. MALONE. I do not ask the Senator from New York to yield for a question of personal privilege, but as a matter of personal privilege, so that I may make a statement.

Mr. LEHMAN. Oh, no. The Senator from Nevada has 2 hours in which to answer my argument.

Mr. MALONE. However, the Senator from New York has just made a false statement.

Mr. LEHMAN. I shall be very glad to yield on a question of personal privilege, as I always have been and always will be. However, I have only a limited time, and I wish to continue.

Mr. MALONE. Then I shall simply say that there is nothing in my amendment that would turn over the grazing lands or, in fact, any land surface to the States.

Mr. LEHMAN. The Senator from Nevada can make that very clear in the course of his statement.

Mr. MALONE. I have made it very clear in my statement just made.

Mr. LEHMAN. Good.

Mr. President, the Holland joint resolution moves in exactly the opposite direction from that of the great current in our history which has made us the mighty nation we are. That current is the building up of our Nation, as a whole, in all its parts, through the judicious use of the Federal authority and the Federal taxing power to promote the general welfare of all the States of the Union.

The building of the post roads and the river improvements which opened up the West more than a century ago were part of this current of our history. The great conservation measures so strenuously advocated by the great Republican President from my own State of New York, Theodore Roosevelt, was another, along with the building of such great projects as the Panama Canal. This current went on through the administration of Woodrow Wilson, when a Federal income tax was approved, making possible new measures to help develop the national domain and the national resources and to promote the general welfare.

During the more recent era of Franklin D. Roosevelt, this current broadened into a great stream of national improvement and expansion which included great power and reclamation dams in the West, the South, and the Southwest, epitomized in the TVA and the Grand Coulee Dam, and great highways and airports and ship canals and various irrigation and reclamation projects, wherever they were needed throughout this great country of ours.

In all those vast expenditures, New York State has always borne far more than its share. These great improvements were made possible through the recognition that what was good for one section of the Nation was good for all sections; that ours is one union, one nation; and that what promotes the general welfare of one region promotes the general welfare of all. That was made possible through the use by the Federal Government of the sovereign power the people had vested in it.

Mr. President, let me say to my colleagues—and I say it in all seriousness—that this is my fifth year in the Senate, and I think I am safe in saying that I have never voted against an appropriation for the development of any of the natural resources of the Nation, whether they existed in California or in Arizona or in New Mexico or in Tennessee or in Alabama or in Florida or in any of the other States of the Union. In those developments New York State had very little direct interest, and on many occasions I have been very much criticized by my constituents in New York for having voted for large appropriations for projects that made no direct contribution to the welfare of my own State.

However, I have taken the position with my constituents—and I believe their action at the polls has indicated that they agree with my position—that I would continue to vote for sound and practical projects for the development of particular regions of our country because I have felt, and I still feel very strongly with the utmost fervor, that what benefits one great area of the Nation benefits all the areas of the Nation.

However, I wish to say that I am not sure that the people of my State are going to continue to back me in that position.

Last year I appealed to the Congress to appropriate $1 million for plans for the development of the Niagara River. The senior Senator from Arkansas [Mr. McCLELLAN] will remember that, and he backed me in my efforts to have that appropriation made. However, the appropriation was not made. We were not successful in that effort.

I have not fought for many such undertakings. New York has not asked for many appropriations of this kind. But we have been denied even those we have asked. Many of my constituents feel that I should be working more for the direct and immediate interests of New York and think less for the interests of other regions and of the Nation as a whole. Whether I shall continue to be able to convince them, as I have before, that when I vote for something which will benefit Florida or Arkansas or Oklahoma or California, something which will increase the prosperity and the welfare of the Nation, I am also helping the people of my own State, I do not know. I simply wish to mention this point, which I am sure my colleagues do not sufficiently realize. They do not realize the feeling which exists today, and how anxious I have been, and am, to preserve the interests of the entire country, not those of one section only. However, my colleagues are making it very difficult for me.

Mr. McCLELLAN. Mr. President, will the Senator from New York yield to me?

Mr. LEHMAN. I yield to the Senator from Arkansas. Let me say this is the only time I shall yield, because I have only a limited amount of time in which to speak.

Mr. McCLELLAN. Mr. President, I may have misunderstood the remarks of the Senator from New York and the implications regarding the Senator from Arkansas. As I recall, I was chairman of a subcommittee of the Committee on Public Works which held hearings upon three bills providing for the development of the Niagara River. I do not recall the bill of the Senator from New York. However, one of those bills would have given all that resource to the State of New York, as I recall. I do not know whether the Senator from New York was saying that I backed him in that endeavor or not.

Mr. LEHMAN. No.

Mr. McCLELLAN. I backed no one, because we simply held hearings. The committee took no action.

I may say I did undertake to develop, at those hearings, all facts pertinent or relevant to the entire subject of the development of the Niagara River.

Mr. LEHMAN. Mr. President, I may say to my distinguished colleague from Arkansas, for whom I have great affection and regard, there were actually two Niagara bills in which I was interested. One was an appropriation for the making of plans. Another was an authorization bill for the whole project. He is thinking of the latter bill.

Mr. McCLELLAN. The Senator from Oklahoma [Mr. KERR] introduced a bill.

Mr. LEHMAN. No, it was another bill—my bill—to permit New York State to develop the power resources of the Niagara. That came before the Senator's committee. I have the impression that the Senator from Arkansas was personally sympathetic, though the committee took no action. There was, in addition, a request for $1 million, which was made to the Appropriations Committee, to provide for the drawing of plans under the guidance of the United States Army engineers. As I remember the Senator from Arkansas was sympathetic to both proposals. I know the Senator was not unsympathetic, at any rate.

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

Mr. LEHMAN. I yield to the Senator from Arkansas.

Mr. McCLELLAN. I am quite sure I supported the $1 million appropriation to make possible the drawing of the plans, because I believed in the development of the resources. However, I do not think I took a position on either bill. We endeavored to develop fully all the information necessary to enable the committee and the Congress to make a decision later regarding the project.

Mr. LEHMAN. I am very grateful to the distinguished senior Senator from Arkansas for his correction, as I am always grateful to him for his sympathetic consideration.

In the Holland proposal, we are urged to turn backward, to reverse this mighty current in our history, and to turn over to some of the States the national resources located in the open sea, in the national domain, within the purview of the national sovereignty.

The resources of the Nation are no longer to be governed by the Nation for the benefit of all the people, for the promotion of the general welfare, but to be given away to a few States, not on the basis of special need, but on the basis of geographical proximity to the resources in question.

I really do not think that either California, Louisiana, Texas, or Florida could make a very good case on the ground of special need, but those States are basing their proposal on geographical proximity to the resources in question.

This is not like a power dam whose benefits must necessarily flow to the peo-

ple in the immediate vicinity. This is oil, and gas, and sulfur to be brought out of the submerged lands, and sold in the open market.

New York State can and should benefit from these oil deposits, on a proportionate basis, just as much as Texas, and California and Louisiana and Florida. New York State has that right under law, as one of the 48 States. The Supreme Court has said so. And the people of New York, one-tenth of the people of the entire Nation, have a right to insist that this proposal to give away their resources be defeated and set aside, in favor of my proposal which would provide for the development of these resources in the interest of all the people of this country, and in the interest of our national security.

I know, Mr. President, that it will be said that some of the officials of the State of New York support this proposal. Mr. Robert Moses, the commissioner of parks of New York State, has endorsed this legislation, and the senior Senator from Florida has made much of this circumstance.

Mr. Moses has lent his support to this giveaway on what I must call spurious and specious grounds. Anyone in New York State who supports the Holland bill is laboring, in my judgment, under the most serious misapprehensions, and is either inadequately informed or is tragically neglectful of the interests of the State and of its people, as well as of the interests of the Nation.

I turn now to the argument that the Holland bill is necessary for New York, in order to assure State title to the filled-in lands on the ocean front.

I say that the entire excitement about filled-in lands, along with the associated fable that the Holland bill is essential to assure State title to the land beds beneath inland waters, rivers, lakes, and harbors, is pure hoax.

After carefully surveying all the facts, it is difficult for me to refrain from arriving at the conclusion that these arguments have been made with the intention to deceive. But I do not make that charge. I simply submit the facts. And the facts, in my opinion, are rather convincing.

Mr. President, the filled-in lands, piers, jetties, wharves, and other structures built in New York harbor and facing Long Island sound have been constructed on submerged bottoms under inland waters. There never has been a question, nor is there now a question, concerning the full title and rights of State, municipal, or private interests in these bottom lands or the structures built on them. Under every official interpretation I have been able to find, the waters of New York Harbor and Long Island Sound have always been considered inland waters. I am sure that the present administration and the past administration have considered Long Island Sound an inland waterway. I know that the Supreme Court of the United States considers New York Harbor and Long Island Sound as inland waters.

There never was and could not be any question with regard to New York's full title and rights in these particular bottom lands.

Now, Mr. President, the situation on the eastern coast of Long Island, facing the open sea, may be somewhat different. There may be some doubt in the minds of New York State officials and private property owners concerning present or future title to filled-in lands or structures built on that coast. This doubt arose following the decisions by the Supreme Court in the three historic offshore oil cases. These cases dealt with the ownership of the bed of the ocean and the mineral rights in the Continental Shelf beginning at low water mark opposite coastlines facing the open sea.

I would like to recall, Mr. President, that because of the doubts I have just referred to, the senior Senator from New York and I, during the last session of Congress, jointly offered an amendment to the then pending O'Mahoney resolution, Senate Joint Resolution 20. We offered this amendment to quiet any fears with regard to filled-in lands along the east coast of Long Island. We wanted to assure the officials of New York City who brought this problem to my attention that fills could continue to be made along the coastline to expand the great public recreational developments in that area, without raising a question of title.

Mr. President, I ask unanimous consent to include at this point in my remarks the wording of the amendment incorporated in the O'Mahoney resolution last year, bearing on this point:

The PRESIDING OFFICER. Is there objection?

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

SEC. 10. (a) The United States hereby quitclaims all right, title, and interest in any filled-in, made, or reclaimed land which formerly was land underlying the sea and situated outside the ordinary low-water mark on the coast of the United States and outside the inland waters to the State, subdivision thereof, or person who was on June 5, 1950, entitled thereto under the property law of the State in which such land is located.

(b) The United States hereby quitclaims all right, title, and interest in any land which is underlying the sea and situated outside the ordinary low-water mark on the coast of the United States and outside the inland waters and in the future becomes filled in, made, or reclaimed land as the result of action taken by any State or subdivision thereof for recreation or any other public purpose, to such State or subdivision effective as of the date determined by the Secretary on which such land becomes filled in, made, or reclaimed.

Mr. LEHMAN. Mr. President, it should be noted that in this amendment last year we used the words "quitclaim all right, title, and interest." Since that time many students of this problem have raised serious constitutional questions concerning this language, leading to the conclusion that the Federal Government cannot "quitclaim" its total rights and title in these lands. I emphasize the words "its total rights and title in these lands."

Hence this year, when last year's amendment was incorporated in the Anderson bill, S. 107, the wording was changed slightly to eliminate the possibility that quitclaiming title to areas on the coast where there was filled land or structures might be unconstitutional. The wording we used this year confirmed and recognized any right, title, and interest the State had or might need in the future to assure its full control over the surface rights of filled-in, made, or reclaimed lands. I ask unanimous consent to insert at this point the revised wording concerning filled lands as those words appeared in the Anderson bill.

The PRESIDING OFFICER. Is there objection?

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

SEC. 11. (a) Any right granted prior to the enactment of this act 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 act.

(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.

Mr. LEHMAN. It has been pointed out, Mr. President, that this wording, although it clearly covers all fills made in the past, both public and private, it would not cover new fills and structures, made in the future, if such fills were made by private persons rather than public agencies or instrumentalities.

That is true, Mr. President. However, despite the excitement shown by the senior Senator from Florida in regard to this point, there is no significance in it. No provision was included in the Anderson bill with regard to future fills by private persons because we had received no indication that private individuals had any concern with this problem. However, Mr. President, I see no reason to discriminate against privately made fills in this matter, and have therefore written further language which I have introduced as an amendment to my amendment, and which is, of course, included in the total substitute now pending before the Senate.

I ask unanimous consent that this wording, as revised by me, be printed in the RECORD at this point.

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

SEC. 11. (a) Any right granted prior to the enactment of this act 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 act.

(b) The right, title, and interest of any State, political subdivision thereof, municipality, public agency, or person, 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, public agency, or person, holding thereunder for public or private purposes is hereby recognized and confirmed by the United States.

Mr. LEHMAN. Mr. President, I want to point out for the record that I and my colleagues who have been opposed to the giveaway have tried our level best to separate the question of coastal fills from the completely different question of offshore oil.

But there has been a studied effort on the part of the supporters of the giveaway to confuse the two questions and to throw into the confusion the further question about inland waters and actual tidelands.

Mr. HOLLAND. Mr. President, will the Senator from New York yield for a question?

Mr. LEHMAN. I yield.

Mr. HOLLAND. After hurriedly comparing the amendment presented by the distinguished Senator from New York with the earlier amendment presented by the distinguished Senator from New Mexico [Mr. ANDERSON], I find very little difference between them. Is it true that the only substantial departure is that whereas the Senator from New Mexico proposed to give to the States 37½ percent of the royalties derived from properties within State boundaries, the Senator from New York does not have that provision in his amendment, but proposes to divert to the United States all the royalty revenues, both within State boundaries and in the Continental Shelf?

Mr. LEHMAN. That is quite correct. It is a clear-cut amendment to the proposed joint resolution. The joint resolution provides that 37½ percent of the revenues from the 3-mile strip shall be given to the States and that all the balance shall be given for defense or for other national purposes. My amendment is clear-cut, so that there will be no doubt whatsoever with regard to it. I am 100 percent in favor of the purpose of the Hill amendment. I think it is a good amendment. I want the oil revenue to go to all the States for education. I believe there is nothing more important than the education of our young people. So that, to prevent any misunderstanding, my amendment is a perfectly clear-cut declaration of what I have in mind and what I hope my colleagues may have in mind, that all the revenues from the offshore lands shall go to the Federal Government to be used by the Federal Government for the development and maintenance of education. There is no doubt whatsoever in my amendment. I am not "pussy-footing" on this matter. I am not saying that the States of Texas, California, Louisiana, or any other State should get 37½ percent of the revenues from lands even within the 3-mile limit. I am saying that the lands underlying the waters in the 3-mile limit belong to the Federal Government, and, therefore, I think the Federal Government can dispose of the revenues from those lands in any way it may see fit. My amendment provides that the revenues be used for the education of all of the young people of all of the States of the Nation.

I may say to the Senator from Florida that I do not want to set myself up as being more concerned with the welfare of my country than is any other Senator. I know we are all well-meaning and patriotic men. But there is a difference of opinion as between what will develop progress, prosperity, and constructive effort toward the defense and protection of the Nation.

Mr. HOLLAND. Mr. President, will the Senator from New York yield for a further question?

Mr. LEHMAN. Mr. President, I have the floor, and I shall be very glad indeed to yield to the Senator from Florida when I am through saying what I want to say.

I think we must do everything we possibly can to strengthen ourselves and our allies, and I want to see that objective accomplished. I am in hope that this country is going to survive and prosper, and I am convinced that there is nothing—and I emphasize the word "nothing," if I may—that is of such great importance and such great value to our progress and our prosperity as is the education of our young people. I know that even in the great State which I have the honor in part to represent, the salaries, at the highest, are quite inadequate to attract good teachers who have given years and years to their training. I know we have insufficient and overcrowded schools, with classes which are twice as large as they should be, and that we have a very inadequate and ineffective educational system in many localities.

I am quite certain—I am saying this without criticism of any State—that the same situation exists in many other States, not because their citizens are less interested in education, but because they have smaller resources. I know that many of the States are paying as little as $1,700, $1,800, or $1,900 a year for a teacher, which is much less than a dogcatcher would get, much less than a garbage collector would get, much less than a domestic servant would get. Yet, Mr. President, for the schools we need people who have had years and years of professional training.

I say to the Senator from Florida that I do not want a single thing in the world for my State alone; I do not want New York to get the slightest advantage over any other State. I want to see, however, the natural resources of the country safeguarded for the Nation. This is a great Nation; it is not merely a loose federation of States in which each State looks for advantage for itself. We have lived, survived, grown, and prospered, and we have received the respect of the world in the past 160 years. I want this Nation to be a Nation, composed not just of Florida, not just of New York, not just of Texas or California or Arizona, but of 48 States. We have certain natural resources which the good Lord has given us. Those are the things I am trying to protect for the benefit of the Nation.

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

Mr. LEHMAN. I yield.

Mr. HOLLAND. In order to make the RECORD perfectly clear, am I correct in my understanding that the distinguished Senator from New York believes that all the natural resources in the seabed between low-water mark of the several States and the State boundaries offshore should be federalized 100 percent and should wholly belong to the Federal Government?

Mr. LEHMAN. I believe the mineral rights in the entire offshore submerged lands should belong to the Federal Government. Of course, exceptions have been made regarding filled-in land, buildings, piers, docks, and recreation facilities. But that is a different proposition. I would give to the States only the surface rights; I would not give them mineral rights, whether the lands be in New York or in Florida. Certainly I would protect the rights of the States to the surface rights.

Mr. HOLLAND. I thank the distinguished Senator.

Mr. LEHMAN. Of course, this confusion was desired by the giveaway advocates. They have thus succeeded in convincing a sufficient number of people that the only way to clear State and private title to tidelands, to coastal fills, and to inland waterbeds is to give away the submerged lands in the open sea as well.

This is nonsense. There has been a bill before the Interior Committee for several years. It was reintroduced this year as S. 1252, is confined solely and entirely to clearing title to the coastal fills, and, for the record, gives new assurance on title to the beds of inland waters, lakes, harbors, and bays.

But that bill, S. 1252, was never moved out of committee. The proponents of giveaway would not separate the two different questions. So appropriate language covering the substance contained in S. 1252 was included in the O'Mahoney bill last year, in the Anderson bill this year, and in my amendment now pending before the Senate.

Mr. President, the whole question of filled lands is a red herring, as is the question of State title to the landbeds underneath the inland waters, lakes, harbors, and bays. It is meant to divert attention from the naked giveaway of our oil resources.

I want to discuss this latter point for a moment. It has been stated in broadsides of propaganda that unless the Holland joint resolution or its equivalent is passed, the States will lose title to the beds of their rivers, lakes, and harbors. Much has been made of this point, as much has been made of the question of filled-in and reclaimed lands already referred to. We in New York have been told that unless the Holland joint resolution was passed, we would lose title to the bed of Lake Ontario. Indeed, the junior Senator from Texas [Mr. DANIEL] has stated that the Holland joint resolution will give us title to the bed of Lake Ontario. Again they are trying to sell us the Brooklyn Bridge. What are the facts?

I have read some of the hearings of past years on this subject. Recently I ran across what I believe is an important revelation. In 1948 Senator Donnell, of Missouri, attempted to ascertain who was really behind the clamor for quitclaiming the offshore oil. Mr. Edward A. Harris, Washington correspondent of the St. Louis Post-Dispatch, was on the witness stand.

Mr. Harris had uncovered many interesting facts concerning the forces behind the offshore-oil legislation, and one of the statements he made before the committee dealt with an interview he had with the attorney general of the States of Missouri in 1945. Mr. Harris, in a statement to be found on page 1539 of the 1948 Joint Committee Hearings on Title to Submerged Tidal Lands, said:

> In any case, the attorney general of Missouri stated that he didn't know what it was all about, but he got many letters from Clary and Kenny and forms all ready to be signed by him, and was told that it was a matter of Federal seizure of inland rights. And so he signed it. And later, when he went into it, he withdrew it.

The Mr. Clary referred to was a member of a law firm representing a large number of oil companies, and Mr. Kenny was then the attorney general of California.

I cite this excerpt from the hearings, Mr. President, because I believe that many State officials, like the attorney general of Missouri, back in 1945, have been drawn into this fight because they were told that the Federal Government was claiming the beds of all lakes, rivers, and harbors.

For this reason, I was especially encouraged recently to read in the Legislative Bulletin of the Council of State Governments of April 1953 what I feel is a fair description of all the measures before the Congress on this subject. The Council of State Governments, as I am sure all Senators know, is a sort of holding corporation for organizations such as the Association of State Attorneys General, the Governors Conference, and many other associations of various State officials, as well.

This bulletin has analyzed all the measures before the Senate including the Holland joint resolution, the Anderson bill, the Daniel bill, and the special bill placed before the Senate by Senator ANDERSON and 17 other Senators, S. 1252.

It is interesting to note that the official bulletin of the organizations which have been supporting quitclaim legislation states that all the bills before the Senate adequately dispose of any doubts which might have been raised concerning the lands beneath inland navigable waters.

I say this because the impression has been given that this organization has supported only one measure. As a matter of fact, it now says that the intent of what is contained in all the measures would be effective. I quote from the bulletin:

> Like Senate Joint Resolution 13, and S. 294, S. 107 affirms State title to the surface of filled-in, made, or reclaimed lands beneath navigable inland waters (including the Great Lakes to the extent that they are within the boundaries of a State of the United States).

Mr. President, the bulletin of the Council of State Governments thus makes clear what should be crystal clear—that no controversy or difference of opinion exists in the Senate or in the country regarding title to filled lands, to actual tidelands, or to the beds underneath inland waters, lakes, bays, or harbors.

Whatever doubt there is in regard to title to filled lands along the coast facing the open sea would be resolved by any one of the bills which have been introduced. It is not necessary to pass the Holland resolution to accomplish that purpose.

As for the inland water-beds and the beds of the Great Lakes, the courts have twice ruled, in the *Illinois Central* case (146 U. S. 387 (1892)) and in the *Massachusetts* case, (271 U. S. 65 (1926)), that the beds of the Great Lakes belong to the States bordering those lakes, up to the international boundry. The court has ruled on 10 separate occasions that the true tidelands belong to the States.

In the case of Massachusetts against New York, which involved Lake Ontario, the court ruled that the bed of this lake, up to the international boundary, was owned, in fee simple, by the State of New York. Then why this misleading talk about the Holland joint resolution giving us title to the bed of Lake Ontario?

Oh, Mr. President, this is all cloud and confusion, raised to divert our attention from the question of oil, of these rich oil resources in the submerged lands, which belong to all the Nation, and are proposed under the terms of the Holland bill to be given to 3 or 4 States only.

Yet this cause cannot be lost. It dare not be lost. I believe the courts will sustain us. In any event, I am convinced the people sustain us and will continue to do so. The issue has been carried home to the people. The facts have even been made known, and will continue to be made known.

There will be a reckoning. The people of this country are not going to divest themselves of their rights in these resources. They are not going to stand idly by and let the Nation be deprived of what is an inalienable possession of all the people.

Mr. President, a number of very fine editorials and articles have appeared recently in newspapers and periodicals on this subject. I shall ask to have them printed in the body of the RECORD.

A very fine editorial appeared in a recent issue of the New York Times. It is entitled "Oil Giveaway," and was published in the New York Times of May 1, 1953. I ask unanimous consent to have the editorial printed in the RECORD at this point as a part of my remarks.

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

OIL GIVEAWAY

The test votes in the Senate this week on the offshore oil bill make it clear that—barring a miracle—one of the greatest giveaway programs in all our history will soon receive legal sanction. The final vote is now scheduled for Tuesday; and the measure that is then to be passed will, after its differences with the House-approved bill have been ironed out, doubtless receive the President's signature in fulfillment of ill-advised promises made during the campaign.

The Senators fighting to preserve the rights of all the people of the United States in this valuable natural resource have been able to muster a maximum of only 33 votes. They achieved this total in defense of the Anderson-Hill amendments, which would provide for Federal control over all offshore oil beyond the low-water mark (in accordance with previous decisions of the Supreme Court) and would set aside royalties to be received by the Federal Government from private exploitation of that oil for eventual distribution among the States for educational purposes.

Only 33 Senators thus were recorded in favor of a measure that would have prevented 3 or 4 coastal States from gaining control over billions of dollars worth of oil that actually belongs to the people of all the States. Seven Republicans, 25 Democrats, and 1 Independent. Of the 6 Senators from New York, New Jersey, and Connecticut—States that will lose by the oil giveaway—Senator LEHMAN was the only one to stand up against the tide. Senator IVES joined him on a subsequent vote to confirm Federal authority over the oil lands seaward of the traditional 3-mile limit. But this proposal, which would have at least barred Florida, Louisiana, and Texas from their claims running an unknown number of miles out to sea, was also defeated, and by an even more decisive majority.

It is clear that most Members of Congress are willing to deprive the United States of property that is of enormous commercial value. If the Federal Government were allowed to hold on to the oil lands, they still would be developed by private companies. And they might well be developed much more expeditiously, because in no matter what form the pending legislation is passed it will probably lead to further prolonged litigation. The question of just where so-called historic State boundaries lie has not been settled to anyone's satisfaction and contains the seeds of endless disputes. But still the Congress is obviously unwilling to accept Senator LEHMAN's observation: "Beyond the water's edge there is no Texas, no California, no Louisiana, no New York. There is only the United States of America." The present bill giving the States title to oil that belongs to the Nation is wrong in principle and dangerous in practice, and it should be defeated.

Mr. LEHMAN. On Saturday, May 2, a very excellent editorial entitled "Going, Going" was published in the Washington Post. I ask unanimous consent that this editorial be printed in the RECORD at this point as a part of my remarks.

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

GOING, GOING

Time is running out on the tidelands. It appears that the gallant stand made by the Senate minority seeking to save this rich natural inheritance for the people of the United States will prove of no avail when the votes are counted in the Senate on Tuesday. But the opponents of the oil giveaway need not feel that their effort has been an altogether futile one. It has dramatized the difficult issue sufficiently to start a dawning recognition among the people of the country generally that they are being made the victims of a gigantic hornswoggle.

More and more as the debate drones on, it is becoming plain that the spokesmen for California, Texas, Florida, and Louisiana want nothing less than the Pacific Ocean and the Gulf of Mexico. They, and the representatives of the inland States whom they have cajoled into supporting them, beat down overwhelmingly an amendment

by Senator MONRONEY to set the limit of State ownership 3 miles out to sea and to provide for Federal management of the Continental Shelf beyond this limit. Their rapacity is not confined even to the marginal sea—let alone to the tidelands and the inland waters over which the Federal Government has never asserted any claim.

More and more it is becoming clear also that the inland States were gulled into believing that their own lakes, rivers, and harbors were somehow threatened by the Supreme Court decision recognizing the paramount rights of the Federal Government in the submerged lands under the open ocean. They were induced to support the grab of the coastal States in much the same way that panicked householders might be tricked into helping some vandal escape justice because he pointed a finger at a policeman and shouted, "Stop thief!" The inland States are giving away to the 3 or 4 interested coastal States an incalculable treasure which belongs by right to the whole of the United States. We still nurture a faint hope that they will wake up from their befuddlement before it is too late.

Mr. LEHMAN. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a most interesting analysis of the tidelands-oil question, entitled "Offshore Oil—A Precedent?" from the April 11, 1953, issue of the Economist. The writer for this British journal is keenly aware that the precedent being attempted by the present administration with regard to offshore oil may very well lead to the loss of our great public lands, parks, and water-resource projects.

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

OFFSHORE OIL—A PRECEDENT?

WASHINGTON, D. C.—It is very probable that the first Republican law for 20 years to reach the statute book after being passed by a Republican Congress and signed by a Republican President will be one that repudiates many of the best traditions of the Republican Party. Last week the House of Representatives approved, by 285 to 108 votes, a bill to give control of petroleum and other minerals which may be found under the sea to the adjoining States. The Senate has already held its committee hearings on the subject and began its debate on the measure this week; although there will be vigorous opposition, it is virtually certain that the Republicans will have enough support from southern Democratic Senators to enable them to carry the measure. When twice before, in 1946 and 1952, Congress passed a similar bill, Mr. Truman had no hesitation in exercising his veto. This time the new President is the proposal's avowed and enthusiastic supporter.

In the Gulf of Mexico the American Continent dives only gradually below the waves, and in places the Continental Shelf extends outward for 100 miles or more at depths at which modern ingenuity can develop its resources. Ever since oil became worth exploiting, three States with known oil deposits off their shores, Texas, Louisiana, and California, have persistently claimed that this underwater ground was within their own borders, and therefore within their own power to lease or develop. Successive Democratic administrations, upheld by two Supreme Court decisions, maintained that the Federal Government—that is the United States itself—had paramount power over the offshore lands.

Whether General Eisenhower had ever considered the problem before he gave his support so decisively to the position of the States may be doubted, but by so doing he enhanced his popularity enormously in the Southwest, and especially in Texas; this was the nearest that he permitted his advisers to bring him to a direct purchase of votes, and in view of his overwhelming victory even this was unnecessary. Now the promise is being redeemed, but not quite in the coin the coastal States had been led to expect. The Attorney General has concluded that they can only claim title to resources within their historic boundaries. These are the offshore boundaries the States possessed before they joined the United States; for Texas and Florida they mean 3 leagues, or 10½ miles, out to sea, and, in the case of the others, 3 miles. Even the concession to the vagaries of Spanish measurement in Texas and Florida has been opposed by the State Department, which rightly fears that it will be hampered in its battles to persuade other nations, especially Mexico, to restrict their definition of their seaward boundaries to the 3-mile limit. With wry faces the representatives of the Gulf and Pacific Coast States have accepted the Attorney General's ruling and the House bill gives the States quitclaim rights to the submerged lands within their historic boundaries but reserves control over the rest of the Continental Shelf to the Federal Government. The Senate bill is somewhat weaker since it does not specifically provide for Federal control over the area beyond historic boundaries. The measure has not gone unchallenged, for there was nothing during the election on which Republicans and northern Democrats were more flatly opposed, but there is as yet no aroused public opinion on the subject.

What is disturbing is not the offshore oil bill itself so much as its demonstration of the apparently weak resistance of the Republicans to raids on the national assets still held by the Federal Government on behalf of the people as a whole. The Government still owns one-quarter of the land in the United States, 455 million acres in the country itself and 365 million acres in Alaska; a century ago before the Western States were carved out and the railway companies lavishly endowed, the Government owned three-quarters of the land. It ranges from grazing land, which is let usually to small farmers and ranchers, timberland which has been cautiously forested and conserved, and national parks to mineral resources, estimated at 4 billion barrels of oil and 325 billion tons of coal. It brings in a revenue of well over $300 million a year, of which two-thirds comes from the sale of electric power.

For many years the attack on the Federal domain has been growing in intensity, from the big ranching concerns, from the oil interests, represented in equal strength in both political parties, and most particularly from the private power and utility companies. It takes various forms; in the case of power and lumber projects, the demand is that Federal assets should be sold to the public. With careful disingenuousness Mr. Charles E. Wilson, of the electric, not the motor, company, asked last September:

"What is wrong with selling our national dams, generating equipment and distribution facilities to the people? The potential buyers are all around us. They are the people who own Government bonds. Bonds could be exchanged for shares of stock in the new companies to spring from the presently Government-owned plants."

The national debt would be reduced and millions of citizens would own a tangible part of American business, added Mr. Wilson. Soon after the election Mr. Laurence Lee, the president of the United States Chamber of Commerce, inaugurated a crusade for "land freedom," the gradual transfer of all Federal lands to private owners. More often, however, covetousness for Federal lands appears decently clothed as a desire to see them "returned" to the States; the hidden assumption is that a State government would be more amenable to giving permission for the quick exploitation of land or resources than the remote, upright and powerful Federal Government.

Apart from the legal impossibility of "returning" property which historically belonged to the Nation before any of the Western States existed, the general Republican dislike of big government, or any Federal initiative even faintly reminiscent of the New Deal has led to an attitude of mind which, by permitting ruthless exploitation of natural resources, could weaken irreparably both the Western States themselves and the rest of the country. Furthermore, the typical cry that the West is underprivileged in relation to the rest of the country, because almost all the Federal land is situated there and State governments cannot levy taxes on Federal property, is hardly justified. For like other poorer areas, such Western States as Montana and Wyoming are indirectly subsidized by the richer States through the Federal grants-in-aid which they receive for roadbuilding and other development projects.

It would seem that ingrained dislike of the New Deal has perverted one of the strongest and finest Republican traditions. With the exception of Franklin Roosevelt, the pioneering work in conserving the Federal lands has been done by Republicans. The word "conservation" was invented by a Republican and the two men who arrested the frittering away of public lands and made them an example of careful development were Theodore Roosevelt and the intensely Republican head of his Conservation Service, Gifford Pinchot. Indeed, much of the political support which the Republicans gained in the West in the early part of the century rested on admiration and gratitude for Federal safeguarding of natural resources. But now the chairman of the Senate Interior Committee, Mr. HUGH BUTLER, of Nebraska, has hinted darkly at a bill which would make the theory behind the offshore oil bill "applicable to public lands." And he is likely to get the fullest support from Mr. McKay, the Secretary of the Interior, and his new assistants, most of whom have been connected with private utility companies.

Offshore oil is clearly the opening shot of an attack that will be hotly pressed. It is, unfortunately, no adequate answer to say, as many Democrats are saying, that the Republicans are digging their political grave and making themselves very vulnerable to a rousing radical campaign next year. The public lands exist as such only as a result of the special historical development of the United States. As Mr. Bernard De Voto points out in a recent issue of Harpers magazine: "If the public lands are once relinquished, or even if any fundamental change is made in the present system, they will be gone for good."

Mr. LEHMAN. Mr. President, although it has been said that some officials of New York State are in favor of the Holland bill, there are other officials who feel quite differently.

Mr. Robert F. Wagner, Jr., president of the Borough of Manhattan, recently made public a letter which he had addressed to my colleague [Mr. IVES] which was very similar to a letter he had sent to me. Mr. Wagner indicates that so far as he is concerned the interests of

New York would be served by the defeat of the Holland bill. I ask unanimous consent that a copy of this letter which I have be printed in the RECORD at this point.

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

CITY OF NEW YORK,
New York N. Y., April 13, 1953.

Hon. IRVING M. IVES,
United States Senate,
Washington, D. C.

DEAR SENATOR: As president of the Borough of Manhattan, I am deeply concerned over congressional action on the tidelands oil bill introduced by Senator SPESSARD L. HOLLAND, now before the Senate, and want to urge you most vigorously to oppose and vote against that proposal.

The Supreme Court has ruled that the tidelands oils are the property of the people of the United States and there is no justification for turning over those national properties to the States of California, Florida, Louisiana, and Texas. On the contrary, that vast natural resource should be preserved and developed for the benefit of all the people of our Nation.

Moreover, it is equally clear that, in light of testimony offered by Attorney General Herbert Brownell, that enactment of Senator Holland's bill will result in prolonged litigation involving, not only the scope of the grant to these four States, but also the constitutional power of Congress to dispose of Federal properties in a way that will benefit only a small percentage of our people.

We think entirely specious the argument of the proponents of Senator HOLLAND's bill to the effect that such legislation is necessary to protect Jones Beach, Idlewild Airport, municipal piers and other waterfront facilities from encroachment by Federal authority. That entire problem can be resolved if the proponents of the Holland bill would support Senate bill 1017 introduced by Senator CLINTON P. ANDERSON, Senator HERBERT LEHMAN and 16 additional Senators.

As a representative of the people of the State of New York in the United States Senate, you no doubt realize that enactment of the Holland bill will in no way benefit the people of our State, but will, on the contrary, be harmful to our people by depriving them of revenues from resources in which, under the ruling of the Supreme Court, we have a clear interest.

We think that the national interest, as well as the welfare of the people of this State, will best be served by enactment of the bill introduced by Senators LISTER HILL and HERBERT LEHMAN, which will make royalties from this resource available for education purposes. Such legislation will enable our cities and local governments to make real progress toward providing our children with modern educational facilities. Such legislation is within the best traditions of our national development and finds its roots in the historic ordinance of 1787.

I know of your deep interest in this matter and trust that you will recognize the paramount interest of the people of the State of New York in the tidelands oil resources and that you will do all you can to preserve those resources for the people of all the States.

Sincerely yours,
ROBERT F. WAGNER, Jr.,
President, Borough of Manhattan.

Mr. LEHMAN. I also ask unanimous consent to have printed in the body of the RECORD three messages I have received from organizations in New York State who wish to see the revenues from the offshore oil go for the benefit of all the children of the United States.

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

NEW YORK, N. Y., *March 31, 1953.*
Senator HERBERT H. LEHMAN,
Senate Office Building:

The United Parents Association of New York City, representing over a quarter million parents of school children, strongly urges and expects that you will do everything in your power to support congressional action for using proceeds of tideland oil for educational purposes, in accordance with Hill amendment. Application of these funds from proceeds of oil resources to our greatest natural resource, the children, is sound national policy, and will pay the maximum dividend. Such Federal aid to education is a crying need for almost every community in the country.

LILLIAN H. SHE,
President.

NEW YORK, N. Y., *April 6, 1953.*
Senator HERBERT H. LEHMAN,
Senate Office Building:

As you know, New York State CIO Council and affiliates representing more than million workers in State vigorously opposes surrender of Federal ownership offshore oil deposits to States. These billions of dollars in vital natural resources belong to people of Nation. Under Federal ownership, necessary security reserves will be assured, and income can be dedicated to meeting nationwide school crisis. Proposals now under consideration would deprive people of New York and 44 other States of rightful share of these benefits to enrich 3 States and more particularly the private interests, which will be prime beneficiaries of State ownership. This would represent most arrogant plunder of Nation's natural resources in history. Ask not only your vote against measure but every possible effort to prevent this raid on public wealth.

NEW YORK STATE COUNCIL, CIO.
LOUIS HOLLANDER.
HAROLD J. GARNO.

THE NEW YORK TEACHERS GUILD,
NEW YORK, N. Y., *April 13, 1953.*
Senator HERBERT H. LEHMAN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR LEHMAN: The New York Teachers Guild, representing several thousand organized public-school teachers in this city, wishes to record its deep anxiety over the dangerous precedent which will be established by passage of Senate Joint Resolution 13 and to urge your vote against this resolution.

Since its passage appears assured, however, we further request that you do everything possible to support favorable action on Senator HILL's amendment which would guarantee that Federal income from the exploitation of the undersea-water resources would be used in the form of Federal aid to benefit education.

Very truly yours,
CHARLES COGEN,
President.

Mr. LEHMAN. Mr. President, may I ask how much time I have remaining under the agreement?

The PRESIDING OFFICER (Mr. MARTIN in the chair). The Senator from New York still has about 5 minutes.

Mr. HOLLAND. Mr. President, I yield first to the senior Senator from Arkansas [Mr. MCCLELLAN] as much time as he may require.

Mr. FERGUSON. Mr. President, I wonder if the Senator will yield to me 5 minutes in order that I may make a few brief remarks.

Mr. MCCLELLAN. Mr. President, I shall be glad to have the Senator from Florida yield to the Senator from Michigan first for 5 minutes, if I may then have 15 or 20 minutes. I think that will be all I shall require.

Mr. HOLLAND. Mr. President, at the request of the Senator from Arkansas, I am glad to yield 5 minutes to the Senator from Michigan, with the understanding that the Senator from Arkansas is to have not to exceed 20 minutes; the Senator from Minnesota [Mr. THYE] possibly 10 minutes following; the Senator from Louisiana [Mr. ELLENDER] 20 minutes; and the Senator from Idaho [Mr. DWORSHAK] not to exceed 10 minutes. That was the order in which those Senators came to me, and that is the order in which I shall yield to them, unless otherwise agreed.

Mr. MCCLELLAN. Mr. President, I am glad to defer to the wishes of the senior Senator from Michigan [Mr. FERGUSON], because I understand he is is anxious to leave the Chamber as soon as possible.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. FERGUSON. Mr. President, some debate in the Senate on Senate Joint Resolution 13, in connection with former President Hoover's address on Federal Socialism in Electric Power indicated that the speakers had not read or misunderstood Mr. Hoover's speech, which was reprinted in the CONGRESSIONAL RECORD.

The Senator from Minnesota [Mr. HUMPHREY] stated:

> A former President of the United States says, "Let us get rid of the power dams and all the great public resources."

An examination indicates that Mr. Hoover made no such statement. For 30 years he has advocated the construction of multiple-purpose dams to conserve water for navigation, flood control, irrigation, and electric power. What Mr. Hoover said was that the Federal Government should get out of the operation of power plants and the distribution of power by leasing the energy of the Government plants at the bus bar.

Several Senators implied that Mr. Hoover proposed to turn over all these dams to private enterprise. Quite to the contrary, he set up the alternatives proposing that the lease of the energy—not sale of dams—should be made to either (a) private enterprise, (b) or municipalities, (c) or the State governments, (d) or districts, (e) or authorities set up by the States and managed by them.

He proposed that these leases should be based upon standard terms the minimum of which would return interest on the Government investment in the electrical side and its amortization over 50 years. He stated that the rates to consumers should be regulated by State or Federal commissions as the case might be.

Some reference was made to the policies of Theodore Roosevelt in these respects. At every dam built under his

administration, the electric energy was leased at the bus bar to private enterprise, to municipalities or irrigation districts. This is exactly the policy advocated by Mr. Hoover and followed during his administration. Theodore Roosevelt, like Mr. Hoover, was opposed to socialism.

Some discussion took place as to the Hoover Dam on the Colorado. Some of the speakers seemed unaware that the operation of the powerhouse and the energy from this dam, under a requirement by the Congress, were leased for 50 years to the private utilities and the municipalities at a rate that would return interest on the Federal investment, and its amortization, over 50 years. That lease is under operation today and is giving satisfaction to the people in that region. Mr. Hoover suggested that this precedent be followed so as to eliminate the advance of socialism by the Federal Government in these enterprises.

The Senator from Washington [Mr. JACKSON] said:

> Former President Hoover has announced that he would like to see the Federal power projects sold * * * maybe he wants to sell the best part of the dams.

Mr. Hoover made no proposal whatever for the sale of Federal power dams.

The Senator from Alabama [Mr. SPARKMAN] seemed to be under the impression that Mr. Hoover only wished to sell dams built for electric energy alone. Again, if the Senator will read Mr. Hoover's address, he will find he made no proposal to sell any dams.

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

Mr. FERGUSON. I shall be glad to yield in a moment.

What Mr. Hoover said was that "Congress should cease to make appropriations for more steam plants or hydroelectric plants solely for power. If they are justified, private enterprise will build them and pay taxes upon them."

Great steamplants have been built with no constitutional authority, as I have repeatedly stated on the floor of the Senate, and dams for hydro-power alone also have been built and more are proposed.

I now yield to the Senator from Alabama.

Mr. SPARKMAN. I suggest to the able Senator from Michigan that it was the distinguished majority leader [Mr. TAFT] who made the suggestion that former President Hoover favored selling only single-purpose dams. If the Senator will review the RECORD he will find that my statement was that so far as I knew, not a single dam that had been built was solely for the purpose of producing power.

Mr. FERGUSON. I understood the Senator from Alabama had made the statement.

Mr. SPARKMAN. No; I did not make it. The Senator from Ohio [Mr. TAFT] made the statement to which the Senator from Michigan referred.

Mr. FERGUSON. I am glad to have the explanation of the distinguished Senator from Alabama that he did not make such a statement and did not try to convey the idea that former President Hoover had said so.

Mr. HUMPHREY. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. MARTIN in the chair). The time of the Senator from Michigan has expired.

Mr. McCLELLAN. Mr. President, when the joint resolution (S. J. Res. 13) was made the unfinished business of the Senate some 5 weeks ago, I began a reexamination of my position on this issue, as expressed by my votes on two similar measures heretofore passed by both Houses of the Congress.

I have reviewed many of the decisions of the Supreme Court, including those most recent in the California, Louisiana, and Texas cases, together with the minority opinions. I have also listened to some very able and to many long speeches here in the Senate of both the proponents and opponents of this measure; I have read others that I did not listen to; and I have read and considered many published articles, editorials, and other expressed views and arguments both pro and con. I have sincerely undertaken to weigh and consider all facts, legal opinions, court decisions, and all other information available to me. I have carefully considered the specious charge, with all of its implications, that this measure is a giveaway of a great wealth of natural resources of the Federal Government that belongs to all of the people and is not the property of the several States within whose historic boundaries it is located.

If that charge were true, I would not vote for the joint resolution If that charge were true, a great majority of both Houses of Congress would not have twice previously voted for a similar bill. If that charge were true, 285 Members of the House of Representatives would not have during this session voted for the enactment of a similar bill, as against 108 Members of the House opposing it. If that charge were true, the great majority of this Senate would not favor the enactment of this joint resolution.

Majorities within or without the Congress are not always right, nor are minorities always wrong. But, Mr. President, the charge or any implication thereof that these great majorities in the Congress on three different and separate occasions in voting for this legislation were or that they are prompted in doing so by any ulterior motive or in disregard of the national interest, it seems to me, challenges the very integrity of the legislative branch of our Government.

I believe, Mr. President, there are honest differences of opinion between the proponents and opponents of this measure. I prefer to think that each and every Member of the Congress in his decision and vote on this issue is motivated only by what he conceives to be his duty and by his earnest and conscientious evaluation of merit and of the justice and equities that are involved.

And, Mr. President, there is more involved in this controversy than merely rigidly upholding or adhering to some recent harsh legal concept or decree that, if permitted to remain the law unchanged and unmodified, would destroy the traditional concept of interest, ownership, equity, and justice that has prevailed from the time of the founding of this Republic and which was recognized and accepted by the States, by the Federal Government, by all agencies of the Federal Government, and by the highest Court of this land for more than 100 years of our national existence.

When this Republic was formed, and subsequently as States were admitted to the Union, they came into the Union on the basis of their then recognized colonial or territorial boundaries. Their State sovereignty over their territorial and historical boundaries and their ownership of the lands and resources beneath the navigable waters therein remained inviolable and were never successfully challenged until the recent revolutionary decision of the Supreme Court in the California case which was followed by the Louisiana and Texas cases. Each of those decisions was by a divided Court. In the Texas case the division was 4 to 3.

Mr. President, Mr. Justice Black in writing the majority opinion of the Court in the California case referred to the rule of law laid down in the Pollard case, decided by the Supreme Court 109 years ago, in 1844, which rule has been subsequently followed in deciding some 50 or more cases involving similar issues. Mr. Justice Black stated:

> As prevously 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.

What the Supreme Court believed, and the language it wrote into many decisions strong enough to convey that belief for more than 100 years, did not give rise to the claim of State ownership of submerged lands under navigable waters within the States' territorial and historical boundaries. What the Supreme Court did by the use of such language was to confirm over and over again the known and accepted ownership of the several States in and to these properties. That very language and the majority opinion of the Court does give rise to the necessity for this legislation in order to do equity and justice and preserve national integrity.

It is undisputed that hundreds of millions of dollars have been expended by the State governments and peoples of the several States in the development of these natural resources and in the construction of improvements, of docks, of wharves, and of other facilities on the lands involved in this controversy. In all instances the Federal Government has recognized this ownership and the right of the States and the people thereof to make these improvements. So emphatic has been that recognition of State ownership throughout all the history of this Nation that the Federal

Government has repeatedly, continuously, and consistently purchased from the various States lands in these areas upon which to construct wharves, docks, and other facilities for its own use.

Notwithstanding the strained reasoning by which the Supreme Court reached its harsh decision in the California case, it obviously recognized the equities of the several States, and strongly implied that a proper sense of justice should impel the Congress to act to make restoration—not to "give away," but to restore to the States—of the equitable interests which the Court's decision, if left unmodified, would take away from them. The majority of the Court in effect stated in the California case that notwithstanding its decision, the Congress could by proper legislation do justice and equity between both the Federal Government and the States. It said:

> 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 and other property belonging to the United States." We have said that the constitutional power of Congress in this respect is without limitation.

The majority of the Court further indicated that it expected the Congress to take just that action, for in the opinion of the majority it is stated:

> 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.

Mr. President, other Members of the Senate have read to us what the Court said in its decisions in previous years. However, I think the majority of the Court indicated in the decision from which I have just quoted that it was the responsibility and duty of the Congress to do equity as between the States and the Federal Government in this circumstance.

Surely the Court meant what it said, and I am certain that no opponent of the joint resolution will challenge the Court's sincerity in that emphatic declaration of the powers which it recognizes and declares to be reposed in the Congress. Thus it cannot be contended that this joint resolution is unconstitutional. In view of that statement by the Court, I do not believe the present Court or any future Court will assert that the Constitution does not confer upon Congress such powers as the Congress proposes to exercise in connection with the enactment of this joint resolution.

Mr. President, earlier I referred to some specious charges and arguments that are made in an effort to sustain the position of the opposition. The decision of the Supreme Court in the California case implied the necessity for its ruling as it did because these resources at some future time might be needed for national defense, and since national defense is the primary responsibility of the Federal Government, it should take these resources away from the States. That argument, Mr. President, has been repeated on the floor of the Senate. But Mr. Justice Reed, in his dissenting opinion, made the unchallenged and unchallengeable statement, to refute the soundness of that doctrine and philosophy, that—

> This ownership in California would not interfere in any way with the needs or rights of the United States in war or peace. The power of the United States is plenary over these undersea lands precisely as it is over every river, farm, mine, and factory of the Nation.

Mr. President, that plenary power of the Federal Government goes even beyond property rights and property ownership of either State or individual citizens. That plenary power permits the Federal Government to draft the youth of our country and send them into foreign lands, as they are today on the battlefields of Korea fighting and dying to preserve our national sovereignty, our way of life, and the rights and heritages that we cherish as free men of an independent nation. Those plenary powers have been repeatedly exercised in time of war over property of States and of the individuals. No one contends they cannot be and that they will not be exercised again and again if and when the natural resources involved in this joint resolution or any other resource of minerals, of other material wealth, and of human life are needed and required to meet any great crisis that may arise.

The restoration to the respective States of such natural resources as are involved in this measure is not a give-away. There is and will be no loss of national wealth or assets. We are giving nothing away to any other country, either friend or foe. The undisputed plenary powers of the Federal Government, to which I have referred, and which are universally recognized, can be invoked and exercised at any time in a national crisis to take these resources and every other material resource of every State, including the lives of our citizens, if and when such taking becomes necessary in the defense of our country.

Mr. President, it is preposterous to say that the enactment of this measure would result in crippling the Nation, when all this measure will do is simply restore title or ownership in this property to the States.

What is the Nation composed of? It is composed of States. Every ounce of economic strength, of physical strength, and of natural resources of every State of the Union is an asset of the National Government. So, Mr. President, by the enactment of this measure, nothing will be lost to the Federal Government. The result of the enactment of this measure will not be to give anything away. It will still be available.

Another thing generally lost sight of in this controversy is that of all of the presently known oil reserves on the Continental Shelf, something less than one-sixth will be restored to State ownership by this measure. More than five-sixths will remain in the Federal Government.

Mr. President, I listened with a great deal of interest to the senior Senator from Florida [Mr. HOLLAND], as he spoke today and as he pointed out and cited the documentary evidence from the best sources available, namely, the United States Geological Survey. The best information available today is that only one-tenth of these resources is within the area of the 3 miles and the other limitations provided by the joint resolution, which would revert to the States.

The chairman of the subcommittee of the Committee on Interior and Insular Affairs, the senior Senator from Oregon [Mr. CORDON]—and I believe he has been joined in that position by the distinguished majority leader, the senior Senator from Ohio [Mr. TAFT]—has repeatedly, during the course of the debate, assured the Senate that his committee will report within the next few weeks—and as I recall, he said it would be within 2 weeks—a well-considered measure providing for the management, development, and control of the reserves in the Continental Shelf by the Federal Government. It has been thoroughly demonstrated in the discussion of amendments that have been proposed to this joint resolution that such proposed legislation is highly technical, and that in order to be sound and workable, it is necessary to give it more than casual thought and consideration.

When that measure comes before the Senate, Mr. President, if the Committee has not already incorporated those provisions in it, then the so-called Hill amendment, setting aside all revenues from these reserves for national defense and education, will merit the earnest study and judgment of the Congress. It may be a wise policy and most appropriate that such revenues be so earmarked and expended.

Mr. President, I would add that if those revenues are to be earmarked at this time by the Congress, one other factor should be taken into consideration, I believe, and that is the national debt. If we are going to begin earmarking funds, I believe we should begin to take the national debt into account, for there is not much prospect of our ever reducing the tax burden which rests on our people today unless we can find some way to stop going further into debt. In order to bring that about we should reduce the expenditures of the National Government and make some provision for the retirement of the astronomical national debt which now weighs so heavily upon us.

Mr. President, the enactment of the pending joint resolution into law and the following of that action by the enactment of an appropriate measure to deal with the other five-sixths or more of these natural resources for the full protection and advantage of the Federal Government and all the people of the Nation will, in my opinion, have done full justice and equity in resolving all phases of this issue.

Mr. President, I still stand on the figure of five-sixths, because there has been so much exaggeration, even to the point, it seems to me, of distortion of the facts in connection with this issue, that I prefer to remain ultraconservative in respect to the figures. So for

my purposes I shall stand on the ratio of one-sixth to five-sixths.

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

Mr. McCLELLAN. I am glad to yield briefly for a question.

Mr. ANDERSON. Would the Senator not agree with me that 100 percent of all the California off-shore production is within the 3-mile limit?

Mr. McCLELLAN. As of the moment, it may be. We are talking about all the reserves.

Mr. ANDERSON. I say, would the Senator not agree with me that 100 percent of all the California off-shore production is within the 3-mile limit?

Mr. McCLELLAN. No; I do not agree that it is. I do not agree that all the reserves of California are within the 3-mile limit. But we are talking about the entire area. Does the Senator from New Mexico disagree with the statement that five-sixths of all the reserves of California are beyond the limits prescribed by the pending measure? Does the Senator agree with that, first?

Mr. ANDERSON. Will the Senator define whether he is talking about crude reserves or known reserves?

Mr. McCLELLAN. I am talking about known reserves, as of now.

Mr. ANDERSON. I contend that is not the situation at all.

Mr. McCLELLAN. I state that as the best estimate before us—the one made by the United States Geological Survey.

Mr. ANDERSON. If the Senator would give a reference to his evidence, I should be glad to see it. He is talking about the possibility, someday, away down the road, of these productions being achieved. They do not now exist.

Mr. McCLELLAN. What is the Senator talking about? Is this something like the talk about a $300 billion production, someday, somewhere away down the road, something it is hoped to get some day?

Mr. ANDERSON. Does not the Senator agree that 100 percent of all the production that we now know anything about outside California is within the 3 mile limit?

Mr. McCLELLAN. I am certain that 100 percent of the production today is not within the area defined by the pending measure.

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

Mr. ANDERSON. Ninety-four percent of it is.

Mr. McCLELLAN. But the Senator knows where the reserves are, and as the development proceeds, it is expected that far greater production of oil will be obtained beyond the area defined in the pending measure than will be obtained within it.

Mr. President, I have but 20 minutes. As soon as I conclude, I shall be glad to answer further questions.

We can reasonably anticipate that before this session of the Congress is concluded all necessary and proper legislation covering the whole aspect of this problem will have been enacted into law. I am confident, Mr. President, that as soon as the other bill is reported by the committee its passage will be expedited, and the whole problem will be solved, so far as congressional action is concerned, before this session of the Congress shall have adjourned.

Under these circumstances, Mr. President, and for the reasons I have outlined, I shall vote for final passage of the pending measure. I shall do so because I believe the enactment of this law is necessary to do equity and justice and to maintain the highest order of national integrity.

The PRESIDING OFFICER (Mr. SALTONSTALL in the chair). The question is on the amendment offered by the Senator from New York [Mr. LEHMAN]. The time in opposition is under the control of the Senator from Florida.

Mr. HOLLAND. Mr. President, I yield 10 minutes to the distinguished Senator from Minnesota [Mr. THYE].

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. THYE. Mr. President, I was indeed very much impressed by the able remarks of the distinguished Senator from Arkansas [Mr. McCLELLAN]. He stated the matter clearly, specifically, and in an understandable manner. He cleared up much of the confusion which has surrounded the entire issue.

Mr. President, for several weeks the Senate has been engaged in lengthy and comprehensive debate on the so-called tidelands question. Profound arguments have been made on both sides of the question.

It is not my intention to undertake at this time any detailed discussion of the issues which have been before the Senate. They have been fully covered during the course of the debate. However, I should like to make a few brief remarks with regard to the conclusions I have reached after considering the question in its entirety.

First, I believe it is unfortunate so many unrelated issues and extravagent claims were injected into the question of ownership of the submerged lands. I believe that the question should have been debated solely on the merits of the committee-approved resolution which is before the Senate, without recourse to the use of catchwords, such as "grab," "steal," and "giveaway," and to the repetition of doubtful facts to lend substance to one side of the argument. Such words as "grab," "steal," and "giveaway" are used for the purpose of creating fear in the public mind that within this legislative body there are those who might be willing to give away something that had a great value to the Nation, or something rightfully belonging to the Government. That was the reason for the use of such words, and the repetition of doubtful facts to lend substance to one side of the argument.

For instance, I have in mind the proposal to utilize for educational purposes the oil royalties derived from the submerged lands. Reports have been publicized which estimated these royalties up to astronomical amounts. There can be, of course, no accurate estimate made of the oil and gas reserves under the submerged lands in question. However, I would prefer to rely upon the estimates of the United States Geological Survey as presented in testimony before the Senate Interior and Insular Affairs Committee. These estimates indicated that there may be around 2,550,000,000 barrels of oil and 9,250,000,000,000 cubic feet of gas contained in the area of the Continental Shelf landward of traditional State boundaries.

If we are to estimate the revenue to be derived from these reserves and to base it on current prices for oil and gas, the total funds available for distribution would approximate $7.3 billion over a 50-year period of production. That would be 50 years, the full-life production of all the oil reserves, in the amount of $7.3 billion, the annual average, consequently, would be somewhat over $147 million. Under the amendment proposed in the Senate, whereby the States would be allocated the one-eighth royalty of the total revenue for educational purposes and granted 37½ percent of the royalties which even the proponents of Federal ownership concede to the States, the average annual royalty for school assistance would be approximately $11.5 million.

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

Mr. THYE. I have only a limited number of minutes. When I have finished, if I have any time remaining, I shall be glad to yield for a question.

Mr. President, dividing this annual royalty among the student population, we arrive at the interesting figure of between 40 and 41 cents for each of the students in attendance at public schools within the State. Therefore, based on the most accurate information that can be supplied by the United States Geologic Survey, royalties to be derived from the oil and gas deposits under the submerged lands in question might provide each State with approximately 41 cents annual assistance for each student attending public school. If we take into consideration the costs involved in allocating these royalties to the States, I would say that the administrative expenditures to carry out such a program would so substantially reduce the amount of funds available for educational assistance that in the long run the meritorious objective of aiding and improving our school system would be defeated.

I am deeply interested in our educational system. I voted for a bill in a previous session of Congress to provide funds for Federal aid to education. It is not my view, however, that the proposal making the income from oil royalties available to the schools is a good one. In addition to the question of administrative costs in relation to estimated royalties which I have discussed, there is also the question of having extensive dedicated funds of this character for any purpose. In my opinion, such earmarked funds are highly undesirable. It seems to me a far wiser plan that funds go into the general treasury for appropriation by the legislative authority after full examination of the needs at the time the appropriations are made.

The issue of the Federal Government's utilization of royalties has, of course, little to do with the basic question of ownership. Up until the late 1930's, it

was generally accepted that the States held title to the submerged lands within their historic boundaries. This view was reiterated on many instances by the Supreme Court up until the 1947 decision which determined that the State of California did not hold title to the lands lying seaward of the low-water mark and extending to the 3-mile limit and that the Federal Government retained paramount rights in this area. The Supreme Court did not decide the question of ownership. The Court merely asserted the paramount rights of the Federal Government, and extended these rights to all natural resources within the area. Of the three recent Supreme Court decisions, none was unanimous. Twice, the United States Congress has voted for State ownership.

Therefore, the question before the Senate is one of determining the ownership of the submerged lands within the historic boundaries of the States. This provision of the pending proposed legislation, giving title to the States within the limits specified, deals only with one-sixth of the estimated natural resources involved. The other five-sixths are part of the Continental Shelf, extending beyond the historic boundaries of the States, and the resolution before the Senate affirms, for the first time by congressional action, the jurisdiction and control by the Federal Government of the submerged area containing these resources.

Personally, I am of the opinion that the title to the submerged lands within State boundaries, as provided for in the Senate joint resolution, should rest in the States. I have never doubted that my State held title to the submerged lands within the boundaries of Minnesota. Nevertheless, under the claims of the proponents of Federal ownership, Minnesota could lose title to these lands as well as the revenues from valuable mineral deposits. I do not think this should happen in the case of Minnesota, and I believe it is simple justice to extend the same right to other States.

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

Mr. THYE. If I have any time remaining, I shall be very happy to yield.

The PRESIDING OFFICER. The Senator from Minnesota has 1 more minute remaining.

Mr. THYE. I yield to the Senator from Oregon.

Mr. MORSE. In view of the negative characteristics which the Senator has attributed to the figures used by his opponents in this debate, I should like to ask him if he would be perfectly willing to let the readers of the RECORD be the judges as to who has used the loose figures.

Mr. THYE. It will take the general public a very long time to read the RECORD and determine whose figures have any particular meaning, after the filibuster which has taken place on the very important question which is involved.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield for another question?

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

The question is on agreeing to the amendment offered by the Senator from New York [Mr. LEHMAN].

To whom does the Senator from Florida yield?

Mr. HOLLAND. Mr. President, I yield, next, to the Senator from Pennsylvania [Mr. MARTIN], 6 minutes.

Mr. MARTIN. Mr. President, the debate on Senate Joint Resolution 13 has consumed so much time that I hesitate to prolong the discussion.

Nevertheless, I ask my colleagues to bear with me for a few minutes in order that I may make my position clear.

Mr. President, I contend that no matter how completely we examine the record we cannot escape certain fundamentals which, in my opinion, have a most important bearing upon our decision in the vital question at issue.

From the beginning of our existence as a Nation no one questioned that the lands beneath the navigable waters within the boundaries of the various States were owned by the respective States.

That was considered a fundamental proposition of the American system of Government.

It was regarded as coming within the scope of the constitutional provision reserving to the States or to the people all powers not delegated to the United States by the Constitution.

It was supported by the universally accepted concept of the sovereign rights of the States.

It was given further support by the great legal minds of our country in Supreme Court decisions handed down over a period of nearly 100 years.

During all that time State ownership of submerged lands within State boundaries was honored, accepted, and relied upon.

When the Supreme Court in three recent decisions proclaimed the doctrine of paramount rights possessed by the Federal Government it gave expression to a philosophy first advanced in the Truman administration.

These so-called paramount rights were invoked to deprive the States of the ownership of the submerged lands within their territorial boundaries. They handed over to the Federal Government, without compensation, all right, title, and interest in these lands and all their natural resources.

I believe this to be a dangerous un-American doctrine.

I believe it to be contrary to the limitations placed upon the power of the Central Government by the Constitution.

I believe it to be in violation of the fifth amendment to the Constitution which protects private property against seizure by the Federal Government without just compensation.

I believe it to be an unwarranted invasion upon the sovereignty of the States and an improper encroachment upon their jurisdiction.

It strikes me as most unfortunate that the issue before us has become clouded with irrelevant arguments which have created confusion in the public mind.

Many educators and other sincere friends of the public schools have been led to believe that the revenues from oil deposits under tidal waters can be converted into a rich source of funds for educational purposes—provided they are controlled at Washington.

In other words, they believe that the Federal Government alone is concerned with education and is best qualified to direct the expansion of educational facilities.

I recognize the urgent need for additional revenues to meet the growing cost of education. But I see no advantage, but real danger, in making the education of our children dependent upon the exercise by the Federal Government of a method that is wrong in principle.

Let us keep our schools where they belong—under the direction of local authority and not subject to remote control by Washington.

Turning again to the doctrine of paramount rights, I should like to mention one danger that is of importance to Pennsylvania.

We have under some of our rivers vast deposits of coal. This coal is of great value as the last reserve to be held in trust for needs that may arise far in the future.

Now the question is: Does that rich resource belong to the Commonwealth of Pennsylvania and its people, or does the Federal Government have a paramount right to its ownership?

That question should be settled so that there will be no doubt about Pennsylvania's sovereign right to the mineral resources beneath its soil or its waters.

I ask my colleagues to vote for Senate Joint Resolution 13.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. LEHMAN].

The Senator from Florida [Mr. HOLLAND] is in control of the time of the opposition.

Mr. TAFT. Mr. President, will the Senator from Florida yield in order that I may propose a unanimous-consent request?

Mr. HOLLAND. I yield.

Mr. TAFT. At the request of many Senators, I wish to submit a unanimous-consent request, which is that the Senate shall not vote on any amendments tonight, but that all amendments shall be voted on tomorrow, and that after the discussion of one amendment has been completed today, the offering of another amendment shall be in order, the vote on such amendment to be postponed until tomorrow.

The PRESIDING OFFICER. The Chair understands the unanimous-consent request, as stated by the Senator from Ohio [Mr. TAFT], to be that no votes on amendments shall be taken tonight; and that when the time for discussion of an amendment expires, the next amendment shall be called up and discussion continue for the length of time allocated.

Mr. MORSE and Mr. HOLLAND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon, who first addressed the Chair.

Mr. MORSE. Mr. President, reserving the right to object, and I do not expect to object, I wish to ask the majority leader a question.

Is it to be the understanding that when amendments are called up tomorrow, time will be allowed for explanation, such as 5 minutes for an amendment and 5 minutes against an amendment?

Mr. TAFT. I would add to the request that if the proposer of an amendment desires to have a last-minute voice, so to speak, before the vote on the amendment, the proponent of the amendment shall be allowed 5 minutes, and the opponents 5 minutes, so that there may be an opportunity to sum up or explain to the Senate the purpose of the amendment.

Mr. MORSE. I think that would be only fair. I have 2 amendments to offer, and it will take only 3 or 4 minutes to explain them. However, I think time ought to be allotted in which to explain them before a vote is taken.

Mr. DOUGLAS. Mr. President, am I to understand the proposal of the Senator from Ohio involves the previous unanimous-consent agreement, namely, that amendments which have not been acted upon by 3 o'clock will die?

Mr. TAFT. No. All amendments will be voted on tomorrow, whether they have been acted upon by 2 o'clock or not. After 2 o'clock it will be in order for Senators to offer any amendments they wish to offer and have them voted on until, of course, the vote on the joint resolution itself is reached. But amendments will be in order, whether or not they have been discussed or whether or not they have been before the Senate today.

Mr. DOUGLAS. So if a vote on the joint resolution itself is not reached by 3 o'clock, discussion will continue?

Mr. TAFT. Discussion will continue. Under the unanimous-consent agreement, at 2 o'clock we shall begin to vote on amendments, and we shall vote on all amendments, including those which have been discussed and those which have not, until no more amendments shall have been offered; then we shall vote on the joint resolution itself.

Mr. HOLLAND. Mr. President, it is my understanding that the distinguished Senator from New York [Mr. LEHMAN] and the distinguished Senator from Rhode Island [Mr. GREEN] have said that they desired to offer amendments to be voted upon, but not by a record vote this afternoon.

Mr. TAFT. I understand they would be willing to postpone a vote. Since that is a general feeling, I think it would be better to postpone the voting until tomorrow.

Mr. HOLLAND. If that is agreeable to the Senator from New York and the Senator from Rhode Island, certainly I have no objection.

Mr. HILL. Mr. President, reserving the right to object, and I do not intend to object, I think that Senators ought to understand that until 2 o'clock, if a Senator called up an amendment, he would be allowed 5 minutes, if the request of the distinguished Senator from Ohio were agreed to, in order to discuss his amendment, and the opposition would have 5 minutes in which to present their views.

Mr. TAFT. No. The time between 12 o'clock noon and 2 o'clock will be for debate on the joint resolution. A Senator who is in favor of the joint resolution may assign time to opponents of an amendment, or a Senator who is against the joint resolution may assign time to the proposer of an amendment, as he may see fit. But the 5-minute rule I have discussed would take effect at 2 o'clock. After 2 o'clock, when votes are to be taken, instead of being taken one after another, 5 minutes would be allowed to each side simply for explanation of the amendment.

Mr. HILL. I wish to thank the distinguished Senator from Ohio for making clear his proposal. That is exactly what I had in mind, and certainly I have no objection.

The PRESIDING OFFICER. The Chair understands that there are two unanimous-consent requests. One is for a modification of the agreement already made, and the other is a new proposal. The Chair will state the modification first.

The Chair understands that the Senator from Ohio asks unanimous consent that the unanimous-consent agreement already entered into be modified to the extent that after 2 o'clock tomorrow afternoon, when the voting is to begin, the proponents of and the opposition to each amendment will each have 5 minutes to debate the amendment before a vote is taken.

Is there objection to the modification? The Chair hears none, and it is so ordered.

Second, the Senator from Ohio asks unanimous consent that no votes be taken the remainder of this evening, but that amendments be taken up one after another; that when the time for debate on an amendment expires, the next amendment be called up, and that when the Senate concludes its business tonight, it recess until tomorrow.

Mr. TAFT. I might as well include in my proposal that when the Senate recesses tonight, it recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. GREEN. I should like to ask a question for information. In what order are the amendments to be taken up?

Mr. TAFT. First, amendments which have not been acted on will be taken up in the order in which they are called up, and after the Senate has disposed of amendments which have been discussed but not voted upon, we shall then take up amendments in the order in which they are offered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Florida is entitled to the time remaining for the proponents of the joint resolution.

Mr. HOLLAND. I yield to the distinguished senior Senator from Oregon [Mr. CORDON], chairman of the subcommittee, as much time as he may require.

Mr. CORDON. Mr. President, in the course of this debate the impelling arguments in support of the policy which would be established by Senate Joint Resolution 13 have been fully presented.

In my opinion, these arguments clearly show that justice, equity, and the best interests of the Nation will be served by the enactment of this legislation.

In the closing hours of this debate, nothing can be added, in my opinion, except by way of reply to the constitutional questions which have been raised by some of the Senators who have spoken against Senate Joint Resolution 13.

In collaboration with other coauthors of the resolution and with members of the Committee on Interior and Insular Affairs, I have prepared a detailed statement showing that the true intent and effect of Senate Joint Resolution 13 are to establish a policy which is clearly within the authority of the Congress of the United States. In order that every Member of the Senate may have an opportunity to consider this statement prior to a final vote on the passage of the resolution, I ask unanimous consent that it be inserted in the RECORD at this point in my remarks.

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

REPLY TO CONSTITUTIONAL QUESTIONS RAISED ON SENATE JOINT RESOLUTION 13

Although no serious arguments were advanced against the constitutionality of Senate Joint Resolution 13, the question of authority of Congress to enact the legislation was thoroughly considered by the Senate Committee on Interior and Insular Affairs just as it was considered by the Judiciary Committee of the Senate in 1948 and by the House Judiciary Committee in 1948, 1950, 1952, and 1953. On each occasion the committees have concluded that Congress has the authority to enact this type of legislation.

As acting chairman of the Committee on Interior and Insular Affairs during its consideration of Senate Joint Resolution 13, I want to emphasize that the majority of the committee had no doubt whatever as to the authority of Congress to enact this legislation.

Our conclusion was supported by the testimony of attorneys representing the Federal Government who have appeared before the committees throughout the many years that this legislation has been under consideration. For instance, Mr. Justice Tom Clark, then serving as Attorney General, testified before joint hearings of the Judiciary Committees (See Joint hearings on S. 1988, 80th Cong., 2d sess, 1948) with reference to a bill which was substantially the same as Senate Joint Resolution 13, as follows:

"Senator MCCARRAN. You do not deny the right of the Congress to enact this law S. 1988.

Mr. CLARK. No; I think the Congress has the power under the Constitution. Well, I think they could even give away the property" (p. 638).

"If the Congress wants to give this property away, if the Congress wants to, it has the power to dispose of this property" (p. 646).

Hon. Philip Perlman, while Solicitor General, testified with reference to similar legislation before the House Judiciary Committee (See hearings on H. R. 5991, etc., 81st Cong., 1st sess, 1949, p. 196) as follows:

"Of course, the Congress may undo anything that the Supreme Court has done and under the Constitution, it may give away that which the Supreme Court has held to belong to the United States."

Solicitor General Perlman, while arguing in the Supreme Court in support of the

Federal Government's Motion for Leave to File Complaint in *United States* v. *Texas*, was asked the direct question by Mr. Justice Reed whether, if the United States owns the submerged lands of the marginal belt, could it convey the property to the States? Mr. Perlman's reply was:

"Oh, yes; Congress could give whatever title it has, whatever rights it has, to the States." (See reporter's transcript of the argument, p. 6.)

It is true that Mr. Perlman expressed doubts before our committee this year as to the form in which this proposed gift may constitutionally be made. (Senate hearings on S. J. Res. 13, 1953, p. 684.) However, he further testified, "I said there does not seem to be any doubt in my mind that Congress can dispose of the Government's property as property" and explained that the question in his mind related to whether the Government could convey "all of its right, title, and interest" (id., p. 686). When told that the intention of the bill was to convey only the proprietary interest and not any constitutional Federal powers, jurisdiction, or regulation in matters of national sovereignty, and asked, "Is that not perfectly constitutional?" Mr. Perlman said:

"I have said before—I will repeat it—that in my opinion, Congress has the right to dispose of the property of the United States, and it has the right to take these mineral resources from the bed of the sea. I think it can delegate others to take them and to enjoy them. I do think that" (id., p. 705).

Attorney General Brownell testified that in his opinion the restoration or establishment of title in the States under the terms of Senate Joint Resolution 13 would be constitutional. Much has been said concerning his recommendation that, in order to minimize or completely avoid litigation on the question of constitutionality, the State be delegated the power to manage the property and use the revenues collected therefrom. However, it is important to note that Mr. Brownell immediately added these words: "I do not thereby intend to cast any doubt upon the constitutionality of a so-called quitclaim statute * * *" (id., p. 926). Later Attorney General Brownell said:

"There seems to be an argument made by certain persons that if the Federal Government cedes the so-called title to this area that that might raise a serious constitutional question. We do not believe that it does" (id., p. 927).

It is also worthy of note that attorneys for the Federal Government did not raise the question of constitutionality of State ownership of lands beneath the territorial waters of the marginal belt in lawsuits filed against California, Texas, and Louisiana. If ownership of these lands is an inseparable incident of national sovereignty and absolutely essential to the exercise of Federal governmental powers in the area, that point alone would have been enough to conclude these cases in favor of the Federal Government. The argument was never made. On the contrary, Federal attorneys assumed that under certain circumstances these lands could be owned by the States without interfering with the governmental powers of the national sovereign. The Attorney General said at page 89 in his brief in the case of United States against California:

"We do not argue that the effective exercise of the foregoing powers (commerce, national defense, and international relations) granted to the Federal Government by the Constitution would be impossible without ownership of the bed of the marginal sea."

In their brief in the Texas case, Federal attorneys made no contention that it would have been unconstitutional for the Congress to have agreed that Texas was to retain its marginal sea lands upon annexation to the Union, and the four-member majority opinion made no such conclusion or inference. Both the Federal attorneys and the Court went to great lengths to explain that the proprietary rights of Texas were acquired under the "equal footing" clause rather than under the theory lately advanced by certain Senators that the Constitution prohibits State ownership of subordinate proprietary rights in the area.

The Supreme Court itself has given every indication that Congress has the constitutional authority to separate proprietary rights from paramount political powers in the marginal belt by vesting or establishing the proprietary rights in the States. In fact, the Court said in the California case that future decisions as to such property rights are within the "congressional area of national power." The Court said:

"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."

The Court thereafter made specific reference to a quitclaim resolution theretofore passed by Congress as not effecting "an exercise of the constitutional power of Congress to dispose of public property under article IV, section 3, clause 2," because it was vetoed by the President. Later in the opinion, the Supreme Court again mentioned "a congressional surrender of title" as though the authority of Congress in this respect was unquestioned. Again, in the California opinion, the Court referred to the authority of Congress to care for the many equities which were recognized to exist on the part of those who had filled in or developed the lands under State authority when it said: "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 would appear from the above quotation from the Supreme Court's opinion in the California case that the Court not only recognized the authority of Congress to act as contemplated in Senate Joint Resolution 13, but that the Court was inviting congressional consideration of the equities and the future policy to be followed with reference to ownership of these lands. The decision itself seems to contain a complete answer to those who contend that the authors of Senate Joint Resolution 13 propose to disregard the Supreme Court and overrule its decisions in the California, Texas, and Louisiana cases.

It is true that many of the supporters of Senate Joint Resolution 13 and some of the members of our committee disagree with the Court's interpretation of the law with reference to the present status of proprietary rights under the marginal belt covered by territorial waters within State boundaries. Many believe that the Court interpreted the law not only differently from what eminent jurists, lawyers, and public officials for more than a century had believed it to be, but also differently from what the Supreme Court apparently had believed it to be. This reaction is somewhat justified by the Court's own statement in the California case that the Supreme Court "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 owned soils under all navigable waters within their territorial jurisdiction, whether inland or not."

In spite of any dissatisfaction or disagreement which we might have with the Court's interpretation of the law, the majority of our committee recognized that it is within the province of the Supreme Court to define the law as the Court believes it to be at the time of its opinion. We accept the Court's opinion as binding and as the law of the land at the present time. However, the Supreme Court does not pass upon the wisdom of the law as they have found it to exist. That is exclusively within the congressional area of national power. Congress has the power to change the law for the future by establishing it as it was formerly believed to be. Therefore, in full acceptance of what the Supreme Court has now found the law to be, the authors of Senate Joint Resolution 13 and the majority of our committee recommend the enactment of this legislation as the policy for the future which will do equity and justice to the States that have used and developed the lands in good faith for over 100 years, and which will best serve the future interests of the Nation.

It is apparent that the few distinguished members of the Senate who have raised constitutional questions with respect to this legislation are laboring under misapprehension or misinterpretation of the intention and effect of the legislation. Their basic errors are shown in their assumptions (1) that the resolution attempts to transfer to the States paramount political rights or part of the national sovereignty of the United States, and (2) that lands seaward of low tide are so much a part of the international domain that property rights cannot exist therein separately from paramount political rights connected with external sovereignty. As shown by the terms of the resolution and the evidence adduced in the hearings, both of these assumptions are incorrect.

SENATE JOINT RESOLUTION 13 DOES NOT TRANSFER ANY PARAMOUNT CONSTITUTIONAL POWERS OF THE NATIONAL SOVEREIGN

The concept of State ownership of these lands, and the implementation of such concept by the States for more than 100 years, has been subordinate to all powers delegated to the national sovereign by the Constitution of the United States. Your committee was particularly careful to see that the wording of the resolution covers only proprietary rights, uses, and management and in such a way that the States and their grantees or lessees cannot interfere in any manner with the constitutional powers of the United States with respect to the lands or the overlying waters. Although probably unnecessary, the authors of Senate Joint Resolution 13 included section 6 for the specific purpose of making it clear that the rights *confirmed*, established, and vested in the States are subordinate to and must not interfere with the paramount constitutional powers of the Federal Government. Our committee added words which would strengthen and clarify this interpretation so that section 6 now reads:

"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, 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."

Clearly, the above section expresses the purpose and intention to separate proprietary rights (dominium) from paramount governmental powers (imperium) with respect to lands beneath all navigable waters, both inland and coastal, within the historic

boundaries of the States, with the proprietary rights vested or established in the States being subordinate to the constitutional political powers of the United States.

All rights vested in the States in section 3 are "subject to the provisions hereof," or "except as otherwise reserved herein," making them clearly subordinate to the rights reserved to the national sovereign in section 6. In discussing this matter in the executive sessions of the Committee on Interior and Insular Affairs, I explained that in section 6 "this language 'all of which shall be paramount to, but shall not be deemed to include' was inserted to clearly indicate that these (constitutional Federal powers) are paramount rights but that they do not include the proprietary rights that could be exercised subordinate to the paramount rights." Thereupon, another coauthor of the resolution and member of the committee further amplified the intention and effect of this part of the resolution as follows:

"Subordinate to and without interfering with that paramount right. Mr. Chairman, right at this point I would like to say, in further clarification of what I understand the intention of this paragraph to be, that these constitutional powers of the Federal Government are all, of course, retained by the Federal Government; they are retained without us saying so here. But in this paragraph we are making it plain that these constitutional governmental powers are paramount to the proprietary rights and the proprietary uses of the States or their grantees. And I might add further that, the governmental powers of the Federal Government being paramount, of course, it makes the proprietary rights of the States and their grantees subordinate, and they cannot use the property in any way to interfere with the exercise of the paramount governmental powers. In other words, they cannot put an oil derrick out in any navigable stream or any navigable water if it is going to interfere with navigation. They cannot cultivate an oyster bed out in the middle of a channel that has to be dug and, therefore, stop the Government from digging that channel. (Hearings, executive session, on S. J. Res. 13, etc., p. 1324.)

The committee accepted this as a correct interpretation of the intention and effect of the resolution. Therefore, it is apparent that none of the paramount constitutional powers of the national sovereign would be transferred to the States by Senate Joint Resolution 13. The proprietary rights and uses can take no national sovereignty or paramount political powers with them, because the proprietary rights and uses are subordinate and subject to the constitutional powers of the Federal Government and can never be legally used or employed in such a manner as to interfere with the public interest in the waters or with national defense, commerce, navigation, innocent passage, or international agreements heretofore or hereafter made with respect thereto.

We have carefully examined every national governmental power and responsibility that the Supreme Court mentioned in referring to national interests and national sovereignty in these lands and waters, and have concluded that all rights vested or established in the States under Senate Joint Resolution 13 are subordinate and subject thereto, and that the States will have no authority to use the lands or the waters or convey or lease rights therein which would interfere in any manner with the paramount constitutional powers of the national sovereign. Those who argue to the contrary are ignoring the qualifications and limitations which surround the proprietary rights vested or established in the States.

That every constitutional governmental power of the national sovereign can be exercised without interference arising from the subordinate proprietary rights of the States is best evidenced by the fact that such governmental powers have been so exercised without such interference for more than 100 years when this concept of State ownership actually existed in theory and practice. As said at paragraph 6 of our committee report on Senate Joint Resolution 13:

"It is highly significant that in all 16 hearings on this subject, comprising over 8,000 printed pages of evidence, no single instance has been mentioned where any of the thousands of developments accomplished under the authority and direction of the States and their grantees has interfered in the slightest degree with the exercise by the United States of its paramount constitutional powers or its governmental functions. Senate Joint Resolution 13 makes certain that there shall be no such interference or impairment in the future."

Those who argue that rights of national sovereignty would be transferred by Senate Joint Resolution 13 are confusing political powers with proprietary rights. It is true that the Supreme Court has held that proprietary rights in the marginal belt of the Original States were acquired by the United States in its exercise of national sovereignty and that they are, therefore, incidental to the paramount powers of the United States in that area; and in the Texas case it was held that under the equal-footing clause these proprietary rights "must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign." But the Court did not say in any of its opinions that proprietary rights in these lands were inseparable incidents of national sovereignty. To the contrary, the California decision clearly indicates that Congress has the power to say in the first instance who shall have and develop the proprietary rights. As further indicated in that opinion, this land is within the territorial limits of the United States; the Constitution and domestic law apply; and Congress has the power to separate the proprietary rights and vest them in the States so long as this is accomplished in a manner which will leave them subordinate to all present and future obligations, responsibilities, and actions of the Federal Government in the exercise of its constitutional powers. That is the intent and will be the effect of this legislation. It would so separate or "uncoalesce" the proprietary rights from the paramount governmental powers, leaving the former always subject and subordinate to the latter.

LANDS BENEATH NAVIGABLE WATERS AS DEFINED IN SENATE JOINT RESOLUTION 13 ARE WITHIN THE JURISDICTION OF THE UNITED STATES; DOMESTIC LAW APPLIES; AND SUBORDINATE PROPRIETARY RIGHTS CAN EXIST THEREIN

Senate Joint Resolution 13 treats all lands beneath navigable waters within the United States on the same basis and in the same manner, whether the overlying waters happen to be the Great Lakes, inland rivers or lakes, or the territorial waters of the marginal sea. The States would henceforth hold the subordinate proprietary rights subject to every type of paramount governmental power which the national sovereign must exercise. These governmental powers and the extent of their exercise will vary with the different types of overlying waters. For instance, on the Great Lakes, on rivers which form international boundaries, and in the marginal sea, there will be present and future treaties, international agreements, and rules of international law such as the right of innocent passage in the marginal sea, which may limit and restrict the proprietary uses of these lands more than in the case of inland navigable waters which form no part of international boundaries. Regardless of this variation in the type and extent of the paramount governmental powers over the waters, Senate Joint Resolution 13 would leave the proprietary rights within and beneath all navigable waters, both inland and coastal, subordinate to the governmental powers, whatever they may be, and would recognize, vest, or establish them in the State with such qualifications and limitations.

The opponents do not question the constitutionality of this legislation insofar as it relates to lands beneath the Great Lakes and the inland waters of the country, or insofar as it delegates or assigns to the coastal States management of the lands and resources and enjoyment of the revenues from the marginal belt [Sec. 3 (a) (2)]. They question only the authority of Congress to vest or establish in the States proprietary rights in the lands and resources of the marginal belt. As heretofore said, they base their arguments upon the erroneous assumption that this particular area is so much within the international domain that proprietary rights do not exist and that Congress cannot establish them.

Those who make this argument cite as their authority the Court's language in *U. S.* v. *Texas*: "Once low-water mark is passed the international domain is reached." Taken alone, these words might indicate that the Court believed the area within the marginal belt to be outside the United States and subject only to Federal powers derived from external sovereignty as a member of the family of nations—wholly beyond the legislative jurisdiction of the Congress of the United States. However, a study of the full opinions in both the Texas and California cases reveals clearly that the Court meant no such strained interpretation.

From the Court opinions it is apparent that the marginal belt and its lands and resources are treated as being within the boundaries and jurisdiction of the States and the United States. That was the position of the Federal attorneys, because they made specific reference to the seaward boundaries of the States in describing the land in controversy. In their California brief, Federal attorneys said:

"There is no doubt that the area involved is within the boundaries of both California and the United States." (Brief for the United States in support of motion for judgment, *U. S.* v. *California*, p. 217.)

In the decrees in the California, Texas, and Louisiana cases the Court used the seaward boundaries of the States in describing the area in which paramount rights and powers were awarded to the United States. In the California opinion the Court spoke of the disposition of these lands as being within the "congressional area of national power." Therefore, regardless of how the marginal belt and its lands and resources were acquired in the first instance, they are now a part of the territory of the United States the same as its land territory, and the Constitution and domestic laws are applicable as between the Federal Government and the States or individual citizens.

It is believed that the Court, in the Texas case, referred to the "international domain" beginning at low-water mark merely to emphasize that rights of innocent passage over the waters exist in other nations and that these and other international obligations of the present and future must be protected by the United States along with other national interests and responsibilities, and that proprietary rights in the lands and resources must be subordinate to these national interests, responsibilities, and obligations. With this there is no argument and no conflict in Senate Joint Resolution 13, because it clearly states that the proprietary rights of the States shall be subordinate to these paramount Federal powers of internal and external sovereignty.

With reference to "international domain" the Court could have used the same words in referring to the lands and waters of the Great Lakes or of the Rio Grande River, because treaties and other international agreements have been made with respect to those waters. They are subject to future international agreements and obligations the same as the waters of the marginal belt, and under Senate Joint Resolution 13 the proprietary

rights in the lands and resources of all these areas will be subject to the same qualifications and limitations in the future as in the past. See *Illinois Central Railroad* v. *Illinois* (146 U. S. 387 (1892)).

The official position of the United States, as expressed by the State Department, is that the marginal belt covered by territorial waters is within the territory and jurisdiction of the United States. This was verified by the testimony of the representatives of the State Department who appeared before our committee. Mr. Jack B. Tate, Deputy Legal Adviser of the Department of State, testified as follows:

"Senator DANIEL. Mr. Tate, * * * 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.

* * * * *

"Senator DANIEL. As a matter of fact, in the United States reply to the proposed codification in 1930 of the law as to territorial waters and the high seas [Hague Conference], I believe the position of this Nation was very clearly stated in accordance with what you have interpreted it to be, and I would like to read from the reply the following quotation: 'The sea bottom 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.' Is that correct?

"Mr. TATE. That is correct.

"Senator DANIEL. That is still the position of the United States Government?

"Mr. TATE. That is right."

As shown by the above testimony, and especially the quotation of the State Department's position at the Hague Conference in 1930, it is the official position of the United States that proprietary rights do exist and can exist in the lands and resources beneath the territorial waters of the marginal belt, and that they can exist in the individual States of our own Nation. Furthermore, the jurisdiction of the United States over the subsoil and sea bed of that part of the Continental Shelf beyond territorial waters has been proclaimed by the United States (Proclamation No. 2667, September 28, 1945) and would be confirmed by section 9 of Senate Joint Resolution 13. On the date of the Presidential proclamation, the President issued his Executive Order 9633 which clearly recognizes the possibility of proprietary rights existing in the United States or the individual States, for the Executive order provides:

"Neither this order nor the aforesaid proclamation shall be deemed to affect the determination by legislation or judicial decree of any issues between the United States and the several States, relating to the ownership or control of the subsoil and sea bed of the Continental Shelf within or outside of the 3-mile limit."

Obviously, this order recognizes that Congress by legislation may determine future questions of ownership so long as its determination does not interfere with the constitutional Federal powers and responsibilities or with the public and international interests in the overlying waters.

The Deputy Legal Adviser for the State Department, Mr. Tate, further testified that the division of rights between the United States and the individual States within territorial waters and in the natural resources of the seabed and subsoil of the Continental Shelf "is not a matter that is of international concern" (Senate Hearings on Senate Joint Resolution 13, p. 1067) and that the domestic law of our Nation would apply thereto (Id., p. 1080).

If any doubt remains on this question of whether that part of the marginal belt included within the definition of "lands beneath navigable waters" in Senate Joint Resolution 13 is a part of the territory of the United States and subject to the authority of Congress, the doubt will be removed by the terms of this joint resolution. No one will question the right of the Congress to declare the territorial extent of the jurisdiction of our Nation. By its definition of "lands beneath navigable waters" Senate Joint Resolution 13 recognizes that the area within the 3-mile limit or within such greater distance as a State's seaward boundary existed "in the Gulf of Mexico or any of the Great Lakes at the time such State became a member of the Union, or as heretofore approved by the Congress" is within the territory of the States and the United States. This assertion of congressional policy will confirm the fact that such area is within the jurisdiction of the United States, and therefore it is subject to legislation by the Congress. The future existence and control of proprietary rights and uses of the lands and resources within this area are matters which Congress may determine. If the effect of the Court decisions is to say that proprietary rights now exist in the national sovereign, they may be transferred to the States subject to the reservations of constitutional political powers in the Federal Government. If the effect of the Court decisions is to say that proprietary rights do not now exist in the area, there can be no doubt but that Congress may by this legislation establish such rights. That is why both of the terms "established" and "vested" are used in Senate Joint Resolution 13.

As shown by the evidence furnished by the State Department and by the Presidential proclamation and Executive order of September 28, 1945, the vesting or establishment of these proprietary rights in the States is a matter of domestic concern and will not interfere with international law or present and future international agreements and obligations, so long as they are vested or established subordinate and subject to the constitutional governmental powers of the national sovereign. That is exactly what is intended to be accomplished by the terms of Senate Joint Resolution 13, and under such circumstances there should be doubt concerning the constitutional authority of Congress to enact this legislation.

Mr. HOLLAND. Mr. President, it is my understanding that the Senator from Illinois desires to request permission to make an insertion in the RECORD. I ask unanimous consent that I may be permitted to yield to him for that purpose, without the time used by him being charged to my side.

Mr. DOUGLAS. Mr. President, in view of the fact that an implication has been left that the only organizations opposed to the offshore oil joint resolution are, first, the Congress of Industrial Organizations, and, second, the Americans for Democratic Action, I ask unanimous consent to have printed at this point in the body of the RECORD a resolution of the Nebraska Legislature, opposing the measure, as printed in the Lincoln Evening Journal and Nebraska State Journal, and also editorials and articles from sundry newspapers, including the Daytona Beach (Fla.) Evening News; the Madison (Wis.) Capital-Times, edited and published by the courageous William Eujue; the Louisville Courier-Journal; the Atlanta (Ga.) Constitution; the Commonweal, a distinguished Catholic journal; the Christian Century, a distinguished Protestant journal; the Pittsburgh Post-Gazette, a leading newspaper published by that outstanding citizen, Paul Block, Jr., another article from the Pittsburgh Post-Gazette; an editorial from the Philadelphia Bulletin, owned and edited by the distinguished McLean family, no member of which I think is a member of either the Americans for Democratic Action or the CIO; an editorial from the Raleigh (N. C.) News and Observer, edited by Jonathan Daniels, son of one of the greatest editors of all times, Josephus Daniels; an editorial entitled "At Last a Kind Word for Filibusters," published in the Detroit News, founded by James E. Scripps, of April 22, 1953; also an article entitled "Senatorial Oil Oratory," from the Philadelphia Bulletin of April 22, 1953. This article is written by Ralph W. Page.

I also ask unanimous consent to have printed in the RECORD at this point as a part of my remarks some representative statements of executive and legal officers of the United States to congressional committees, recognizing State ownership of tidelands, filled lands, and submerged lands under ports, harbors, and all navigable inland waters.

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

[From the Lincoln Evening Journal and Nebraska State Journal of April 29, 1953]

LEGISLATURE VOTES FOR UNITED STATES TIDELANDS CONTROL

The Nebraska Legislature by a vote of 27 to 11 Wednesday passed a resolution urging the jurisdiction of tidelands oil lands remain with the Federal Government.

The United States Senate is scheduled to take a vote next Tuesday turning the tidelands over to the coastal States.

The Nebraska legislative resolution was offered by Senator John Larkin, Jr., of Omaha, who argued that Nebraska needed and wants the school money that would come through jurisdiction staying with the Federal Government.

Senator Terry Carpenter, of Scottsbluff, a former Congressman who was a Democrat when he served in Washington and now is a Republican Party member, argued for the resolution.

Senator Carpenter said no one can say that the schools of Nebraska couldn't use the money the State would get with continued Federal jurisdiction. But, he added, he would admit the resolution probably would have no force or effect on Congress.

Senator Arthur Carmody, of Trenton, moved the resolution be held over 1 day. The Carmody lay-over motion lost and then the resolution passed. The vote:

For: Adams, Anderson, Aufenkamp, Bixler, Britt, Carpenter, Coffey, Cole, Diers, Dooley, Duis, Fenske, Hill, Hubka, Kotouc, Larkin, Liebers, Lillibridge, Brower, McHenry, Martin, Marvel, Person, Pizer, Tvrdik, Williams, Wilson.

Against: Beaver, Bridenbaugh, Brown, Burney, Carmody, Carson, Cramer, Klaver, McNutt, Peterson, Shultz.

[From the Daytona Beach (Fla.) Evening News of April 27, 1953]

OIL FOR THE NATION

This week the prolonged fight continues in the United States Senate over whether a few coastal States or all of the 48 which make up the strength of our Nation shall hold title to the submerged oil and mineral resources lying along parts of the seacoast.

At the weekend President Eisenhower took a hand in the dispute by pleading publicly for passage of the measure which some few of the coastal States and private oil interests have been so fervently pushing for enactment.

Against these advocates of one of the biggest grabs in the Nation's history are arrayed a group of determined Senators who have been urging the passage of legislation which would continue Federal ownership of the offshore wealth, pay the coastal States a handsome royalty when the oil and other minerals are marketed, and pool the remainder in a fund to aid primary, secondary and higher education.

How the issue finally is decided will have a profound and far reaching effect on future national policy in the ownership and management of natural resources which tradition has held generally to be Federal property.

Backing the pressure for passage of the coastal State grab bill has been a great deal of propaganda asking us to believe that for some mysterious reason the Federal Government is something to be distrusted and feared, and that only separate States and certain private interests are to be trusted in the disposition of natural resources. Many Federal officials in high places are nurturing this amazing doctrine.

The conservative New York Times, which supported Eisenhower in the presidential campaign, parts company with him on the vital issue of what should be done with the offshore wealth. Says the Times in an editorial entitled "Oil For the Nation:"

"One of the greatest and surely the most unjustified giveaway programs in the history of the United States is taking place before our eyes. The administration has endorsed in principle, the House has already approved and the Senate within a few days apparently will approve this plan to give to the people of a handful of States billions upon billions of dollars worth of undersea oil that rightly belongs—and always has belonged—to the people of the entire Nation * * *"

The giveaway legislation, the Times points out, "is cast in such form as to lead to endless legal complications, international as well as domestic. For instance, it would recognize 'historic' boundaries in some cases far beyond the 3-mile limit on which the United States has always insisted in its relations with other countries. Since nobody, including the proponents of the bill, knows just where the 'historic' boundaries lie anyway, the confusion will be indescribable. Furthermore, the bill would lead the way for State claims to other federally held resources within the States, including public lands and forests. It would deprive the Federal Government of direct control over a vital reserve for the national defense."

The Times supports the position of such outstanding Senators as DOUGLAS of Illinois, LEHMAN of New York, HILL of Alabama, and ANDERSON of New Mexico who, its editorial says, "offer a sound alternative in the Anderson bill, which would confirm Federal jurisdiction over the offshore resources and State jurisdiction over lands beneath tidal and inland waters, and would give the coastal States a percentage royalty on oil taken from within the 3-mile limit."

Under this bill all money received by the Federal Government from leases for oil development would be used exclusively to aid education throughout the Nation.

"What sums of this order would mean to education in all 48 States is self-evident," says the Times. "Again we urge the Senate leadership and the administration to think through the offshore oil question and to look at it in terms of benefit to the Nation."

Unfortunately that phrase, "benefit to the Nation" is about the same thing to some very selfish people as a red rag to a bull. These days the pressure for local and special interests rides high over those great traditions whose prophets had respect for the general welfare—F. B.

[From the Madison (Wis.) Capital Times of April 29, 1953]

THE REPUBLICANS KEEP ONE CAMPAIGN PROMISE—TIDELANDS GIVEAWAY

The first test vote in the Senate on the tidelands oil steal has turned out to be bad news for the people of the United States. The Anderson substitute amendment, which would have retained title to the oil-rich submerged lands in the hands of the Federal Government, was tabled by a vote of 56 to 33. The vote was so decisive and Republican Majority Leader TAFT is so determined to pass the bill that the tired minority, which has been fighting the bill for almost a month, has agreed to take a vote on passage of the giveaway bill on May 5.

The most notable thing about this outrageous giveaway, of course, is that it is the first major piece of legislation to be put through Congress by the new Republican administration. It is the only campaign promise on which the Eisenhower administration has delivered in the first 100 days of its rule. The other promises of tax cuts, budget balancing, extension of old-age security, modification of the Taft-Hartley law and others have been forgotten. But the giveaway of submerged oil lands is all but accomplished.

The promise to the oil interests who swung behind Eisenhower at Chicago and who delivered Texas and the other oil States to him in the election, is being kept. It is the first campaign promise to be kept and is perhaps the only one that will be kept.

It is significant to note how carefully the one-party press has refrained from telling the people of the United States the facts about this giveaway of enormously rich natural resources. For weeks there was a blackout on the news concerning the momentous fight that a group of liberal Senators were making against the passage of the tidelands bill. It was only after the debate had carried to the point that Senator TAFT was making threatening gestures of cloture and the President intervened to demand action on the bill that the debate was reported on the front pages of the one-party press.

These newspapers, which like to preen themselves about their devotion to the slogan "your right to know," carried this conspiracy of silence with them when they reported the vote in the Senate on the Anderson amendment. Here was a significant vote, showing the line-up in the Senate on one of the most important issues to come before the Congress in this session or in any recent session. It is more important in this session than in previous sessions because for the first time since the bill has been offered, we have a President who is pledged to sign it.

But most of the newspapers which reported the Senate's action in voting to table the Anderson amendment neglected to inform their readers how the Senators voted. The Wisconsin State Journal, here in Madison, the Milwaukee Sentinel, and the Chicago Tribune carried no roll calls in the morning papers on Tuesday, the day after the vote was taken. These papers are for the tidelands bill. The Chicago Sun-Times, which opposes the bill, carried a rollcall supplied by the United Press.

The Capital Times received no roll call from either the United Press or the Associated Press.

This is typical of the way the newspapers and the news services honor the slogan they preach about so much—"your right to know."

The line-up in the Senate on the vote was what could be expected. The Dixiecrats and the Republicans joined forces to kill the Anderson amendment. Seven Republicans and 25 Democrats voted for it. Thirty-eight Republicans and 18 Democrats voted to kill it.

Here is the rollcall:

For the substitute:

Republicans (7)—Aiken, Case, Cooper, Griswold, Langer, Tobey, and Young.

Democrats (25)—Anderson, Douglas, Frear, Fulbright, Gillette, Gore, Hayden, Hennings, Hill, Humphrey, Jackson, Johnson of Colorado, Kefauver, Kennedy, Kilgore, Lehman, Magnuson, Mansfield, Neely, Pastore, Sparkman and Symington.

Independents (1)—Morse.

Against the substitute:

Republicans (38)—Barrett, Beall, Bennett, Bricker, Bridges, Bush, Butler of Maryland, Butler of Nebraska, Capehart, Carlson, Cordon, Dirksen, Duff, Dworshak, Ferguson, Flanders, Goldwater, Hendrickson, Hickenlooper, Ives, Jenner, Knowland, Kuchel, Martin, McCarthy, Millikin, Mundt, Payne, Potter, Purtell, Saltonstall, Schoeppel, Smith of Maine, Smith of New Jersey, Taft, Watkins, Welker, and Williams.

Democrats (18)—Byrd, Clements, Daniel, Ellender, George, Hoey, Holland, Hunt, Johnson of Texas, Johnston of South Carolina, Long, Maybank, McCarran, Robertson, Russell, Smathers, Smith of North Carolina, and Stennis.

Paired for the substitute—Chavez (Democrat) and Green (Democrat).

Paired against—Eastland (Democrat) and Thye (Republican).

[From the Louisville Courier-Journal of April 23, 1953]

WHOSE ADMINISTRATION IS IT, AFTER ALL?

A curious turn of affairs shows up in Washington. Democrats in both the Senate and the House, in a move which may be strategic but which certainly seems devoid of malice, are asking President Eisenhower to accept his natural and proper role. That is, they ask him to assert his leadership in matters involving national policy.

It is not a hostile request. It is rather a reminder of executive responsibility. As we see the action, it suggests that by silence on certain legislation, the President may appear to be abdicating that responsibility. He may be letting Congress write the record of his administration.

In the Senate, the move is formal. It takes shape in a letter signed by 25 Senators, asking whether he supports the claims of coastal States to submerged lands beyond their 3-mile limit. If he answers, the whole issue of rights to oil deposits in land beneath the offshore waters would be illuminated. There might even be a settlement of the issue which has tied up all business in the Senate for 3 weeks.

The question needs answering. The bill which is under debate, if you want to call it debate, is claimed by its supporters, undoubtedly a majority of the Senate, to be a fulfillment of campaign promises. But is it? Was ever a campaign promise as vague and unlimited?

Nobody doubts that in Mr. Eisenhower's wooing particularly the votes of Texas he spoke impulsively and without knowledge of all the facts when he came out for State claims to the oil of the tidelands. And we have an idea that he would have had serious reservations if he had known the indefinability of those claims; if he had foreseen that by promising the politician's inch

he would encourage an extravagant demand for an ell.

What he encouraged, in fact, was a bill which already had passed the House and which would go beyond the tidelands, beyond even the 3-mile limit, and give away to the States all offshore land within their historic boundaries.

This is practically special legislation in favor of Texas. The Texas argument is that the Lone Star State came into the Union not as a mere territory but as a sovereign nation, and gave up nothing in the process. The argument goes on to say that the national boundaries of Texas, fixed by its treaty of independence with Mexico, extended 3 leagues out into the waters.

What do they mean, three leagues? There are leagues and leagues—nautical leagues, statute leagues, leagues whose length varies with the nation that measures them. Texas disregarding the likelihood that its treaty with Mexico implies the Spanish league (the shortest measurement), is pressing rather for leagues in the fullest measure, or about 3.5 miles each, 10.5 miles in all.

Is this what the President had in mind in his blithe campaigning days? Did he think that tidelands, the old misapplied name for the disputed land, really meant tidelands, which is land between high and low water marks? The Senators have a right to ask. The country has a right to know. There is much at stake for the whole country.

In a similar demand for a statement of policy, Democrats in the lower Chamber of Congress want Mr. Eisenhower to declare his views on the public low-rent housing program. There is a drive in conservative Republican quarters to put an end to it, with strong prospects of success. Is this the President's idea? He never mentioned it before. As House Democratic Leader McCormack points out, if he doesn't speak out quickly, he must share responsibility for defeat of the program. Prodding like this is in order, but it is interesting to see it come from the opposition party.

[From the Commonweal of May 1, 1953]

RAIDS ON THE PUBLIC DOMAIN

In the early days of the New Deal such Rooseveltian phrases as "vested interests" and "special privilege" imparted vigor to addresses on domestic problems. When monopoly and unchecked private enterprise then gave way to Government regulation and control, such terms lost much of their political sting. It now looks as if they will soon be back in the political picture.

This swing of the pendulum is comparable to what has followed defeats of Labor governments in Australia, New Zealand, and Great Britain. Yet in those Commonwealth nations retracing of steps has been very limited indeed. The changes which our new administration bids fair to put over in its first few months are big strides in comparison.

Transfer to California, Florida, Louisiana, and Texas of title to offshore oil lands is first on the whole Eisenhower legislative list. Properties worth some $40 billions are to be exploited by private companies with royalties going only to those four coastal States. Yet three times in recent years the United States Supreme Court has declared that these vital resources belong to the Nation as a whole. Not only the extent and importance of these untapped sources of underseas wealth make the battle in the Senate against transfer so deserving of public support. The shift of offshore oil to the States leads to other attacks on the Federal domain.

National parks and other public lands are already in grave danger. Lumber interests in the Far West have their eyes on big tracts of Olympia National Park. Both House and Senate are considering bills that would give private interests grazing and other privileges on our public lands, which are also threatened by attempts to bring outdated mining laws to bear on behalf of private claimants.

Private utilities are making their influence felt against regional river valley development and public power generally. What is not attainable through straight legislation, these companies may well be able to procure through friendly administering, such as purchase of the electricity generated by Government dams.

That legislation is not always required is indicated by the dismissal of Albert M. Day, director of the Federal Fish and Wildlife Service. Mr. Day declares that Secretary McKay took this step under pressure from California duck hunters and Alaska salmon packers opposed to conservation.

The offshore oil battle therefore is of the widest public concern. It must be followed up by stands against similar legislative and administrative raids on vital national resources—there would be reason enough to resist them solely in the interests of national defense. And if the administration succeeds in transferring to private enterprise much of the natural resources now held as a public trust—so that profit becomes the criterion for their preservation and development—it will present the voters with a tremendous issue in 1954 and 1956.

[From the Pittsburgh Post-Gazette of April 18, 1953]

OUR GIFT TO TEXAS

Now that Republican Majority Leader Taft has announced his intention to press for a showndown on the offshore oil bill, the Senate may soon vote on that vital legislation. Opponents of the administration measure to establish State ownership of submerged coastal oil lands have marshaled an impressive array of facts against the bill. But there has been no sign that their efforts are likely to prevent Congress from going through with the plan to quitclaim Federal title in the undersea lands.

A favorable Senate vote will complete legislative action on the bill to give a few coastal States valuable resources which the Supreme Court has held belong to the Federal Government and therefore to all the States. One way to look at the treasure involved is to measure it in terms of a proposal by Senator Lister Hill, of Alabama, one of the quitclaim opponents. Senator Hill has suggested that, instead of granting the offshore oil to California, Texas, Louisiana, and Florida, the Federal Government be authorized to distribute the royalties from it to all the States for the support of education (with the coastal States getting a larger share).

The probable amounts that the States would get under this plan vary, depending on the estimated value of the oil under the submerged areas and on the percentage of the royalties. But even under the most conservative estimates, Pennsylvania would get $424 million. Under liberal estimates, this State would get nearly $4 billion.

The ironic aspect of the quitclaim plan is that, if any of the involved States run into international disputes in extracting oil from the Continental Shelf, it will be the Government of the 48 States that will have to come to their aid. Texas and Florida, for example, claim land out to 10½ miles—7½ miles beyond the line to which the United States asserts jurisdiction. If Texas oil drillers in international waters get into trouble, as Texas shrimpers have in the past, the State Department or the Navy will be expected to guard their rights.

Since the Federal Government is expected to protect American interests in such areas, it should be entrusted with administering the offshore oil lands and proceeds from them should go to all the States.

[From the Christian Century of April 22, 1953]

OFFSHORE OIL AND THE PUBLIC DOMAIN

Control of offshore oil was the principal bill General Eisenhower made for the electoral votes of Texas, Florida, and California. The Supreme Court has three times held that the underwater areas at stake belong to the whole Nation and not to the States on which they border. But General Eisenhower supported the contentions of the four States named, and he is committeed to sign any law Congress may pass giving them this potential bonanza. Estimates set the amount of revenue to be derived from offshore oil deposits at from forty to two hundred and fifty billion dollars. There are indications that the State Department is unhappy about turning over these offshore lands to the States, for questions of national sovereignty—such as came up a few years ago when rumrunners tried to operate inside the 3-mile limit—could be extremely embarrassing to our international relations. The Attorney General, likewise, has apparently been trying to tone down some of the demands of the four States. But the House has now passed a bill giving these States the oil lands out to their historic limits, which is said to mean from 3 miles out in the case of California to 10½ for the others. Even this, it can be predicted, will not satisfy the Texans, for the most promising submarine oil deposits off their coast are far out in the shelving Gulf of Mexico.

If this is the best Texas can get from Congress this time, and this limited gift stands its court tests, then the Texas oil interests will come back to ask a subsequent Congress for the lands as far out as 150 or 200 miles. A little group of Senators is fighting to block passage of the bill giving away these oil lands, but so far little public interest has been shown. Yet if this bill passes, it will do two things. It will cut off the other 44 States from any share in this vast potential income, and thus will make impossible any such project as that proposed by Senator Lister Hill, of Alabama, to use offshore oil royalties to help defray public school costs all over the Nation. (Or why not, asks Senator Douglas, if there is $250 billion involved, use it to pay off the national debt and thus to cut taxes?) And in the second place, it will start a rush in Congress to pass out other portions of the Federal public domain. Wyoming is already after the federally owned oil lands in that State, and Senator Butler, chairman of the interior committee, says that sentiment is growing in the upper chamber to turn all Federal lands, including those with rich mineral deposits, over to the States. Republican leaders might wisely recall that the last time they took office there followed an episode known to history as Teapot Dome.

[From the Atlanta Constitution of April 24, 1953]

TIDELANDS FACTS ARE EYE OPENING

"No; it's not a filibuster, it's an educational campaign. The people are not aware of what is at stake in the tidelands oil fight and must be informed, with the floor of the Senate as the forum."

It seems to us we've heard that argument before and that some of the loudest opposition to southerners' use of the device in the arguments over civil-rights legislation are now leading the parade in harassment of Taft in the big oil giveaway.

Regardless of what it's called, the old Shakespearean adage would apply: "A rose by any other name smells as sweet." And sweet smelling indeed to southern Senators has been their old ace in the hole, the filibuster, until now some of them find it turned upon themselves.

Perhaps it was never invoked for a better purpose than in the present instance, an attempt to awaken the public to what could well become known in the future as the great tidelands robbery.

There are a few States, notably Texas, Florida and California, that will profit from this bill. All others are in the ludicrous position of robbing themselves. Billions of dollars in natural resources would be given up to these 3 States at the expense of the other 45.

Wednesday 25 Senators called on the President to clarify what the administration considers the boundaries of States in connection with offshore lands. Since the United States Government was established, the accepted boundaries have been 3 miles to seaward of the low water mark. Texas and Florida claim 10½ miles and the bill in question leaves the door wide open for even further extension by providing for recognition of any State boundaries "heretofore and hereafter" approved by Congress.

Total oil resources on the continental shelf are estimated to have a total value of almost $300,000,000,000. The Holland bill would turn over a great percentage of these assets to 3, perhaps 4, States, leaving the way open for their eventual acquisition of it all.

In a few words, the issue is summed up well by Senator PAUL DOUGLAS, Democrat, of Illinois, as follows:

"These huge treasures of offshore oil and gas which are the property of the Nation should not be given to the comparative few. They should be used to help meet the costs of national defense, to reduce the public debt, to wipe out illiteracy, and to develop through education the human resources of the country. These are the great purposes for which these natural resources are to be used.

"If we alienate the offshore oil and gas, then the Mountain States will demand the mineral rights on Government land within their boundaries; there will be a drive to turn over the forests and uplands now owned by the Federal Government to the States which will mean that they will be overcut and overgrazed. The results will be greater floods and soil erosion."

We agree. We also agree that there is a need for a prolonged educational campaign on the subject. The Supreme Court has spoken already. It's now up to the people.

[From the Pittsburgh Post-Gazette of April 23, 1953]

A READER'S VIEWPOINT: STATES' CLAIM TO OFFSHORE OIL DEFENDED

EDITOR, THE POST-GAZETTE:

Your position on the tidelands oil question is very disappointing in "Our Gift to Texas," April 18, 1953. But even more disappointing are your reasons. Aside from the Supreme Court decisions, you appear to favor Federal control and ownership for the benefit of all the States because (1) the profits will be huge (you assume that Pennsylvania will receive $400 million at the least) and (2) the Federal Government will have to protect American interests in the area from the 3-mile limit to the 10½-mile limit, which is claimed by Texas and Florida and which the Republicans in Congress now propose to quitclaim to those States (this is labeled the ironic aspect of the problem).

As to the first point—assuming your figures to be correct, over how many years will Pennsylvania receive funds which will eventually amount to $400 million? Whatever the answer I suggest that Federal grants to the States from tax revenues can accomplish a more equitable result. It is clear that Congress has the power to levy excise and income taxes on oil operations, and State-owned operations are not immune in this respect (*New York* v. *United States*, (326 U. S. 572, 1946)). But in any event I dispute your figures. Oil operations are very speculative. As of February 1951, over $250 million has been spent in search of oil in the Gulf of Mexico and only $20 million had been grossed. (See testimony of Walter Hallanan, hearings on S. J. Res. 20, 82d Cong., 1st sess. 1952).

As to the second point—this was a real shocker. United States embassies and consulates are located all over the world for the express purpose of protecting American interests, private and public, and thank goodness. There would have been quite a howl if the State Department had said, "O well, William Oatis is a citizen of New York State (or wherever), so let their officials argue with the Czechs." United States Marines fought "to the shores of Tripoli" to protect private American shipping (those shippers were mostly Massachusetts boys) and today they are fighting in Korea for the ultimate benefit of everyone in the world. For this protection of interests we gladly pay taxes and it does not follow that the Federal Government does or should own those interests.

On the basis of your second point, the Supreme Court decided against the States in the tidelands cases. The Court held that because the Government had sovereignty (or political control) over the tidelands, the Government had ownership. Mr. Justice Frankfurter (not known as being "conservative") dissented and his opinions should be read by everyone. An overwhelming number of authorities agree with him that, in this country, ownership does not arise from sovereignty. The Constitution prescribes only two general purposes for which the Federal Government can own land, viz., for military bases, post offices, and so forth, and for the erection of future States (as in the case of Hawaii and Alaska this is a mere trusteeship), and for no other purpose.

By using its commerce, taxing, and spending powers, Congress could have controlled (but not have owned) the tidelands and, also, could have seized the steel industry. These were President Truman's aims and, finding Congress uncooperative, he sought to accomplish them by Executive fiat. Many are thankful that the Supreme Court would only cooperate with the first aim.

"Gift" is the wrong word. Congress is merely attempting to restore to the particular States the ownership of land which was taken from them in a very questionable manner.

JAMES B. HECHT.

PITTSBURGH, PA.

EDITOR'S REPLY: CASE FOR FEDERAL CONTROL

Mr. Hecht begins his comment with a misnomer. The States' rights to "tidelands" oil (oil underneath lands covered and uncovered by tides) is not now and never has been in question. The only oil in question is that beyond the low-water mark, a point which the Post-Gazette has made clear in designating it "offshore oil."

The editorial of April 18 did not contemplate (as Mr. Hecht seems to think) that the Federal Government's jurisdiction should be limited to that area from the 3-mile limit to the 10½-mile limit. This area was simply suggested as the area where difficulties might be more likely to arise and where Federal intercession might be necessary. The editorial said the Federal Government "should be entrusted with administering the offshore oil lands"—meaning all submerged lands from the low-water mark outward.

Mr. Hecht suggests that, as of February 1951, only $20 million had been grossed on oil from the Gulf of Mexico. Yet former Solicitor General Philip Perlman reported recently that between 1950 and the present the Federal Government had collected between $10 million and $25 million in rents and royalties alone from Louisiana and Texas offshore oil. But in any event, figures on the value of oil so far extracted are beside the point. The Post-Gazette's observation that Pennsylvania would receive minimum royalties of $424,000,000 under the Hill amendment was based on the total value of offshore oil and not on oil pumped to date. Estimates of total value range from a low of $50 billion (United States Geological Survey) to a high of $300 billion (Wallace Pratt, former vice president of Standard Oil of New Jersey).

Mr. Hecht cites the Oatis case and the case of American shippers in an attempt to refute the editorial's claim that the Federal Government should exercise jurisdiction over offshore oil drillers because it will have to defend them in the event of international complications. In actuality the Oatis case supports the editorial's position. In that case the Federal Government (not Oatis' home State of Indiana) exercised control over Oatis' movements abroad—i. e., issued him a passport valid for travel in Czechoslovakia. Subsequently the Federal Government intervened in Oatis' behalf when he was arrested by Czechoslovakia. In the case of American shippers, it is the Federal Government (not their home States of Massachusetts or Texas) which licenses their vessels and their captains.

But in the case of the offshore oil drillers, the quitclaim bill supporters want the States to have control over the movements of Texans or Louisianans in a controversial area, with the Federal Government presumably stepping in only after they have become involved in circumstances over which it has no control.

The overall case for the Federal Government's need to exercise control was succinctly put by the United States Supreme Court in the Louisiana action (339 United States Reports 704):

"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 here. National rights must therefore be paramount in that area, that area in contradistinction to the internal area."

Mr. Hecht declares that "an overwhelming number of authorities agree * * * that, in this country, ownership does not arise from sovereignty." But the Supreme Court made clear in the Texas case (339 United States Reports 707) why there is a distinction as to undersea lands:

"And so although dominion and imperium are normally separable and and separate, this is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty."

Mr. Hecht's assertion that "Congress is merely attempting to restore to the particular States the ownership of land which was taken from them" is refuted by the historically documented opinions of the Supreme Court in the California, Louisiana, and Texas cases.

In the California case the Court said: "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."

The Court used almost the same language in the Louisiana case. And in the Texas case it said: "We hold that as an incident of the transfer of that sovereignty (Texas sovereignty) any claim that Texas may have had to the marginal sea was relinquished to the United States."

[From the Raleigh News and Observer of April 27, 1953]

HAS BEEN EFFECTIVE

There is only the most remote possibility that the prolonged debate in the Senate will result in the defeat of the bill to give to contiguous States to the offshore oil lands which the United States Supreme Court has three times held belong to all the people of the United States.

The debate, however, has unquestionably been effective. Opposition to the bill has been strengthened, and there has been little enthusiasm for it except on the part of Senators from the 4 States affected directly, California, Florida, Louisiana, and Texas.

The bill seems destined to pass for two reasons only: the support of President Eisenhower and individual commitments of Senators, many of them made a long time ago. Against those two conditions, the fact that the opponents have had all the best of the debate, is not expeced to weigh very heavily.

[From the Philadelphia Bulletin of April 28, 1953]

SLOW GRINDING LAW MILL

Senator ANDERSON, one of the leaders of the opposition to the administration's offshore oil lands bill, denies that the near filibuster has delayed any important legislation in the Senate. He says the leaders have none ready for action.

And that would appear to be exactly right. Congress has extended rent control, created a new Cabinet position, and extended executive power to reorganize Government agencies. Otherwise the record is bare as far as important legislation is concerned.

On February 9 Congress leaders and the President agreed on an 11-point minimum program for legislation. It provided that all appropriation bills should clear the House by May 15. So far only one such measure—the appropriation for independent Federal agencies—has passed the House. Statehood for Hawaii was on the list. The House has passed the bill but approval by the Senate seems doubtful.

No action has been taken on Taft-Hartley law amendments, extension of reciprocity legislation, or the bill to simplify United States customs procedures, all highly controversial measures.

Revenue legislation was not on the list, but if not renewed, the excess-profits tax and the last increase in personal income taxes, are due to expire this year.

The legislative jam over the annual supply bills and various controversial measures is an old story in Congress. Adjournment is delayed, filibusters encouraged, and log-rolling promoted by such slack legislative practices. But the situation this year is worse than usual since 4 months have passed with practically no major legislation recorded.

[From the Philadelphia Bulletin of April 22, 1953]

SENATORIAL OIL ORATORY—FILIBUSTER OR NOT, DEBATE ON TIDELANDS HAS EDUCATIONAL ASPECT

(By Ralph W. Page)

The talking marathon over the disposition of the offshore oil shows no sign of abating at this juncture.

The immediate question seems to be whether this is a filibuster or a seminar constituting a liberal education in the legal history of State boundaries and Federal jurisdictions.

The attempted distinction seems to be that—in conducting a filibuster the orators attempt to prolong the debate and wear out the Senate by endless irrelevant discourses and reading from material that has no relation to the subject at hand. In this case the protagonists stick to their contention and reiterate all the arguments on their side ad infinitum. This, they say, is education.

It would certainly be education if everyone—or anyone—listened to it. As a matter of fact, if the public read these closely knit and exhaustive briefs presented by Senators DOUGLAS, HUMPHREY, and LEHMAN it might very possibly be convinced.

They certainly make hash out of the main contention which seems to have influenced the majority of our States to join with California, Texas and Louisiana in trying to get Congress to give them the offshore oil.

This contention is that the Supreme Court decisions determining that the Federal Government has a paramount interest in the ocean beyond low-water mark jeopardize all State jurisdiction over inland waters and bays and such things as jetties and docks, filled in land, and over clams and shrimps and lobsters and such marine foodstuffs.

It has been pointed out that there are over 50 Supreme Court decisions upholding the jurisdiction of States over these waters, installations and denizens. Also that these California, Texas and Louisiana decisions are the first that dealt with the ocean, and in nowise repealed or modified any of the previous decrees.

This makes sense to everyone but hair-splitting lawyers. The average mentality easily grasps the difference between Federal control of the ocean and Federal control of filled-in land.

But anyway, it is argued that if anyone is honestly afraid that the Court would in fact at some time assert that there is no difference between the ocean and Muddy Creek, and that a decision that the Government of the United States controls the seas also indicates that it controls new land made on Lake Michigan, the remedy is easy. All Congress needs do in this circumstance is to pass the Anderson bill, which specifically relinquishes all these properties to the States for all time. Such an act does not attempt to overrule the Supreme Court. It merely reaffirms the law as laid down by the Court for 150 years.

So manifestly these arguments are a subterfuge, or pretense for giving away the oil.

Still this doesn't settle the question of filibuster.

It would seem to the ordinary citizen that the opposition is certainly carrying on a filibuster. As he understands it, the essence of a filibuster is the attempt to kill a bill by unlimited talk. Whether this purpose is maintained by intelligent remarks or by simply reading the dictionary would seem to be irrelevant to the object.

If it is a filibuster, the Senate has nothing to complain about. It loves the filibuster principle. It maintains it as a holy prerogative in spite of popular disapproval. In such case it surely cannot be reserved simply for the use of southern solons to defeat civil rights. In this case Texas and Louisiana are bit by their own watchdog.

In other words, if the talkathon is a matter of principle with the Senate, and is justified in its mind for the protection of a southern minority, it is equally justified for any minority that feels sufficiently wrought up to go through the ordeal.

The way to stop filibusters is not to curse them when you disagree and support them when you like the cause. It is to abolish the rules that permit them. As long as they are specifically protected by the archaic procedures and prerogatives of our prima donna Senators, it is quite reasonable for them to be used. Calling them another name doesn't change the fact.

[From the Detroit News of April 22, 1953]

AT LAST A KIND WORD FOR FILIBUSTERS

The long Senate debate over the offshore oil bill has afforded a demonstration of one justifiable use of the filibuster.

As more often employed, the time-killing oratory and other delaying tactics known by that name have the object of defeating the majority will. Physical endurance rather than persuasion is relied on in such cases to prevent a vote that, if taken, would go against the wishes of the filibusterers.

In the present case, the group opposing the offshore oil bill denies that the debate, now 2 weeks old, is a filibuster at all. The aim, they say, is not to keep the bill from an eventual vote but to prolong its consideration in order to arouse public concern about it.

Whether that is to be termed a filibuster is a question of definition. The good faith of the opponents' statement of purpose at any rate may be accepted, for the bill plainly might be defeated by bringing home to the people of 45 States its meaning to themselves.

In essence it proposes to donate to 3 coastal States oil deposits worth many billions, which, by 3 Supreme Court decisions, rightfully belong to the people of all the States. The Senators opposing the bill therefore believe popular apathy toward the give-away must be due to lack of understanding. They believe that, if the people can be made aware of it as a despoiling of the common pocketbook for the benefit of a few, the reaction may force a Senate majority to join the opposition.

If the Senate's tolerance of practically unlimited debate ever is justified, it is in an effort of this kind to delay action while the public informs itself.

It should be noted, however, that this use of debate would seldom be restricted by a practicable rule aimed at filibusters in the ordinary sense. Under any kind of cloture rule, the Senate always will be slow to limit debate, especially in a case like the present, where an effort to do so could be fairly denounced as intended to keep the people in ignorance of their interests.

SOME REPRESENTATIVE STATEMENTS OF EXECUTIVE AND LEGAL OFFICERS OF THE UNITED STATES TO CONGRESSIONAL COMMITTEES RECOGNIZING STATE OWNERSHIP OF TIDELANDS, FILLED LANDS, AND SUBMERGED LANDS UNDER PORTS, HARBORS, AND ALL NAVIGABLE INLAND WATERS

EXCERPT FROM THE TESTIMONY OF HON. HAROLD L. ICKES, SECRETARY OF THE INTERIOR, BEFORE THE SENATE JUDICIARY COMMITTEE, ON HOUSE JOINT RESOLUTION 225, 79TH CONGRESS, 2D SESSION, FEBRUARY 5, 1946 (P. 7)

Mr. ICKES. The advocates of House Joint Resolution 225 have insisted that many decisions of the Supreme Court have laid the question at rest. This is simply not the case. These decisions have dealt with the lands under inland lakes and rivers, and with bays and harbors. No one is claiming these lands on behalf of the United States, and no one doubts that the courts have held that they are owned by the States.

EXCERPT FROM THE TESTIMONY OF UNITED STATES ATTORNEY GENERAL TOM C. CLARK BEFORE THE COMMITTEES ON THE JUDICIARY, CONGRESS OF THE UNITED STATES, 80TH CONGRESS, 2D SESSION, ON S. 1988 AND SIMILAR HOUSE BILLS MARCH 2, 1948 (PP. 610 AND 611)

Mr. CLARK. The second thing that is not involved here: inland waters, including their filled or reclaimed land. We have heard much about that. The Federal Government does not now assert and has no intention of asserting any claim to inland navigable waters and the beds thereof.

I have said that a hundred times. * * *

Likewise, the Federal Government does not claim any filled-in or reclaimed lands in such waters. There should be no apprehension whatever regarding the title to these filled-in or reclaimed lands. The title is not in the Federal Government. Whether such lands be in Boston, as I understand one witness testified, perhaps the Federal Government might claim the Hotel Pennsylvania, I believe it was, or some hotel up there.

Whether the land be in Boston or elsewhere, the Federal Government has no title to it. We have denied again and again this misrepresentation of some of the proponents of these measures.

Let me repeat it: The Federal Government has no property rights in any such lands, except where it may have acquired rights by purchase, by condemnation, by a specific grant, or by cession.

Now, third, the next thing that is not involved here is fish and other marine life.

We have read much about that. The attorney general of Ohio, I believe, said that Ohio got $10,000 out of its fish in taxes or something like that. There is nothing in the California case that tended to disturb the control exercised by the States over the taking of fish and other forms of marine life in the marginal sea.

We stated that in the argument in the Supreme Court again and again. The Government disclaims any intention to disturb such control by the several States. There is no basis in my opinion for assertions that the Supreme Court's decision interferes with or withdraws any powers heretofore exercised by the States in this regard.

EXCERPT FROM THE TESTIMONY OF SECRETARY OF THE INTERIOR JULIUS A. KRUG BEFORE THE COMMITTEES ON THE JUDICIARY, CONGRESS OF THE UNITED STATES, 80TH CONGRESS, 2D SESSION, ON S. 1988 AND SIMILIAR HOUSE BILLS, MARCH 3, 1948 (P. 739)

Mr. KRUG. An incidental purpose of S. 1988 (which he supported) and similar measures is to quiet the titles of the States to the lands which lie between high and low tide and to the lands which form the beds of bays, harbors, and other navigable inland waters. This is to be accomplished by quitclaiming to the respective States, and to the persons who have acquired rights under State authority, whatever interest and title the United States may have in and to such lands.

EXCERPT FROM THE TESTIMONY OF SOLICITOR GENERAL OF THE UNITED STATES PHILIP B. PERLMAN BEFORE THE COMMITTEE ON THE JUDICIARY SUBCOMMITTEE NO. 1, HOUSE OF REPRESENTATIVES, 81ST CONGRESS, 1ST SESSION, ON H. R. 5991 AND H. R. 5992, AUGUST 29, 1949

Mr. PERLMAN. The widespread dissemination of that false assumption has been facilitated by the use of the word "tidelands." That term is a verbal trap. Strictly speaking, tidelands constitute the area that is alternately covered and uncovered by the tides—the lands between the high-water mark and the low-water mark. The Supreme Court has often indicated that the individual States own the beds of their inland navigable waters as well as the tidelands. The United States has never challenged that finding. The decision of the Supreme Court in the California case does not cast any doubt upon it. The facts and the law have been misrepresented, and grossly misrepresented.

EXCERPTS FROM THE TESTIMONY OF SECRETARY OF THE INTERIOR J. A. KRUG BEFORE THE COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE NO. 1, HOUSE OF REPRESENTATIVES, 81ST CONGRESS, 1ST SESSION, ON H. R. 5991 AND H. R. 5992, AUGUST 29, 1949 (PP. 165, 166, 171, 172)

Mr. KRUG. Mr. Chairman and gentlemen, I greatly appreciate the opportunity of discussing with you the subject of proposed legislation relating to submerged lands.

It is my purpose, in appearing before you, to state my conviction that legislation on the subject should be enacted promptly by the Congress, and that such legislation should be based upon the following proposed measures: First, *H. R. 5280, a bill to quiet the titles of the several States to the tidelands—that is, the lands that are regularly covered and uncovered by the flow of the ebb of the tide—and to the lands beneath navigable inland waters, situated within the exterior boundaries of the States* * * * *(p. 165).*

As I have previously indicated, we in the executive branch of the Government are not concerned with the tidelands situated within the boundaries of the coastal States * * * (p. 166).

The Department of the Interior and the other administrative departments involved are in favor of two proposals. The first is H. R. 5280, a bill to quiet the titles of the several States to the tidelands—that is, the lands that are regularly covered and uncovered by the flow and ebb of the tide—and to the lands beneath navigable inland waters situated within the exterior boundaries of the States.

The tidelands are not the matters really under controversy here. It is the submerged lands seaward from the tidelands. Properly speaking, the tidelands are merely the strip along the shore that is uncovered and covered by the ebb and flow of the tide.

Mr. GOSSETT. "Tidelands" is a misnomer we have applied to this whole thing?

Secretary KRUG. Tidelands oil is not in controversy at all. Our proposal is to quiet the States' claim for that, because we have never argued that the Federal Government has any claim for that oil. The pertinent area under consideration here is the area seaward from that area which is covered and uncovered by the tide (p. 171, 172).

EXCERPT FROM THE TESTIMONY OF SECRETARY OF THE INTERIOR J. A. KRUG BEFORE THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, 81ST CONGRESS, 1ST SESSION, ON S. 155, OCTOBER 4, 1949

Mr. KRUG. I was pleased to hear the committee clear up the question of tidelands. We are really talking about the submerged lands and not the tidelands.

I desire to emphasize that S. 923 does not provide for the issuance by the Federal Government of oil and gas leases on the tidelands—that is, the lands that are regularly covered and uncovered by the flow and the ebb of the tide—within the coastal States. The Government has never made, and does not now make, any claim of right or title respecting these tidelands. In fact, S. 2153, whose enactment we favor, is designed forever to quiet the titles of the several States to these tidelands and to the lands beneath navigable inland waters, situated within the exterior boundaries of the States (p. 65).

EXCERPT FROM THE TESTIMONY OF SOLICITOR GENERAL OF THE UNITED STATES PHILIP B. PERLMAN BEFORE THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, 81ST CONGRESS, 1ST SESSION, ON S. 155, OCTOBER 4, 1949

Mr. PERLMAN. The purpose of S. 2153 is twofold. In the first place, it would enact the frequently repeated assertions by the executive branch that the United States is making no claim to lands which may consist of tidelands, that is, the area regularly covered and uncovered by the ebb and flow of the tide, or to lands underlying inland navigable waters. The California case did not involve such lands, nor do the pending cases against the States of Louisiana and Texas. Representatives of the Department of Justice have at all times adhered to the position that the United States makes no claim to lands underlying inland navigable waters. Indeed, within the past few months the fifth circuit court of appeals has had before it a case involving the ownership of an area which was formerly submerged land underlying Mobile River and Mobile Bay, and in this proceeding the United States took the position that the ownership of that land, lying beneath inland navigable waters, was vested in the State of Alabama at the time of its admission to the Union. The court of appeals agreed with that position. For example, all of the filled areas in such cities as Boston, Mobile, San Francisco, and Seattle are clearly within what are admittedly inland navigable waters, an area which has been held to belong to the several States. However, some apprehension has been voiced by representatives of various municipalities; and, notwithstanding repeated assurances by representatives of the United States, these municipalities and others holding grants of lands near inland navigable waters from various States seem to fear that a cloud has been placed upon their rights to such lands and upon investments made there. For the purpose of allaying such apprehensions, title I of S. 2153 has been drafted, although we think it is wholly unnecessary. The enactment of title I is urged in order that there may be no misunderstanding as to the basic ownership by the several States of lands underlying their inland navigable waters (pp. 24, 25).

EXCERPT FROM THE TESTIMONY OF MR. MASTIN G. WHITE, SOLICITOR, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, 81ST CONGRESS, 2D SESSION, ON SENATE JOINT RESOLUTION 195, AUGUST 14, 1950 (PP. 27–28, 29)

Mr. WILLIS * * * For instance, in section 3, Mr. White, it is proposed that in the event of a controversy between the Federal Government and a particular State with regard to whether these submerged lands are under inland waters or outside the waters the Secretary of the Interior is authorized to negotiate with the States. What does that mean? Doesn't that throw it into a stalemate? Is it not the same as saying that we shall have no exploration even under inland waters?

Mr. WHITE. Congressman, as to that, there has never been the slightest doubt as to the position of the executive branch of the Government. The executive branch has never claimed, it does not now claim, and it does not expect to claim any rights in submerged lands beneath navigable waters or any rights in the tidelands. It is conceded, and it has to be conceded because many decisions of the Supreme Court have stated it to be a fact, that the States within whose boundaries tidelands and lands beneath navigable inland waters are situated own those lands.

Mr. WILLIS. If it is so simple as that, shouldn't we have language in this bill indicating as a matter of law that the Federal Government does not have title to and does not claim title to inland waters and puts the burden of proof upon the Federal Government and thereby up to them to come forward?

The CHAIRMAN. There is already pending before this committee a bill of that kind. It was submitted by the executive branch and introduced by the chairman as an administration bill.

Mr. WHITE. It was drafted jointly by the Department of Justice, the Department of the Interior, and the Department of Defense in order to put to rest the fears of people who believe, or say they believe, that the Federal Government is about to pounce on tidelands and submerged lands beneath navigable inland waters.

EXCERPT FROM THE TESTIMONY OF SOLICITOR GENERAL OF THE UNITED STATES PHILIP B. PERLMAN BEFORE THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, 82D CONGRESS, 1ST SESSION, ON SENATE JOINT RESOLUTION 20, MARCH 28, 1951

Mr. PERLMAN. In this connection it seems appropriate to emphasize an aspect of this problem which should always be kept in mind. This is the fact that the ownership of lands beneath ocean waters, beyond the shores of this country and outside of inland waters, is an entirely different matter, insofar as legal principle is concerned, from the ownership of tidelands between high- and low-water mark or lands under bays, rivers, and other inland waters. The Supreme Court has on numerous occasions held that the States own their tidelands and the lands under inland navigable waters. The United States does not and never has challenged the ruling in those decisions. But the ownership of lands under the ocean, the principles governing which are derived not from the common law, but from developments in the law of nations, is something totally different. Beyond low-water mark and beyond the seaward limit of inland waters, the domain of international affairs is reached, and different rights and different problems are encountered. It is for this reason that State ownership of tidelands and lands under inland navigable waters is not

way threatened by the decisions of the Supreme Court in the California, Louisiana, and Texas cases.

Senator WATKINS. May I ask a question at this point? Would the Government be willing to stipulate that they are not in any way involved or in any way endangered by these decisions?

Mr. PERLMAN. Yes, sir; not only would stipulate, but, as the chairman has stated, the Government prepared a bill and asked that it be introduced, and it was introduced, expressly waiving forever any claim to any inland waters.

Senator WATKINS. And the navigable streams?

Mr. PERLMAN. Under all rivers.

Senator WATKINS. Lakes?

Mr. PERLMAN. That is right (pp. 351, 352).

* * * * *

Senator LONG. You do not think the States would have had any difficulty in getting the United States to surrender its claim so long as we only had soil and shells off our coast, but once we discovered oil, it was a horse of a different color.

How could we ever know, if we ever discover anything of great value underlying inland waters, that a future Solicitor General would not take the same attitude you took with regard to marginal waters?

Mr. PERLMAN. The answer to that, Senator, is found in the circumstances, the facts, that surround this very situation. We are interested at the moment in minerals and in oil. There are great pools of oil that are within inland waters, and under inland waters. The United States is not asserting, and has not asserted, any claim to them; and in your own State there is a great production at the moment in what we know, and what we admit and concede to be, inland waters, and we do not want to make any claim. We do not want to be understood as making any claim. We do not think we have any right to it (pp. 352, 353).

EXCERPT FROM THE TESTIMONY OF SECRETARY OF THE INTERIOR OSCAR L. CHAPMAN BEFORE THE COMMITTEE ON THE JUDICIARY SUBCOMMITTEE NO. 1, HOUSE OF REPRESENTATIVES, 82D CONGRESS, 1ST SESSION, ON HOUSE JOINT RESOLUTION 131, JUNE 6, 1951

Mr. CHAPMAN. As Attorney General and Secretaries of the Interior have said many times, the executive branch of the Government has never made any claim to the tidelands situated between the low-water mark and the high watermark, or to the submerged lands beneath navigable inland waters (p. 22).

EXCERPT FROM THE TESTIMONY OF ATTORNEY GENERAL J. HOWARD M'GRATH, BEFORE THE COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE NO. 1, HOUSE OF REPRESENTATIVES, 82D CONGRESS, 1ST SESSION, ON HOUSE JOINT RESOLUTION 131, JUNE 6, 1951

Mr. MCGRATH. Throughout this controversy, representatives of the Department of Justice and of other branches of the Federal Government have repeatedly declared that the United States makes no claim whatsoever to the ownership of lands underlying inland navigable waters and such lands were specifically excluded when the complaints were filed in the Supreme Court cases (p. 13).

Mr. HOLLAND. Mr. President, I yield 20 minutes to the distinguished senior Senator from Louisiana [Mr. ELLENDER].

Mr. ELLENDER. Mr. President, during the past month I doubt that any phase of the issues involved in Senate Joint Resolution 13 has not been touched upon. Many of the issues have been debated over and over, and it is not my purpose to engage in an extended debate. My remarks may be considered more or less as a warning of what the future holds should the Congress not take affirmative action on the pending resolution.

I wish to pay tribute to my colleagues who have ably presented the proponents' views on the issues involved, particularly to the distinguished Senators from Florida [Mr. HOLLAND] and Texas [Mr. DANIEL].

The principle the Senate is considering today goes much deeper than the mere question of who shall have the ownership of the oil lying beneath the submerged coastal lands, important as this in itself is. Of much greater import and transcending all other considerations is the so-called paramount-rights doctrine which our Supreme Court announced in support of its rulings against the States of California, Louisiana, and Texas in the tidelands cases.

I, among many others, believe that the oil and gas beneath the submerged lands in question are rightfully the property of the coastal States. But my belief stems not from the mere existence of these petroleum resources, nor from their value. It goes much deeper, Mr. President, than that alone.

If the Senate now should deny the coastal States these resources, which are rightfully and legally theirs, then by this very act of denial, the Senate will give final substance to a legal principle which is capable of nullifying for all time our Constitution, our union of sovereign States, and our cherished freedom.

To understand the basic question lying at the heart of this problem, it is necessary for Senators to look back not to 1947, when the California decision was handed down, but to 1776, when the Declaration of Independence was signed and adopted.

At that time, Mr. President, the United States of America came into being as 13 separate and sovereign States joined only by their common belief in freedom—with each State empowered to coin money, incur debts, regulate its individual trade, and provide for its own defense. As their struggle with Great Britain became more and more involved, it was necessary for a stronger union of these States to be formed. To achieve that end, the Articles of Confederation were promulgated. These, however, proved unworkable and insufficient, and in order to obtain a stronger, more permanent union, the Thirteen Original Colonies entered into a more comprehensive contract—the Constitution of the United States. The original States, later joined by the other 35, surrendered certain specified rights—and these rights alone—to the Federal Government. The Federal powers are specifically enumerated in our Constitution, and, in order to prevent abuses of them, or excesses of Federal prerogatives, our Founding Fathers wrote into our organic and basic law the restriction that all powers not enumerated in the Constitution shall be reserved to the States, or to the people.

Accepting this as a basic premise, we reach the obvious conclusion that first, our Federal Government is a creature of the sovereign States—a creature of limited powers, limited jurisdiction, and limited prerogatives. We arrive at the second conclusion that since this Federal Government is a creature of the States, its powers do not exceed those of the States except where expressly so provided in our Constitution. The Federal powers which are supreme to those of the individual States are enumerated in the Constitution—the coining of money, the burden of national defense, the regulation of foreign trade, etc. All others are reserved to the States, or to the people.

It is true, Mr. President, that the Federal Government is empowered to provide for the common defense. This authority and duty extends not only to the territorial waters surrounding our Nation, but to the inland areas as well. The responsibility for defense is just as binding upon the Federal Government with respect to the wheatfields of Kansas and the cornfields of Iowa, as it is with respect to the marginal sea off the coast of Louisiana, or Texas, or California.

How, then, is it possible for the Federal Government to set up a claim to the submerged coastal lands, and maintain that claim under any color whatsoever, other than in the name of the respective coastal States? Certainly, the Federal Government has no power or authority supreme to that of the component States except in specified instances. And if, as some proponents claim, our sprawling Federal bureaucracy can assert title to the mineral resources under these submerged lands—a title founded upon its duty to defend the coastal waters—where is the ultimate line of demarcation to be drawn? What will prevent the all-powerful Federal Government, operating under the paramount rights doctrine, from claiming not only the minerals lying beneath the submerged lands, but the coal deposits of Pennsylvania and the iron ore of the Great Lakes region under its authority as the defender of our Nation's soil?

I say none, Mr. President. I repeat and I warn again that if the Congress does not repudiate this doctrine of paramount rights—a doctrine which creates a qualified legal title supreme to any known under our law and which authorizes a Federal power subject to no limitation—the way will be open for a Federal dictatorship to arise, and for statism to replace our federation of sovereign States. I will certainly agree, Mr. President, that there are Federal rights which are paramount to those of the States. Those rights are obvious; they are enumerated in the Constitution of the United States. They are specific rights, but they are limited to certain designated areas of control by virtue of the 10th amendment which declares that "the powers not delegated to the United States by the Constitution are reserved to the States respectively, or to the people." There is no authority in our Constitution or in any other portion of our organic law which asserts that ownership of the marginal sea, or the resources lying beneath them, shall be vested in the Federal Government. On the contrary, both by precedent and practice, the boundaries of our coastal States and the boundaries of our Federal land mass have been coincident, and the Federal Government has been granted paramount rights with reference to defense, to the regulation of

commerce, and to the conduct of our international affairs in these areas only because such powers were made paramount by the Constitution. The supremacy of the Federal Government in these fields of endeavor, and in these areas of jurisdiction, has been the same as to the Mohave Desert or the cottonfields of Mississippi only because our Constitution so provides. Basically, there is no difference between submerged lands or uplands as far as Federal powers are concerned, since there is no such distinction made in our Constitution.

Where, and from what precedent, Mr. President, did our Supreme Court deduce the line of reasoning resulting in the California, Texas and Louisiana submerged lands decisions? From whence did this obnoxious and devouring theory of Federal paramount rights arise? I frankly do not know, Mr. President. I do not believe anyone knows, for that matter. I have studied this problem carefully for quite a long time. I have searched the records of judicial precedent for a groundstone upon which the Supreme Court might have anchored its decision. I have found none, and while I have found none that will bolster these decisions, I have found many which contradict them. It is true that, in legal terminology, many early decisions affecting submerged lands enumerate only dicta; nevertheless, dicta is ample evidence of the manner in which our jurists were thinking and the path of reasoning they were following during the fruitful years prior to 1947.

Certainly, in the lack of specific judicial rulings on either hand, the overwhelming weight of court dicta should point the way. And it does point the way, Mr. President; in more than 30 Supreme Court decisions and some 200 lower court opinions, the same principles of State ownership and sovereignty over submerged lands have been enumerated and reenumerated. Only in the Texas, California and Louisiana decisions has the Supreme Court departed from the traditional path—the road of judicial precedent—and in the process, has enunciated a theory of Federal ownership founded upon the tenuous theory of paramount rights flowing from the National Government's duty to defend.

There is one case, one Supreme Court opinion, which is particularly enlightening. I refer, Mr. President, to the case of *Knight* v. *U. S. Land Association* (142 U. S. 161) in which the Court, speaking through Justice Lamar, restated the proposition found in five other decisions; namely, "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."

And again, Mr. President, the Court further stated that—

> Upon the acquisition of the territory of Mexico the United States acquired the title to tidelands equally with the title to upland; but with respect to the former, they held it only in trust for the future States that might be created out of such territory (*Knight* v. *U. S. Land Association, supra*).

Thus, the Court again enumerates two principles. First, that States entering our Federal Union subsequent to the formation of that political brotherhood by the Thirteen Original Colonies are possessed of the same rights with respect to lands within their borders, including submerged lands, as the Thirteen Original States. Second, the Court emphasizes the proposition that, with reference to lands beneath navigable waters acquired in the name of the United States by purchase, gift or conquest, the title to those lands were held by the United States as trustee for the future States which were to be created out of that territory.

The Courts have denied the Federal Government the right to convey by patent those lands lying beneath navigable waters. Thus, the Supreme Court, recognizing that the submerged lands of Federal territories cannot be granted away by the Federal Government, or by the Congress, because they are held in trust for future States, ruled in 1894:

> Grants by Congress of portions of the public lands within a territory to settlers thereon, though bordering on or bounded by navigable waters, convey, of their own force, no right or title below high-water mark (*Shively* v. *Bowlby* (152 U. S. 1)).

These lands are held for the States.

This, in the absence of statutes to the contrary or opposing constitutional provisions, is the law. There is nothing in the Constitution that contradicts this ruling. There is, however, an affirmative statute which I shall discuss in a moment.

It is sufficient now for the Senate to understand that both the courts and the Congress have spoken, and have vested the United States with the powers and obligations of a trustee as to lands from which new States have been or are to be established, and to sovereignty over these lands. The purpose of the trust, as stated by the highest tribunal our land knows, is to administer these lands until new States are created out of them, whereupon title to the lands within the new State's boundaries and sovereignty over them shall pass from the trustee—from the Federal Government—to the new State at the time the privilege of statehood is granted. It is true that the Federal Government may, acting in the public interest, reserve to itself certain areas to be known as public lands. Unless, however, the reservation of title to lands is made at the time the State enters the Union, permission of the State, either by conveyance or grant, must be obtained to acquire further State-owned lands. With particular reference to submerged lands within State boundaries, no such reservation by the Federal Government was made in any instance. Sovereignty over, and title to, the submerged lands within State boundaries passed to the States as of the time they were created. Only in certain instances did Federal sovereignty remain paramount to State sovereignty, and these instances are the enumerated powers of the Federal Government as found in the United States Constitution. That Federal powers are not extended under any guise with reference to new States is insured under the equal-footing doctrine.

In addition to this judicial dictum I have just mentioned, the Congress of the United States has spoken, also.

The act of May 14, 1898—30 Statutes 409 (48 U. S. C. 411)—entitled "Extending the homestead laws and providing for right-of-way for railroads in the District of Alaska and for other purposes," is cited approvingly by the Supreme Court in *Hynes* v. *Grimes Packing Co.* (337 U. S. 86). This is a decision rendered by the Supreme Court in 1948, 1 year after the California submerged lands decision.

The statute I have mentioned states, in part, as follows:

> Nothing in this act shall be construed as impairing in any degree the title of any State that may hereafter be erected out of the Territory of Alaska, or any part thereof, to tidelands and beds of any of its navigable waters, or the right of such State to regulate the use thereof, it being declared that all such rights shall continue to be held by the United States in trust for the people of any State or States which may hereafter be erected out of said Territory.

Thus, the Congress of the United States has, by specific statute, embraced the trustee relationship our Federal government is charged with under various Supreme Court decisions. In addition, it has defined—in the same act—navigable waters as "to include all tidal waters up to the line of ordinary high tide and all nontidal waters navigable in fact up to the line of ordinary high-water mark"—Hynes against Grimes Packing Co., supra.

In the face of this overwhelming judicial precedent and evidence of Congressional intent, Mr. President, I can see no reason for the Senate to any longer withhold its repudiation of the doctrine of paramount rights as embodied in the California, Louisana and Texas decisions. To do so would be to invite disaster; to do so would deprive our coastal States of resources legally theirs, rightfully theirs, and morally theirs.

Mr. President, the charge has been made that these submerged lands are, in reality, public lands, and as such, appertain to the Federal Government. In order to clarify the true status of these submerged areas, it might be well for Senators to realize that in no way do these offshore areas conform to the legal concept of public lands.

The origin of our public domain was this: Following the Revolutionary War, when the Thirteen Original Colonies became free and sovereign political entities, they succeeded to all rights which previously had appertained to the King of England. This included title to all lands which the King had claimed by right of conquest or discovery, and sovereignty over all lands included in the Colonies. Since several of the Original Colonies were possessed of no fixed western boundaries, the question soon arose as to their western boundary line. In order to settle this question, these several States, by acts of their respective legislatures, ceded to the Federal Government all lands beyond a western boundary, fixed in these legislative acts. From these grants by the States to the

new Federal Government, created under the authority of the Articles of Confederation, was created the Northwest Territory, which later was subdivided into States and these States admitted to the Union. Lands other than those organized into the Northwest Territory were ceded to the Federal Government by the States of North Carolina, South Carolina, and Georgia. These, plus some lands previously ceded by the State of Virginia, became the States of Tennessee and portions of Alabama and Mississippi.

Thus, Mr. President, was established first, the theory underlying the public-land concept in the United States, and, second, the initial method by which the United States acquired public lands—namely, cession.

Other public lands came into the hands of our Federal Government by virtue of its acquiring sovereignty over territories previously owned by foreign nations. The case of the Louisiana Purchase is pertinent. In this instance, the United States purchased the territory of Louisiana from France. Thus, title, as well as sovereignty, was transferred from the government of France to the Government of the United States, and the entire area thus purchased became public land—except, of course, those areas under private ownership by virtue of previous grant and/or conveyances.

When the State of Louisiana was admitted to the Union, the Federal Government relinquished title to all lands in private ownership and all lands which by express provision of the enabling act the United States did not retain. The pertinent portion of the Louisiana enabling act reads as follows:

> *And provided also*, That the said convention (constitutional convention) shall provide by an ordinance, irrevocable without the consent of the United States, that the people inhabiting the said territory do agree and declare, that they forever disclaim all right or title to the waste or unappropriated lands lying within the said territory; and that the same shall be and remain at the sole and entire disposition of the United States.

The PRESIDING OFFICER (Mr. FERGUSON in the chair). The Chair regrets to advise the Senator from Louisiana that the time allotted to him has expired.

Mr. HOLLAND. Mr. President, I yield to the Senator from Louisiana whatever further time he may require.

Mr. ELLENDER. I thank the Senator from Florida.

The PRESIDING OFFICER. The Senator from Louisiana may proceed.

Mr. ELLENDER. Mr. President, I have read from section 2, of the act of February 20, 1811 entitled "An act to enable the people of the Territory of Orleans to form a constitution and State government," and so forth—Second Statutes, page 641.

Thus, the Federal Government came into possession of additional public lands by reserving them for its use within States erected out of territories acquired by the Federal sovereign.

Louisiana was no exception. Other enabling acts were similar. For example, in the case of North Dakota, South Dakota, Montana and Washington—which were included together in the enabling act of February 22, 1889 (25 Stat. 676)—the following reservation of public lands is made:

> Section 4. * * * Second, that the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof.

Thus, Mr. President, we have the background of the creation of our public domain. Lands became a part of the public domain either by cession, as in the case of the Thirteen Original Colonies; or by acquisition of territory by the United States, as in the case of the Louisiana Purchase—following which portions of lands embraced within new States were reserved to the Federal Government.

A third method of acquisition exists, whereby the Federal Government acquires title to lands by conveyance either from a State or a person.

Nevertheless, once the Federal Government has passed title to lands included in the boundaries of a new State to that State, it is not possible for the United States, at a later date, to claim these lands as part of the public domain except by valid conveyance either from the State, or a private owner.

The Supreme Court so ruled when it stated in 1886 that—

> Unless otherwise declared by Congress, the title to every species of property owned by a Territory passes to the State upon admission (*Brown* v. *Grant* (116 U. S. 207, 212)).

Thus the submerged lands, which are within State borders and which were admittedly not reserved to the Federal Government at the time when such State was erected from a new Territory, cannot appertain to the Federal Government as part of the public domain.

Mr. President, the submerged lands cannot be considered as waste or unappropriated lands, and thus subject to being withheld by the Federal Government as a part of the Federal domain. The Supreme Court has held, as I quoted above, that the lands lying beneath navigable waters of territories appertaining to the United States are merely held in trust by the United States for the States to be erected out of those territories.

I should like to point out, also, that in many instances the Federal Government has ceded portions of the public domain to the respective States under acts of Congress. Thus, we have examples of these cessions under the school-land grants, swampland grants, internal-improvement grants, railroad grants, and so forth.

There has been much talk of theft, of the coastal States attempting to grab what is not theirs. That is not so, Mr. President. That there is a theft involved in this discussion is perfectly true. But it lies not in the coastal States, who are attempting to invoke the equitable sense of the Congress. It lies, rather, in the theft of our freedom which the loosing of this paramount-rights doctrine makes possible and perhaps inevitable.

Our people, Mr. President, ask only for justice; and my hope is that it will soon be accorded.

Mr. President, I now ask unanimous consent to have printed in the RECORD, following my remarks, a syndicated article by the King Features Syndicate, which appeared in over 500 United States newspapers and in several foreign newspapers. This article is based on an interview which I gave on this subject.

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

SENATOR ELLENDER SAYS STATES HAVE MORAL RIGHT TO TIDELANDS

(By ALLEN J. ELLENDER, United States Senator from Louisiana)

WASHINGTON.—For the better part of the last decade the air has been thick with charges and countercharges by advocates of both sides of the tidelands oil controversy. Seldom has the debate on any subject produced so much heat.

It is risky to venture into the field of prediction, and I usually decline to do so, but I should like to make a prediction with regard to the tidelands problem. It is this: Congress will soon put the matter to rest by passing a bill which will vest title to the area in the States—as it should be. And I further predict President Eisenhower will approve the bill, making it a law.

Why am I so confident?

Because it is a matter of simple justice. The States have always assumed jurisdiction of the area from the earliest days of our Nation's history. If the States don't own the tidelands, neither does the United States. Nobody even suggested that the National Government might have any oil rights in the tidelands until recent legal action was undertaken to cast a cloud on the title of the States to the area.

There is a second and more compelling reason why the title of the States to the tidelands should be confirmed. The ever-encroaching hand of the Federal Government must be stayed at some point and if it cannot be stayed here, it cannot be stayed anywhere.

If the Government can seize the tidelands oil of Louisiana, Texas, and California, it can, under the same concepts, seize the iron mines of Minnesota, the coal of Pennsylvania or the steel mills of Chicago. Or just about anything else it makes up its mind to take, for that matter.

That this danger is appreciated by many thoughtful State officials is indicated by the fact that many of them in areas far from the tidelands, have pledged their support to the cause of State control of the area.

Let us take a look at the history of the dispute. Until 1937, the right of the States to the ownership and control of the tidelands was unquestioned. Only navigation, a recognized power of the National Government, was regulated from Washington.

Then, in 1937, the late Harold L. Ickes, then Secretary of the Interior, reversed himself and became the champion of the theory of Federal ownership of the tidelands. Previously, Mr. Ickes had recognized the rights of the States in the matter. Between 1933 and 1937, he stated on 33 separate occasions that the States owned the tidelands.

Later, in various cases before the Supreme Court, that tribunal reversed many previous decisions to the effect that the States owned their offshore lands and ruled that the Federal Government has a paramount right to them.

The reasoning on which the Court based its decisions is nothing short of amazing. Because the Federal Government has the obligation to protect the area, the Court said, it has the paramount power and dominion over them.

Now what do these decisions prove? Very little, I think.

In the first place, even the Supreme Court expressly recognizes the right of Congress

to deal with the tidelands, to restore full title to them to the States if it chooses. (Which I predict Congress will do.)

Second, isn't it an incredible legal doctrine that holds that because the Federal Government has the duty to protect something, it also has the right to grab it? Carry this idea far enough and nothing is safe from appropriation by the long arm of the Federal Government.

This is bad law in my opinion. Under our Constitution, the Federal Government has only the powers expressly given it by that document. Not even 1 inch of land in the States is granted by the Constitution unless the Federal Government acquired it by deed or purchase.

One incidental bad effect of the Supreme Court's decision is to confuse the international boundaries of the United States. For example, pursuant to long-standing law and tradition, the State of Louisiana set its boundary 27 miles out at sea, toward the edge of the Continental Shelf. If Louisiana doesn't own this land, who does? Where is the international boundary?

There has been much talk about the National Government losing a lot of revenue if the States are granted their rights of ownership in the tidelands. There is an easy answer to this objection. Under our present sky-high system of income taxes, the Federal Government will end up with the lion's share of the money no matter who is finally awarded the tidelands.

I think the whole matter boils down to a moral question of right and wrong. For many decades the States have been unchallenged in their rights of ownership. The Federal Government only became interested when it was learned that the tidelands are immensely valuable. In this matter, the moral right lies entirely on the side of the States, I believe.

The PRESIDING OFFICER (Mr. SALTONSTALL in the chair). The Senator from Florida [Mr. HOLLAND] is entitled to the floor.

Mr. HOLLAND. Mr. President, I yield the remaining portion of my time to the Senator from Idaho [Mr. DWORSHAK].

The PRESIDING OFFICER. The Senator from Idaho is recognized.

DEFINITION OF SURFACE RIGHTS IN CONNECTION WITH MINING CLAIMS—BILL INTRODUCED

Mr. DWORSHAK. Mr. President, I should like to comment briefly on a measure which I am introducing today which would explicitly express the will of Congress as to mining claims on the public domain.

The mining laws of the United States have been the unending target of bureaucratic officials of the Interior Department during the past 20 years. These officials sought with every propaganda device to do away with mineral property law based upon location, discovery, and patent, and to substitute a Federal system of leasing. Their real objective was to gain bureaucratic control over every move made by industry, the small prospector, and the small miner upon the public domain. While engaging in this propaganda drive, the bureaucrats failed to carry out the administrative responsibilities charged to them by law. They failed miserably in enforcing the mining laws, and to this failure we may rightfully attribute many of the claims of abuses of the mining laws that have appeared in the press and nationally known magazines in the past few months. I am hopeful that the Department of Interior will clean its house of these administrators, and will turn to the task of enforcing our present mining laws to the utmost degree. I feel sure that this action alone will remove many of the controversies over use of the public lands, and will not interfere with legitimate mining enterprises.

It has been my experience as a member of the Senate Interior and Insular Affairs Committee that no member of this body nor any person making legitimate use of the public lands condones in any way fraudulent locations upon the public domain. I am thoroughly convinced that the legitimate mining industry of this country, in particular, abhors fraudulent mine locations. Further, I am convinced that the abuses of the mining laws that we hear so much about lately stem without the mining industry.

It was never intended that the mining laws be used for the purpose of obtaining valuable timber rights, cabin sites, filling-station locations, recreational areas, or hotdog stands. The mining laws were created to encourage exploration, development, and mining of the minerals and metals lying hidden in the earth and to make them available to our economy for the benefit of the entire Nation. They were enacted so that there would be incentive for the prospector to go into the hills and search out the minerals so essential to our security. They were enacted so that private individuals could exercise initiative. That is the American way. There is no need to change those fundamental objectives merely because a few unscrupulous individuals seek to abuse the law for personal pleasure or for gain from other than mining activities. But it may be well to make it crystal clear that the United States will not continue to condone such activities, and that it will provide in the law the teeth to prevent the abuses cited.

The bill I am introducing today will accomplish these goals and at the same time will not hinder the efficient and proper development of the mineral resources on our public lands. In preparing this measure, I have consulted with representatives of responsible mining companies and organizations in the affected areas, and in my judgment they are thoroughly in accord with its aims.

This measure, which would apply to mining claims hereafter made, would prevent, prior to patenting, the use of any such claim for any purpose other than prospecting, mining, or processing operations and uses reasonably incident thereto. It would permit the use of the surface of the claim, by the United States or its licensees for forage control; reforestation, fire prevention, or other forest protection; or for access to adjacent lands for removal of timber; and for the United States or its licensees to remove dead, diseased, or overmature timber, so long as such use does not materially interfere with the prospecting, mining, or processing operations or related activities of the claimant. It would protect the rights of the mining claimant to cut timber for his operations, and would prevent him from cutting timber not needed in his operations. It would not disturb the established rights of existing claim holders.

Mr. President, I am convinced that if we enact this measure into law, we shall eliminate a major cause of controversy over proper use of the public domain. I believe that the difficult situations which have arisen in the Northwest will be settled, and I believe that the many legitimate users of the public domain will thank Congress for its efforts.

Mr. President, I now ask unanimous consent to introduce the bill, and I request that it be printed in the Record following my remarks.

There being no objection, the bill (S. 1830) to define the surface rights vested in the locator of a mining claim hereafter made under the mining laws of the United States, prior to issuance of patent therefor, and for other purposes, introduced by Mr. DWORSHAK, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That mining claims hereafter located under the mining laws of the United States shall not, prior to issuance of patent therefor, be used for any purposes other than prospecting, mining, or processing operations and uses reasonably incidental thereto.

SEC. 2. (a) Any mining claim hereafter located, prior to the issuance of patent therefor, shall be subject to the right of the United States, its permittees and licensees, under the limitations of subsection (c) hereof, to use so much of the surface thereof as may be necessary or appropriate for forage control or usage, or reforestation, fire prevention, or other forest protection, upon such claim or for access to adjacent land for said purposes or to cut and remove timber on the adjacent land, and to the right of the United States, its permittees and licensees, under the limitations of subsection (c) hereof, to cut and remove dead, fallen, diseased, insect-infested, or overmature timber.

(b) Except to the extent required to provide timber for the mining claimant's prospecting, mining, or processing operations and uses reasonably incidental thereto, or to provide clearance for such operations or uses, or for buildings or structures in connection therewith, no claimant of an unpatented mining claim hereafter located shall cut and remove any timber growing thereon without authorization from the United States. Any cutting and removal of timber for such prospecting, mining, or processing operations and uses reasonably incidental thereto (but not cutting required to provide clearance as aforesaid) shall be conducted in accordance with sound principles of forest management.

(c) Any use of the surface of an unpatented mining claim authorized to be made under this section by the United States, or its permittees or licensees, shall be such as to not interfere materially with the prospecting, mining, or processing operations or reasonably incidental uses of the mining claimant.

SEC. 3. Nothing in this act shall be construed in any manner to limit or restrict or to authorize the limitation or restriction of any existing rights of any claimant under any valid mining claim heretofore located or to authorize inclusion in any patent hereafter issued under the mining laws of the United States for any mining claim heretofore or hereafter located, of any limitation or restriction not otherwise authorized by law.

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 Senator from Florida having yielded the remainder of his time to the Senator from Idaho [Mr. DWORSHAK], and the Senator from Idaho having completed his statement, the time available for debate on the amendment has expired.

Are there further amendments to be proposed?

Mr. LANGER. Mr. President, I desire to speak on my amendment.

Mr. President, every Senator on this floor is entirely familiar with the attitude of the senior Senator from North Dakota regarding the so-called tidelands legislation. On every occasion that it has been possible to do so, I have spoken against such legislation on this floor. I voted to sustain the President of the United States in his veto. The pending measure is the same kind of legislative proposal as that which was placed before us at the time it was referred to the Judiciary Committee originally. The next time such a legislative proposal came before the Senate, it was referred to the Committee on Interstate and Foreign Commerce. This time it was referred to the Committee on Interior and Insular Affairs. But all the time, it has been the same old legislative proposal. The Congress wants to make certain States and individuals in this country the object of its beneficence. And the gift to be conferred is larger and more grandiose than ever. The Congress wants to give away billions of dollars in anticipated revenue and perhaps even a chunk of its sovereignty.

Mr. President, I have opposed other give-away programs; I have opposed other legislation divesting this country of its sovereignty; and, Mr. President, I am opposed to this legislation.

Right now, Mr. President, let us examine the present state of the Treasury and the manner in which this resolution could affect it.

In the past 37 years, Federal taxes have gone up 5,439 percent.

Today, our national debt is over $263 billion. No matter how great the economies effected by this and succeeding administrations may be, the American people are faced with this staggering debt. If it never increases 1 cent beyond the present figure, still—millions of dollars must be taken out of the pockets of the American taxpayers each year—even as this is now being done—in order to pay this huge obligation, along with the millions of additional dollars which must be raised each year to pay the interest on this enormous principal sum.

Specifically, let us see how this process affects the average taxpayer in this country.

If Mr. Average Taxpayer is a wage earner in North Dakota, or any of the other States of our Union, he was forced to work last year until May 19 before he could put the first earned dollar in his pocket—and call it his own.

Why?

Because he had to use all the money he earned until May 19 to pay his taxes for 1952.

If this same Mr. Average Taxpayer is a North Dakota farmer, he is saddled with a per capita debt of over $1,800 in taxes—and the same goes for the average taxpaying farmer throughout the United States.

When taxes take this much money out of the pockets of our farmers, our wage earners, there is little left after taxes with which to buy food, clothing, and the other necessities of life. Thus, these wage earners and farmers have no choice except to raise the price they ask for their labor and the products they sell. The same rule applies to the merchant, the manufacturer, and every individual, partnership, and corporation in our land—because none can escape from the tax levy.

So what happens?

Prices go up on every product offered for sale—and we have inflation.

Thus, a double-bladed ax falls upon the neck of every American citizen—high taxes and high prices.

With such a state of affairs, the young married man with a wife and 2 children can provide no better standard of living for his family on $3,600 a year than he could have supplied on an income of $1,800 a year some 12 years ago.

Or again, if we turn to the individual approaching retirement, who has led a life of thrift, let us assume he has saved with regularity and carefully invested his savings in bonds.

In recent years—due to this high tax-high price era—a bond investment of $58,680 will be required for a widow to live as well as she lived on $40,000 invested in bonds 9 years ago. But with her husband gone, with age making work difficult, if not impossible, she must be satisfied with a lower standard of living.

Likewise, elderly people who, year after year, have paid premiums on life insurance to secure a nest egg for old age, face a similar plight. High taxes, and resulting high prices, have cost life-insurance policyholders an estimated $100 billion since World War II.

As if this situation were not bad enough, what about the elderly people who have no bond investment—no life insurance? This group must live on the meager funds of a savings account, a small pension from industry or Government, social security or welfare assistance.

Today, we find a pension, annuity, or other fixed income as low as $100 a month back in April 1945, would have bought as much as $151 in July of last year. Besides, where the sole source of income of these aged people lies in public welfare, it is more likely to run between $50 and $60 a month instead of 100.

But high taxes and high prices are no respecter of the aged and the people of meager income.

The $4 market basket of 12 years ago has more than doubled in price. How many baskets of groceries do you think these old folks can buy for fifty or sixty dollars a month? And how much will they have left for fuel, rent, clothing after they purchase the food for their table?

Still this is not the end of their plight.

So far we have been talking about direct taxes.

If we must pay this national debt by taxation, direct taxes are not enough. We must have hidden taxes. And we do have hidden taxes.

Hidden taxes take their toll upon the aged, in the form of 78 hidden taxes upon every quart of milk they purchase—in 151 hidden taxes upon every loaf of bread they buy. The same applies to the young man with a family, trying to get a start in life—and to every age group. These are the real problems which face millions of our people from North Dakota to Florida; from Maine to southern California.

What does all of this have to do with submerged lands and this tidelands bill?

Mr. President, I want to point out to the members of the Senate that a substantial portion of this principal indebtedness can be discharged by the development of the natural resources of the submerged lands off our coastal water.

Every dollar that can be used from these natural resources to pay the national debt means one less dollar taken out of the pockets of the wage earners, the farmers, the businessmen of North Dakota and her sister States in the form of taxes.

The revenues to be derived from these vast submerged lands will pay much of the interest on our national debt, and it may even materially reduce the principal obligation. Despite this, however, the proponents of Senate Joint Resolution 13 propose to take these lands from the Federal Government and given them to a small group of States.

As stated so many times before this body, we are to decide here whether to give vast natural resources to a few States, to the exclusion of North Dakota and the remaining States of the Union, or whether we are to permit these resources to inure to the benefit of every State and to the Nation as a whole.

If I were to join in such a give-away program by supporting Senate Joint Resolution 13, I would, by my act, deprive the people of the great State of North Dakota of assets in which their just share eventually may be worth over $700 million.

Let me show why the enactment of Senate Joint Resolution 13 would mean just that.

If we assume the natural resources in the areas in question to be eventually worth $175 billion, and that is a reasonable assumption, and that sum is divided by 150,697,361—the population of the entire United States under the 1950 census—we find that each citizen of the United States has an interest in this $175 billion worth of natural resources amounting to $1,161.26. That is why North Dakota, with a population in 1950 of 619,636 has an interest in these submerged areas worth $719,558,501.36.

Now suppose Senate Joint Resolution 13 is defeated, and these assets are declared the property of all the States instead of the property of 3 or 4.

How much would Florida receive?

Answer: $3,218,205,644.30.

How much would Louisiana receive?

Answer: $3,116,239,770.16.

How much would Texas receive?

Answer: $8,954,701,144.44.

How much would California receive?

Answer: $12,293,357,300.98.

No matter how soundly we, who oppose Senate Joint Resolution 13, defeat the bill—these four States of Florida, Louisiana, Texas, and California still stand to receive an aggregate of $27,582,503,859.88—as against some $719 million which would represent the per capita interest of my people of North Dakota.

What impoverishment of Florida, Louisiana, Texas, and California if Senate Joint Resolution 13 is not enacted into law.

Still these States are not satisfied. They want me to hand them over another seven hundred million which rightfully belongs to the people of my State, and join in turning to them the entire one hundred seventy-five billion of assets which belong to every citizen of the United States.

I do not know what the other Members of this distinguished body conceive to be the reason why the people of their respective States elected them to the United States Senate—but I feel that the people of North Dakota elected me to protect their interests. I cannot do it by voting for Senate Joint Resolution 13. I cannot do it by giving away $700 million in potential assets which rightfully belong to them.

Someone recently stated:

> Everything that can be said about this bill has been said.

Is there no news in Senate Joint Resolution 13, for the reporters to put in the newspapers back in their respective home States?

"Alabama Senators give $3½ billion of their people's property to Florida, Louisiana, Texas, and California." There's a headline for you, Mr. Alabama reporter. Because my good friend, Senator HILL, from the great State of Alabama, knows that is exactly what would happen if his vote for Senate Joint Resolution 13 brought about its enactment, is no doubt the very cogent reason why he has spoken for hours on the floor of this Senate against Senate Joint Resolution 13, in the face of accusations of filibustering.

I think it is high time every Member of the United States Senate should know how much he is giving away of the property of every citizen of his State, and I think it is high time every citizen of the respective States should know this. Therefore, Mr. President, I should like to read the total gift, figured at $1,161.26 per capita which each State, and the District of Columbia, upon the basis of its 1950 census of population intends to give to Florida, Louisiana, Texas, and California, if its Senators, by voting for Senate Joint Resolution 13, succeed in enacting this bill into law.

MATHEMATICAL COMPUTATIONS

Three hundred and fifty billion dollars divided by 2 equals $175 billion. Total population of United States, 1950, 150,697,361—World Almanac, 1953; United States Census, page 389. One hundred and seventy-five billion dollars divided by 150,697,361 equals $1,161.26 per capita.

Mr. President, I ask unanimous consent that the table be printed in the RECORD.

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

State	Population per 1950 census (World Almanac)	Total gift to each State at $1,161.26 per capita population
Alabama	3,061,747	$3,555,479,676.18
Arizona	749,587	870,465,399.62
Arkansas	1,909,511	2,217,438,743.86
California	10,586,223	12,293,357,300.98
Colorado	1,325,089	1,538,772,852.14
Connecticut	2,007,280	2,330,973,972.80
Delaware	318,085	359,379,387.10
District of Columbia	802,178	931,537,722.28
Florida	2,771,305	3,218,205,644.30
Georgia	3,444,587	4,000,050,648.28
Idaho	588,637	683,560,602.62
Illinois	8,712,178	10,117,101,501.76
Indiana	3,934,224	4,568,656,962.24
Iowa	2,621,073	3,043,747,231.98
Kansas	1,905,299	2,222,547,516.74
Kentucky	2,944,806	3,419,685,415.56
Louisiana	2,683,516	3,116,239,770.16
Maine	313,774	365,244,095.24
Maryland	2,343,001	2,720,833,341.26
Massachusetts	4,690,514	5,446,906,287.64
Michigan	6,371,766	7,399,276,985.16
Minnesota	2,982,483	4,563,438,208.58
Mississippi	2,178,914	2,410,165,671.64
Missouri	3,954,653	4,592,380,342.78
Montana	591,024	686,332,530.23
Nebraska	1,325,510	1,539,261,742.60
Nevada	160,083	185,897,984.58
New Hampshire	533,242	619,232,604.92
New Jersey	4,835,329	5,615,074,154.54
New Mexico	681,187	791,075,255.62
New York	14,830,192	17,221,708,761.92
North Carolina	4,061,929	4,716,955,670.54
North Dakota	619,636	719,558,501.36
Ohio	7,946,627	9,228,100,070.02
Oklahoma	2,233,351	2,693,501,182.26
Oregon	1,521,341	1,886,792,449.66
Pennsylvania	10,498,012	12,190,821,415.12
Rhode Island	791,896	$919,597,148.96
South Carolina	2,117,027	2,458,418,774.02
South Dakota	652,740	756,000,852.40
Tennessee	3,291,718	3,822,540,444.68
Texas	7,711,194	8,954,701,114.44
Utah	688,862	799,947,886.12
Vermont	377,747	438,662,481.22
Virginia	3,318,680	3,857,854,336.80
Washington	3,378,963	2,762,624,573.38
West Virginia	2,005,552	2,328,967,315.52
Wisconsin	3,434,575	3,998,434,564.50
Wyoming	290,529	337,379,706.54

Mr. LANGER. Mr. President, as I stated earlier, the revenues to be derived from these vast areas will pay much of the interest on our national debt, and it may even materially reduce the principal obligation. To prove my point, let me direct your attention to the value of the natural resources which underlie these coastal waters as pointed out in the minority report on Senate Joint Resolution 13.

Senator MURRAY said on the Senate floor the other day that the submerged lands are capable of producing an estimated 15 billion barrels of oil, which, at the current price of $2.65 per barrel, represents about $40 billion.

The minority views state that—

> This $40 billion figure is equivalent to the total Federal revenues from individuals and corporation taxes in fiscal 1951. It is greater than the total budget expenditures for military services in fiscal 1952. It is almost one-fourth of the total current assets of American corporations, as reported by the Securities and Exchange Commission.

Moreover, as further pointed out in the report, it is possible that this estimate is much too conservative; that this 15 billion barrels of oil might well be worth $76.5 billion instead of $40 billion. Furthermore, these estimates do not include the 23.5 billion barrels of oil which are estimated to lie in the Continental Shelf off the coast of Alaska. When the Alaskan reserves are included, as the minority report so strikingly shows at page 7, the potential reserves might be well worth from $102 billion to more than $173 billion.

Is this a preposterous assumption?

Certainly, if the testimony of Secretary of the Interior Krug, in the joint hearings before the Committees on the Judiciary is to be believed—it is not.

As Secretary Krug so ably pointed out, estimates of Wallace E. Pratt, one of the leading petroleum geologists of the United States, indicate that the continental shelves of the earth should contain more than 1,000 billion barrels of oil.

Furthermore, Mr. Pratt estimates that since the Continental Shelves of the United States and Alaska include nearly one-tenth of the area of all the continental shelves of the earth, one could infer on the basis of Mr. Pratt's estimate that the Continental Shelves contiguous to the United States and Alaska may contain nearly 100 billion barrels of oil. This figure may be compared with the proved reserves of approximately 21 billion barrels of oil in the continental United States. See pages 735 and 736, committee hearings.

As Secretary Krug pointed out, the Continental Shelf in the Gulf of Mexico is fairly uniform in width, the average width being about 59 miles. The Continental Shelf beneath the waters of the Atlantic Ocean and contiguous to the east coast of the United States varies in width from a few miles in the Florida Straits to several hundred miles off New Jersey and New England. The average width of this shelf between Florida and Maine is about 73 miles. The Continental Shelf contiguous to the Pacific Coast States is comparatively narrow, having an average width of only about 18 miles. It is estimated that the total area of the Continental Shelf contiguous to the Gulf Coast States comprises approximately 111,000 square miles; that the Continental Shelf contiguous to the States on the east coast embraces a total area of approximately 128,600 square miles; and that the total area of the Continental Shelf contiguous to the States on the Pacific coast amounts to approximately 22,900 square miles. Hence, the aggregate area of the shelves contiguous to the coasts of the continental United States is estimated to be about 262,500 square miles—see page 734, committee hearings.

According to Secretary Krug, it appears that the oil reserves in the Continental Shelves contiguous to the coasts of the United States are vital to the economy and defense of the United States as a whole:

> The United States military and civilian needs for a major war effort would exceed by at least 2 million barrels a day the foreseeable production from the continental

United States. The basic fact that oil is an absolutely essential commodity for the fulfillment of the mission of the national military establishment is incontrovertible. * * * Therefore, the oil reserves in the Continental Shelves are vital to the economy and defense of the United States as a whole. The people of the United States cannot afford to make a gift of these tremendously valuable resources to a few coastal States. Instead, the people of the United States, acting through their Government, ought to manage and conserve these oil reserves for the economic benefit and common defense of the Nation as a whole.

With this statement of our former Secretary of the Interior, I wholeheartedly agree.

How much are the natural resources in this Continental Shelf worth?

A story appearing in the Houston Post of October 26, 1952, said that the ultimate worth of the resources off the coast of Texas is over $80 billion. I think, Mr. President, that that article is of sufficient importance that it should be in the RECORD, and I ask unanimous consent that it may be printed at this point.

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

[From the Houston Post of October 26, 1952]

RICH TIDELAND POTENTIAL CITED—ENGINEERS SAY ULTIMATE WORTH IS OVER $80 BILLION

Far from being of no economic importance, the submerged lands off the shore of Texas are reported to hold gas, oil, and sulfur worth an estimated $80 billion.

This realistic forecast of the possible gross ultimate income from the recovery of minerals under the offshore lands was made in a report issued Saturday by 18 Texas geologists and registered engineers.

The report said the evaluation was made because a confusion has been established in the minds of people not only by the erroneous use of the term "tidelands" but also by an attempt to establish these offshore submerged lands to be of no economic importance to the State of Texas.

The engineers' report, however, did not go into a legal definition of what constitutes the tidelands.

The original boundaries established by the Republic of Texas included a submerged strip offshore, 3 leagues or 10½ miles wide, running from the mouth of the Sabine River to the mouth of the Rio Grande.

In recent years the Texas Legislature first claimed possession for 27 miles offshore, then possession out to the edge of the Continental Shelf. The United States Supreme Court denied all three claims, holding that the Federal Government had a paramount right to all submerged lands lying seaward of mean low tide. In general, the Gulf States claim submerged lands for 3 leagues offshore, the Atlantic and Pacific States for 3 miles.

The Texas claim to the 3-league strip included in the original boundary of the Texas Republic has become a hot issue in the presidential campaign. Gov. Adlai Stevenson, the Democratic candidate, has said he agrees with Mr. Truman, who twice has vetoed congressional action which would have restored the strip to Texas.

Gen. Dwight D. Eisenhower, the Republican candidate, has said he favors State ownership of the tidelands.

The engineers' report, pointing out that loss of the tidelands means a real loss of large sums of money to Texas and Texans, concludes with these words:

"If the ownership to these potential oil, gas, and sulfur reserves is seized and nationalized by the Government in Washington, it not only means the loss of this future income to the State school fund that will have to be replaced by taxes, but will also remove these taxable values as a source of future ad valorem income required to offset the declining oil and gas values of the existing fields located on the adjacent onshore unsubmerged land areas."

The income to the Texas public-school fund would be a royalty of one-eighth of the income from mineral recovered from State-owned lands.

The $80 billion estimate made by the engineers refers, however, to the income from those Texas submerged-land areas, immediately adjacent to the Gulf coastal belt of railroad commission districts 2, 3, and 4, extending for over 400 miles along the coastline having the same geological and structural features as the unsubmerged lands lying inward from the coast.

This belt would extend 60 to 80 miles into the Gulf of Mexico.

The vastness of the oil, gas, condensate, and sulfur potentialities in this submerged-land area is indicated by the discoveries made on the landward portion of this basin, the report states.

As of January 1, 1952, there were 1,085 oil and gas fields producing within a 100-mile belt along the Texas gulf coast, it says.

Production from these fields on that date had totaled 11.9 trillion cubic feet of gas, 5,046 billion barrels of oil and condensate, and 70.9 million long tons of sulfur.

Reserves estimated to exist in those fields total 50 trillion cubic feet of gas, 5,965 billion barrels of oil and condensate, and 50 million long tons of sulfur.

Adding these two sets of figures would give total discoveries of 61.94 trillion cubic feet of gas, 11.011 billion barrels of oil and condensate, and 120.9 million long tons of sulfur.

The estimate of future reserves is conservative, the report points out, because it does not include 70 new fields already discovered since the first of this year.

Assuming that the submerged lands have potentialities at least equivalent to the discoveries already made on unsubmerged lands, the engineers estimate the gross ultimate income from offshore lands in this wise:

From the gas, at 15 cents per 1,000 cubic feet, $9.291 billion.

From the oil and condensate, at $2.65 per barrel, $29,179,150,000.

From the sulfur, at $25 per long ton, $3,022,500,000.

This gives a total of $41,492,650,000.

But, the engineers say, potential production from the offshore lands is much greater because of its greater area, better reservoir conditions, and the full use of modern methods of recovery.

Hence, the more realistic forecast is $80 billion.

The engineers' report says the offshore lands have been built up thousands of feet by sediment deposited by rivers for millions of years.

Folding, faulting, and uplifting through earth structural changes and piercement by salt masses, it said, have resulted in the formation of reservoirs favorable for the accumulation of gas, oil, and sulfur.

Sea level has nothing to do with the occurrence of these traps and salt domes, it said.

It simply has been cheaper and easier heretofore to drill on dry land. But with increased demand for the minerals, methods were devised for drilling under water.

These underwater operations were conducted successfully off the coasts of Louisiana and Texas until the title to the lands was questioned by the Federal Government, after which all drilling was terminated on Texas submerged lands.

These Texas offshore lands, the report says, occur along the same structural trends and at similar depths to the large number of oil and gas fields and sulfur domes now being produced in southern Louisiana on submerged areas raised above sea level by the great delta of the Mississippi River and its distributaries.

The 18 engineers who signed the report said they functioned as Texas citizens in making the study as a public service.

Houstonians who helped in the study include Alexander Duessen, Walter L. Goldston, Michael T. Halbouty, John S. Ivy, and Perry Olcott.

Others include David Donoghue and H. B. Fuquo, of Forth Worth; L. A. Douglas and William H. Spice, Jr., of San Antonio; George R. Gibson and Oliver C. Harper, of Midland; Dilworth S. Hager, of Dallas; James S. Hudnall, of Tyler; Charles P. McGaha, of Wichita Falls; Vincent C. Perini, of Abilene; Harry H. Power, of Austin; W. Armstrong Price, of Corpus Christi; and James D. Thompson, Jr., of Amarillo.

Mr. LANGER. But oil is not the only natural resource to be found in these tideland areas.

Added to the above oil estimates are potential gas reserves worth approximately $10 billion.

Finally, as further pointed out on pages 8 and 9 of the minority views:

The sulfur reserves alone would be worth more than $3 billion. * * * To recapitulate, with Alaskan reserves included, with price increases assumed, and with a $3 billion estimated for sulfur included, the total value would be $186 billion. At the rate of 12½ percent, royalties on this amount would be more than $23 billion.

To the above figure must be added revenues already accrued since the Supreme Court upheld the rights of the Federal Government.

A grant total of approximately $62.8 million derived from the submerged lands of the Continental Shelf is awaiting disposition either to the Federal Government or to the coastal States at the present time. A little more than $27 million of this amount has been impounded by the State of California. An additional $35 million is held in escrow by the United States.

Mr. President, I fail to see how those who consistently preach economy in Government can support a measure like this which would divest the United States of millions of dollars in revenue which it now holds in escrow, and billions more that it might reasonably anticipate if the resources of these lands remain in the hands of the Federal Government.

Think what a tremendous potential these reserves of oil, gas, sulfur, and other minerals alone offer as an instrument whereby the interest may be paid upon our national debt.

Shall we leave the people of North Dakota and the other 44 States saddled with these tax obligations while we give these resources to California, Texas, and Louisiana?—or shall we make this available for the benefit of all the people of the whole United States?

Surely if we follow the latter course, neither California, Texas, nor Louisiana will be treated inequitably. They will participate in these revenues alike with North Dakota and every other State of the Union.

I want it known that I agree with what President Truman said in his veto message on Senate Joint Resolution 20

of the 82d Congress at page 3 of that veto message:

> I see no good reason for the Federal Government to make an outright gift, for the benefit of a few coastal States, of property interests worth billions of dollars—property interests which belong to 155 million people. The vast quantities of oil and gas in the submerged ocean lands belong to the people of all the States. They represent part of a priceless national heritage. This national wealth, like other lands owned by the United States, is held in trust for every citizen of the United States. It should be used for the welfare and security of the Nation as a whole. Its future revenues should be applied to relieve the tax burdens of the people of all the States and not of just a few States.
>
> For these reasons, I cannot concur in donating lands under the open sea to the coastal States, as this resolution would do.

Such a policy will not leave either California, Texas, or Louisiana in a state of destitution.

Much has been said in these debates about the inland waters of States such as my own, which are strictly inland States. Do you know how the acreage of California, Texas, and Louisiana covered by strictly inland waters compares with the State of North Dakota?

The distinguished Senator from Florida [Mr. HOLLAND] introduced into the RECORD a table which shows the extent of these inland areas—see page 2746, CONGRESSIONAL RECORD, April 7, 1953. According to his own evidence—and the Senator from Florida is a proponent of this bill—his State, Florida, has 2,750,720 acres covered by inland waters; Texas has an acreage of 2,364,800 covered by inland waters; Louisiana has another 2,141,440 acres covered by inland waters; while California encompasses another 1,209,600 acres of inland waters. In comparison, my State of North Dakota has an acreage of inland waters of less than one-half million—391,040 acres, to be exact.

In fact, with the exception of Minnesota, the only States whose boundaries embrace more than 2 million acres of inland waters are the very States of Florida, Louisiana, and Texas which are now asking Congress to give them the rich resources of the tidelands areas to the exclusion of the other 44 States. Certainly they cannot justify their stand on the ground either of impoverishment or an inequitable distribution of the inland-water areas to the benefit of their sister States.

I could never go back and face the people of North Dakota, who have elected me to represent them in this distinguished body if I were to be a party to their exclusion from these benefits to the enhancement of a small group of their sister States. Furthermore my position is thoroughly justified in law.

I think my distinguished colleague the Senator from Illinois [Mr. DOUGLAS] spoke wisely when he said before this body:

> The issue is as to the ownership and control of the submerged lands which lie under the oceans seaward from the low-water mark.

This issue should be carefully distinguished from ownership and control of the tidelands proper or ownership and control of the submerged lands under inland waters.

Much has been said concerning the legal aspects of this phase of the controversy, and I shall try to reemphasize rather than to restate much of this discussion.

One of the great illusions that has been created by the promoters of this legislation is that the opponents of this measure are really seeking to take over the submerged lands beneath the rivers, harbors, and lakes of this country. Hundreds of dollars were spent on an elaborate brochure which was circulated throughout the United States in an effort to persuade the people that they should help the citizens of California, Texas, and Louisiana in order to protect their own river and lake beds from seizure by a grasping Federal Government.

This ghost was laid to rest as long ago as 1842 when the Supreme Court held in the case of *Martin* v. *Waddell* (16 Peters 366) that certain oyster beds lying beneath the waters of the Raritan River in New Jersey, where the tide ebbs and flows, belonged to the State of New Jersey. A number of cases decided since may be cited wherein the Supreme Court has held that control over the lands under navigable rivers is vested in the States. Moreover, a similar series of decisions have firmly implanted the doctrine that lands under lakes and under all navigable inland waterways belong to the States.

So far as the States bordering on the Great Lakes are concerned, there is no question but that they own the submerged lands out to the half-way mark, or the international boundary, as was decided by the Supreme Court in 1892 in the celebrated case of *Illinois Central Railroad* v. *Illinois* (146 U. S. 387, 433). In that momentous decision the Court said:

> The State can no more abdicate its trust over property in which the whole people are interested like navigable waters and soils under them * * * than it can abdicate its police powers in the administration of government and the preservation of the peace.

When he was President of the United States, Harry Truman adopted the viewpoint that the beds underlying the inland waters belonged to the States. He said, for example, in his veto message on Senate Joint Resolution 20 of the 82d Congress:

> I should like to dispose of some of the arguments which have been made in support of this resolution—arguments which seem to me to be wholly fallacious.
>
> It has been claimed that such legislation as this is necessary to protect the rights of all the States in the lands beneath their navigable inland waters. It has been argued that the decisions of the Supreme Court in the California, Louisiana, and Texas cases have somehow cast doubt on the status of lands under these inland waters. There is no truth in this at all. Nothing in these cases raises the slightest question about the ownership of lands beneath inland waters. A long and unbroken line of Supreme Court decisions, extending back for more than 100 years, holds unequivocally that the States or their grantees own the lands beneath the navigable inland waters within the State boundaries.
>
> Long Island Sound, for example, was determined by the courts to be an inland water many years ago. So were Mobile Bay, and Mississippi Sound, and San Francisco Bay, and Puget Sound. Chesapeake and Delaware Bays, and New York and Boston Harbors are inland waters. The Federal Government neither has nor asserts any right or interest in the lands and resources underlying these or other navigable inland waters within State boundaries. Neither does it have or assert any right or interest in the tidelands, the lands lying between the high and low watermarks of the tides. All this has been settled conclusively by the courts.
>
> If the Congress wishes to enact legislation confirming the States in the ownership of what is already theirs—that is, the lands and resources under navigable inland waters and the tidelands—I shall, of course, be glad to approve it. But such legislation is completely unnecessary, and bears no relation whatever to the question of what should be done with lands which the States do not now own—that is, the lands under the open sea.

Not only did the President disclaim any thought that these decisions affected any change in the title of the States to the beds underlying inland waters, but Attorney General Clark also disclaimed any such intention in the joint hearings before the Committees on the Judiciary of both Houses of Congress in 1948. He said, and this part of his testimony appears at pages 610 and 611 of the printed record of that hearing:

> The second thing that is not involved here: Inland waters, including their filled or reclaimed land. We have heard much about that. The Federal Government does not now assert and has no intention of asserting any claim to inland navigable waters and the beds thereof.
>
> I have said that a hundred times. * * *
>
> Likewise, the Federal Government does not claim any filled-in or reclaimed lands in such waters. There should be no apprehension whatever regarding the title to these filled-in or reclaimed lands. The title is not in the Federal Government. Whether such lands be in Boston, as I understand one witness testified, perhaps the Federal Government might claim the Hotel Pennsylvania, I believe it was, or some hotel up there.
>
> Whether the land be in Boston or elsewhere, the Federal Government has no title to it. We have denied again and again this misrepresentation of some of the proponents of these measures.
>
> Let me repeat it: The Federal Government has no property rights in any such lands except where it may have acquired rights by purchase, by condemnation, by a specific grant, or by cession.
>
> Now, third, the next thing that is not involved here is fish and other marine life. We have read much about that. The Attorney General of Ohio, I believe, said that Ohio got $10,000 out of its fish in taxes, or something like that. There is nothing in the California case that tended to disturb the control exercised by the States over the taking of fish and other forms of marine life in the marginal sea.
>
> We stated that in the argument in the Supreme Court again and again. The Government disclaims any intention to disturb such control by the several States. There is no basis in my opinion for assertions that the Supreme Court's decision interferes with or withdraws any powers heretofore exercised by the States in this regard.

For the sake of the selfish desires of a few greedy individuals and an even lesser number of gigantic corporations, the school children, the needy, the ill, the sick and suffering, and the aged are going to be denied sorely needed aid in order to satisfy a select group of super Americans.

The only greater outrage within the memory of man was the recent transfer of the bones of Sitting Bull from the

comforting bosom of the soil of North Dakota to a harsh cement cistern in the sands of South Dakota.

Now, Mr. President, let us examine the scope and terms of the resolution itself. Section 3 (a) of Senate Joint Resolution 13 gives title and ownership of the submerged lands to the coastal States. However, section 3 (b) of the resolution casts doubt on the present right, title, and interest of the United States and necessarily on the authority of the United States to grant what it purports to convey. The resolution in one provision vests title and ownership to the submerged lands. In the next provision it releases and relinquishes the right, title, and interest of the United States "if any it has." But this is characteristic of the resolution, for it consistently attempts to ignore three determinations of the Supreme Court and, at the same time, overcome their effect.

Mr. President, because of the pertinency of his remarks, I wish to quote extensively at this point from a speech made on the Senate floor in the 79th Congress by former Senator Donnell, whom I have always looked upon as one of our truly great constitutional lawyers. Senator Donnell dwelt at great length on the question of whether the rule which has been laid down by the courts, and which is stated to have been supported by 54 United States Supreme Court decisions, applies to land under waters in the ocean adjacent to the States.

Senator Donnell stated:

I recur to the question whether or not the rule which has been laid down by the courts, and which is stated in the report to have been supported by 54 United States Supreme Court decisions, applies to land under waters in the ocean adjacent to the States.

Mr. President, I said there was another sentence in the report referring to this subject. That sentence is on page 3 of the report, and I shall read it. It appears, I may say, after the discussion in which it is stated:

"In 54 decisions, over a period of 100 years, the Supreme Court of the United States has held that the ownership of lands beneath navigable waters lies in the States and in those to whom the States granted them."

Then a little further down the page occurs this sentence:

"And, likewise, it has been decided that lands underlying the bordering oceans within the 3-mile limit belong to the States within their respective boundaries."

The case that is cited in support of that proposition on page 3 of the report is the case of *Martin* v. *Waddell* (41 U. S. 366–410).

I indicated yesterday that I was unable to tell, and I do not think anyone can tell, from the portions of the decision I have read, unless far better acquainted with the geography of this particular neighborhood than am I, whether the waters in question were out in the ocean proper, or whether they were back in some bay or inlet of the ocean. As a matter of fact, the decision itself refers to the fact that the property included in the litigation was that in the Raritan Bay and River, and which, in itself, as I noted this morning from an inspection of the map of New Jersey, would appear to be not out in the open sea, but back in the recess of a bay or portion of the water which is not out in the open sea.

Mr. President, that is the only specific citation of authority contained in the committee's report in support of the very vital and tremendously important proposition that lands "underlying the bordering oceans within the 3-mile limit belong to the States within their respective boundaries.

Senator Donnell continued:

Yesterday afternoon the distinguished Senator from Nevada was very courteous and kind in giving me information and statements with respect to these matters, and he said then, very appropriately, as appears in the CONGRESSIONAL RECORD, volume 92, part 8, page 9437:

"If the Senator will read the report of the judiciary committee he will find there cited a number of cases which will throw much light on the question in the Senator's mind."

I propose in a few minutes to examine those cases. I may say that the only cases I have found—and if I am in error, I am sure the Senator from Nevada will correct me—the only cases I have found in the report which purported to bear upon the question of coastal waters, and the lands underneath coastal waters, are those authorities set forth on page 8 of the report, beginning with the case of *Weber* v. *Harbor Commissioners* and ending with *Mobile Transportation Co.* v. *Mobile*. Added to that may be the fact that the writer of the report, or of the appendix—for, after all, it is an appendix—and not the report proper—intended to report, and doubtless did, the case of *Smith* v. *Maryland* (18 Howard 71) from which I have quoted, and in the decision is the language, "within whose territory it lies."

I address myself this afternoon to the question as to whether or not it is an open and shut question, one that is settled by 54 or any other number of decisions of the Supreme Court of the United States, that lands underlying the bordering oceans within the 3-mile limit belong to the States within their respective boundaries.

My point is that, as I understand, there is *no* rule of law declaring that ipso facto the boundary of a State extends any distance out into the ocean. There is no such rule. The language as stated in corpus juris, from which I have read, with respect to offense, it will be recalled said:

It is doubtful whether there is any jurisdiction to punish for offenses committed within this marine-league limit, if the place of the offense is not an arm of the sea and within the body of a country, unless the jurisdiction is expressly conferred by statute.

Senator Donnell continued:

Furthermore, Mr. President, I submit that the question by what jurisdiction the statute must be enacted, to my mind, is a very grave question, and, as I indicated in my response to the Senator from Michigan [Mr. FERGUSON], notwithstanding the action of the Supreme Court in New York, an inferior court, the issue so far as I know not having been passed upon by an appellate court, to my mind, the question is of great difficulty and of great doubt as to the right of the State itself to bring to itself property which did not otherwise belong to it.

I want in frankness to state that I have this morning located one further decision, namely, that in the case of *People* v. *Stralla* (96 Pac. 2541), decided by the Supreme Court of California, which set out a portion of the constitution of the State of California, in which the ocean boundary of the State is fixed as running west to the Pacific Ocean and "extending therein 3 English miles." I have not had the time carefully to study this decision, but from the fact that a conviction, apparently for an offense committed in this particular area, in a State court in California, was sustained by its supreme court. I judge that the court understood, and at least tacitly agreed, that the State of California had the right by its constitution to establish its own boundaries.

Continuing, Senator Donnell said:

But may I say to the Senator from Oregon and to the Senator from Michigan that this, as I have indicated, is not a decision of a Federal court, not a decision even of a lower Federal court, and certainly not in the Supreme Court. It is a decision of the Supreme Court of California, and to my mind, until there is secured an adjudication by the Supreme Court of the United States upon the question as to whether or not, if the property out in the ocean belongs to the Federal Government, it can be taken by the State, either by constitution or statute, we are unable to say with certainty or definiteness what is the status of the respective property rights of the State and the Federal Government.

I was discussing the question as to whether or not this rule with respect to coastwise property has been laid to rest by the 54 decisions of the United States Supreme Court. There is one man in the United States, at any rate, who does not think it has been laid at rest. He was referred to in the statement made in the opening of this debate. The letter written by Mr. Harold L. Ickes, Secretary of the Interior, under date of December 22, 1933, was cited, and later on certain testimony given by him before the Senate Committee on the Judiciary on February 5, 1946, was mentioned. I should like to refer briefly to the contents, both of the original opinion of Mr. Ickes in 1933 and the testimony which he gave before the Senate Committee on the Judiciary, with the Senator from Nevada [Mr. MCCARRAN] presiding, on February 5, 1946. The letter, which is set forth in the CONGRESSIONAL RECORD, volume 92, part 8, page 9430, from Mr. Ickes to Mr. Olin S. Proctor, Long Beach, Calif., contains, among other things, the following:

"As to the jurisdiction of the Federal Government over lands, bordering on tidewater the Supreme Court of the United States has held in the case of *Hardin* v. *Jordan* (140 U. S. 371) as follows:

"'With regard to grants of the Government for lands bordering on tidewater, it has been distinctly settled that they only extend to high-water mark, and that the title to the shore and lands under water in front of lands so granted inures to the State within which they are situated, if a State has been organized and established there. Such title to the shore and lands under water is regarded as incidental to the soverignty of the State—a portion of the royalties belonging thereto and held in trust for the public purposes of navigation and fishery—and cannot be retained or granted out to individuals by the United States.'"

Senator Donnell continued:

Mr. President, in connection with the decision, in the case of Hardin against Jordan, I undertake to say that it does not remotely decide the question as to the title to lands along the seacoast of a nation.

As a matter of fact, as will be observed from the map at page 373 of the volume in which appears this decision, and as is stated specifically in the body of the decision, which was delivered by Mr. Justice Bradley, the proceeding was an action in ejectment to recover possession of certain fractional sections of land lying on the west and south sides of a small lake in Cook County, Ill., situated about a dozen miles south of Chicago. I call attention to this language, "and 2 or 3 miles from Lake Michigan." So obviously, the case of Hardin against Jordan, which was cited by Mr. Ickes and which is cited in the CONGRESSIONAL RECORD could not, no matter what its dicta may have been—and there are dicta in it—have been decisive of the question of the ownership of lands or waters along the seacoast, because it related to inland water in Cook County, Ill., which, as nearly everyone will recall, is

the county in which Chicago is located, which water was not even connected with Lake Michigan.

That was the case on which Mr. Ickes based his statement. He further stated in the letter set forth in the CONGRESSIONAL RECORD, volume 92, part 8, page 9430:

"The foregoing is a statement of the settled law, and therefore no rights can be granted to you (to Mr. Proctor) either under the Leasing Act of February 25, 1920)41 Stat. 437), or under any other public-land law to the bed of the Pacific Ocean either within or without the 3-mile limit. Title to the soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State. A permit would be necessary to be obtained from the War Department as a prerequisite to the maintenance of structures in navigable waters of the United States, but such a permit would not confer any rights to the ocean bed. I find no authority of law under which any right can be granted to you to establish your proposed structures in the ocean outside the 3-mile limit of the jurisdiction of the State of California, nor am I advised that any other branch of the Federal Government has such authority."

That letter was signed—and I assume delivered or caused to be delivered—by Mr. Ickes under date of December 22, 1933, that being the date of the actual execution of the letter.

That was the opinion of Mr. Ickes back in 1933. He based it upon the decision in the case of *Hardin* v. *Jordan* (140 U. S. 371). As I have indicated, that case could not have decided what the law is with respect to coastal properties along the seacoast, because it related to inland waters in Cook County, Ill.

Further, Senator Donnell stated:

Mr. Ickes, like most Senators—I hope all of us—discovered in time that humanity is fallible, and that he had erred in his conclusion, or, to put it perhaps more accurately, that there was a substantial doubt as to the correctness of the ruling which he had made. So a day or so ago the Chairman of the Judiciary Committee, the Senator from Nevada [Mr. McCARRAN] quoted this from the testimony of Mr. Ickes on February 5, 1946:

"Until 1937 these applications were denied"—

I take it he was referring to applications similar to those made by Mr. Proctor dealing with rights out in the ocean.

"Until 1937 these applications were denied by the Commissioner of the General Land Office, and in those cases where appeals were taken to the Department his decisions were affirmed. But applicants and their lawyers continued to insist that the United States does own the land and the oil, and that the Department does have the power to grant them oil and gas leases. So we began to have doubts. Consequently since 1937 action on all those applications, of which there are about 200, has been suspended pending a judicial determination."

Senator Donnell continued:

So, I say, Mr. President, that although the Committee on the Judiciary lays down categorically the proposition that 54 United States Supreme Court decisions support the resolution, and lays down categorically the proposition that the same rule that applies to navigable waters within a State applies to lands underlying the bordering oceans within the 3-mile limit, nevertheless, the Secretary of the Interior of the United States at least determined that there was such grave doubt as to the proposition and as to the correctness of his previous ruling that in the case of about 200 applications he subsequently declined to issue permits. I believe the very fact that Mr. Ickes had held to one opinion in 1933 and thereafter changed his ruling is significant, because every motive of the pride of opinion would have led him to sustain his own previous ruling, and would have caused him to grant the permits rather than to overturn an official ruling which had been issued under his own hand on December 22, 1933. But Mr. Ickes came to the contrary conclusion. I shall read somewhat more in detail than is set forth in the CONGRESSIONAL RECORD of July 19, from what Mr. Ickes had to say on this subject. I shall omit the portions set out in the RECORD, which I have read.

Senator Donnell then stated:

I invite the attention of the Senate to this language, after that which says the applicants and their lawyers continued to insist that the United States does own the land and the oil. Mr. Ickes said this:

"So we began to have doubts. At the same time Congress had before it proposed legislation which would in one way or another have resulted in judicial proceedings to decide the issue. Consequently, since 1937 action on all these applications, of which there are about 200, has been suspended pending a judicial determination. It is true that I have on occasions considered the issuance of a single oil lease on submerged coastal lands as a possible way of precipitating a test suit to settle the issue, but the pending Government suit has made any such device unnecessary."

Continuing from Senator Donnell's remarks:

I should like to have this language noted with care:

"So, as soon as I realized that there were substantial doubts as to the validity of the States' claim to submerged coastal lands below low-water mark, I stopped all action in the Department which was based on the assumption that the States owned these submerged lands, and began to press for a judicial solution of the debated issue of law. This I most readily concede was a change from the earlier action of myself and of the Department."

Then Senator Donnell remarked:

I digress to note the fact that he stated that he realized that there were substantial doubts. In the earlier portion of his testimony he had referred to applicants and their lawyers continuing to insist that the United States does own the land. He mentioned the fact that "We began to have doubts." Then he made the further, stronger statement:

"As soon as I realized that there were substantial doubts as to the validity of the States' claim to submerged coastal lands below low-water mark, I stopped all action in the Department which was based on the assumption that the States owned the submerged lands and began to press for a judicial solution of the debated issue of law."

Continuing Senator Donnell's statement:

Mr. President, referring again to the question asked by the distinguished Senator from West Virginia, Mr. Revercomb, let me point out that he referred to the 54 decisions which, as it would appear from the comments which previously have been made in this body, prior to this afternoon, have set this question at rest. Again I wish to say that, to my mind, none of the 54 decisions which I have seen do set this question at rest. They do not pertain to this question. They may contain dicta, but of the ones which are specifically cited in the committee report, which are the only ones I have taken time, thus far, to read—and I refer to the cases mentioned on page 8 of the report, and also the case of Martin against Waddell, mentioned on page 3—none of them relates to the ownership of coast land, as I see it.

The Senator suggested that each case will come up upon its own set of facts. I realize that is true. It is true in the event of any litigation. We might very well say that in connection with any matter which might ultimately result in a declaration of policy, the Congress of the United States should first express its policy before the Supreme Court of the United States should indicate in whom reside the respective rights which are involved in such policy. To my mind, the Senator from Oregon and the Senator from Michigan have clearly indicated what, to my point of view, is the sounder view, namely—and I think I am correctly quoting the Senator from Michigan, and I am quite sure I am correctly quoting the Senator from Oregon—that we should have the benefit of the judgment of the Supreme Court of the United States in respect to the rights of the parties.

I wish to say that I believe that a case can be presented to the Supreme Court of the United States which will enable that body to lay down the law and will enable us to read it, in the same way that the members of the Judiciary Committee in the report claim that the 54 decisions they mention have established the law. I undertake to say that the Supreme Court can lay down a decision which will be understandable and will declare the law, and that everyone in the United States will understand it from beginning to end as declaring the law; and I see no indication that the Supreme Court has attempted to avoid making a decision of a case along that line, or along any other line, for that matter, which would at least be intelligible and would answer the questions which may be presented.

Continuing, Senator Donnell stated:

I think I should add that with respect to the Supreme Court decisions, criticisms have been made of the Supreme Court. Perhaps some of them have been just, because the Supreme Court of the United States, like the Senate of the United States, is composed of human beings, and it may be that some of the decisions of the Court have been unsound. I say that the Supreme Court itself has frankly and honestly recognized the fact that it has made errors, in that without manifesting any pride of opinion, it has overruled some previous decisions, and has given us its best opinion.

While this is a digression from the points strictly at issue, I wish to stand here today and announce my confidence in the Supreme Court of the United States. Let me say that, if I am not mistaken, the distinguished Senator from Oregon enunciated—not on the floor of the Senate but elsewhere—something of confidence in the Supreme Court.

I wish to say that regardless of the frictions or difficulties which may have developed, after all the people of the United States should and can and do look to the Supreme Court as the final arbiter of the questions which under the Constitution are eligible to be submitted to it. I express the hope that there may be no consideration in the Senate of the United States which undertakes in any way to lower the estimation of the Supreme Court of the United States in the minds of the people of the Nation. I rejoice that we have a Supreme Court of the United States. I rejoice in its history. I rejoice at the list of great men who have served upon it. I think great men will serve on it in the future, and I think great men are now serving on it, among them being a former distinguished Member of this body, former Senator Burton, of Ohio, who went to the Court just a few months ago.

I am not arguing this afternoon whether the ownership is in the States or is in the Federal Government. My point is that until the Supreme Court of the United States has passed upon the question under a set of facts which will make its observations more than mere dicta, we are not able to say with

finality in whom the title rests or whether, as the Senator from Oregon has said, the title to oil in those lands rests in no one, or as I expressed it, using the Latin term, whether the matter is in nubibus.

Mr. President, I now quote from Mr. Ickes' statement:

"The advocates of House Joint Resolution 225 have insisted that many decisions of the Supreme Court have laid the question at rest. This is simply not the case. These decisions have dealt with the lands under inland lakes and rivers, and with bays and harbors. No one is claiming these lands on behalf of the United States, and no one doubts that the courts have held that they are owned by the States. California and the oil companies insist that these decisions with reference to the lands beneath inland waters apply to the submerged lands off the coast; the Attorney General says that they do not. This question is the heart of the pending lawsuit and the advocates of this resolution have not and cannot produce a single decision by the Supreme Court which has settled this question."

Mr. President, perhaps Mr. Ickes is wrong. I do not know whether he is a lawyer. He may be entirely wrong in the matter. But the fact that the Secretary of the Interior and the Attorney General of the United States, according to the Secretary of the Interior—and the Attorney General of the United States is a lawyer—have said that these decisions with reference to the lands beneath inland waters do not apply to the submerged lands off the coast, to my mind indicates very persuasively that it will be necessary to have a decision by the Supreme Court of the United States before that question can be answered.

Then Senator Donnell said:

Mr. President, the distinguished Senator from Nevada referred to the change of heart or change of opinion of Mr. Ickes. I do not recall that there was the slightest intimation that the change of heart was captious or capricious: but not very much was said in the discussion the other day, as I recall, about the reason for it. At page 9430 in the CONGRESSIONAL RECORD, volume 92, part 8, we find the following statement by the Senator from Nevada [Mr. MCCARRAN]:

"Applicants for oil leases 'and their lawyers' caused Mr. Ickes to decide that the 'settled law' of 1933 had changed by 1937."

Mr. President, I have no doubt that the opinion of lawyers presented to Mr. Ickes had some weight. I have no doubt also that the opinion of the Attorney General, the lawyer for the United States of America, had some weight: and I doubt exceedingly, although I do not know the facts, whether the Secretary of the Interior was moved solely by the counsel for the contending parties who desired to obtain grants from the Federal Government.

Be that as it may, however, I think it is of importance to present to the Senate not merely the statement that—"Applicants for oil leases" and "their lawyers" caused Mr. Ickes to decide that the "'settled law" of 1933 had changed by 1937. But I think it well to read at this point in the RECORD what Mr. Ickes said with reference to his own mental attitude. He said this to the Judiciary Committee:

"I did not, when I assumed office a good many years ago, take an oath that I would always be right, nor even that I would never change my mind. I did take an oath to do my duty, and I viewed my duty in this matter as plain, once I realized that the ownership of submerged coastal lands had not in fact been settled by the courts. Show me a man who takes subborn pride in the fact that his mind, once made up, is unchangeable, and I will show you a man who is not fit to be a public servant. I should point out, however, that I have never attempted, myself, to resolve this difficult question of law, but have simply refused to renounce any claims which the United States might have to these lands. It has always seemed to me to be a legal question, not appropriate for either legislative or executive decision, but exactly the sort of question which the Federal courts were created by the Constitution to decide."

Senator Donnell then said:

I continue reading what Mr. Ickes said:

"I have, indeed, been attacked not only by the officials of California but also by those who disagreed with California, because of my insistence that we had created courts to decide questions of law. Two applicants for leases off the California coast, whose applications have been among those held in suspense pending a judicial determination of the issue, commenced proceedings in the courts to compel me to issue leases to them.

"I defended those two suits, because until the title issue was decided in an appropriate judicial proceeding, neither I nor anyone else could say whether the Federal Government or California owned the lands or the oil in them. The courts refused to interfere with my decision to suspend the applications. *Dunn* v. *Ickes* (115 F. (2d) 36), (certiorari denied 311 U. S. 698), and *Jordan* v. *Ickes* (143 F. (2d) 152), (certiorari denied 320 U. S. 801, 323 U. S. 759)."

Mr. Ickes continued:

"In 1937, the Senate Committee on Public Lands favorably reported and the Senate passed Senate Joint Resolution 208. It provided that the Attorney General by appropriate proceedings was to establish the title of the United States to the submerged lands along the coast below low-water mark and up to the 3-mile limit."

Senator Donnell continued:

Mr. President, Mr. Ickes proceeded to refer to the resolution by which the Senate was asked by the Judiciary Committee to quitclaim to the States all those lands on the ground that 54 decisions of the Supreme Court had set at rest the question, showing that the Federal Government had no title. Nine years ago the Senate Committee on Public Lands reported a resolution providing that the Attorney General was to establish the title to submerged lands along the coast and below the low-water mark, up to the 3-mile limit, not in the States—the Judiciary Committee now tells us that, by an unbroken line of 54 decisions, the title is in the States—but in the United States.

Mr. Ickes proceeded as follows:

"While the resolution was being considered by the House Judiciary Committee, the Navy Department and the Departments of Justice and Interior drafted and supported an amended version of it. This version would have authorized the President to establish naval petroleum reserves in these territorial-water areas and it made similar provision for judicial proceedings to be brought by the Attorney General."

Senator Donnell then stated:

In other words, Mr. President, it is quite obvious, as I infer from this testimony, that the Committee on Public Lands, together with the Navy Department, the Department of Justice, the House Judiciary Committee, and Department of the Interior drafted a document which would have authorized not the States, which we are told own these lands, but the President of the United States to establish naval petroleum reserves in those territorial-water areas, and have judicial proceedings brought by the Attorney General.

I wish to read further from Mr. Ickes. I want it to be in the RECORD because I think it is only fair to Mr. Ickes that the position be known. But, far beyond that, Mr. President, I think that as Senators are about to vote on the matter of quitclaiming title, if any the Government has, and without knowing whether it has them, they should know whether or not this public official acted with reasonable discretion, or acted arbitrarily and captiously in refusing those applications.

Mr. Ickes proceeds as follows:

"In 1938 the House Judiciary Committee by a divided vote favorably reported Senate Joint Resolution 208—with certain amendments not now important (H. Rept. No. 2378, 75th Cong., 3d sess.). The committee said:

"'The Departments of the Navy, the Interior, and Justice are one in requesting that this resolution be passed, so that the courts may determine the question involved while fully protecting by their decrees all lawfully vested rights. There seems to be no good reason to deny their reasonable request that they be permitted to have the courts decide whether or not the Nation has a permanent right to take and use the oil in question.' The House, however, never acted on this resolution."

I continue with Senator Donnell's remarks:

In 1939 Senate Joint Resolution 92, containing substantially the same provisions recommended by the House Judiciary Committee, was introduced in the Senate. After extended hearings the Senate Public Lands Committee in 1940 reported a committee version, which in effect merely requested the Attorney General to seek a judicial determination of the rights of the United States in the submerged lands under the territorial waters.

Mr. Ickes then said:

"I think that you will find its report a valuable guide to your action now. The committee said: 'The property involved in this conflict of opinion is of very great value. The controversy, in the opinion of the committee, is purely a legal one and its decision of much importance."

Senator Donnell continued:

Mr. President, I pause in my reading to say that if the matter has already been decided by fifty-odd decisions I cannot see why any other decision would be greatly important. However, this committee said that the decision of the controversy was of much importance. I proceed with its observation:

"The committee concluded as a legislative committee that it would not attempt to pass judgment on the legal question involved, and was of the opinion"—

By the way, Mr. President, it should be remembered that this was the House Judiciary Committee passing upon a legal question.

I repeat:

"The committee concluded as a legislative committee that it would not attempt to pass judgment on the legal question involved and was of the opinion that the matter should be referred to the Attorney General of the United States in order that he might take such action as he thought proper to protect the interests of the United States."

Not of the separate States of the United States.

Mr. Ickes continued as follows:

"It is true that no action has ever been taken by both Houses of the Congress on any of these resolutions, yet the Senate and its Public Lands Committee are on record as favoring a judicial determination of this issue with respect to the submerged lands in coastal waters below low tide."

Mr. President, I invite attention to this language of Mr. Ickes: "Obviously they were not at all certain of the law. But they did recognize that contest over the ownership of property are matters for the courts and not for Congress."

Mr. Ickes said:

"I am not here to argue the law with California or the oil companies; indeed, I could not do so with propriety while the case is pending in the Supreme Court and under the control of the Attorney General. But I

do insist that the ownership of the submerged coastal lands below the low-water mark has never been settled and that it is a very difficult question. Two Attorneys General of the United States have taken the position that these submerged lands belong to the United States and not to the States."

I wish to read one further sentence from the statement of Mr. Ickes. On page 7 of the hearings, on February 5 of this year, Mr. Ickes said:

"The House"—meaning the House of Representatives—"passed House Joint Resolution 225. That is the joint resolution which is now before the Senate—under the mistaken belief that the law was settled beyond any doubt. It also acted after a series of misrepresentations as to what the Federal Government claimed and as to what I proposed to do."

Then Senator Donnell said:

Mr. President, I was in process of reading certain quotations from the testimony of Mr. Ickes. There are a few further observations made by him in the course of his testimony, to which I should like to address myself. In the first place I made the statement a little while ago that I did not know whether Mr. Ickes is a lawyer. I doubtless should know that, and I find that at page 7 of his testimony he said:

"I have no doubt that most of the State attorneys general are thoroughly learned men, but when I was a practicing lawyer I signed briefs only when I had thoroughly studied the problem and never in response to telegraphic solicitation."

I call attention to this statement first, because of the fact that to my mind Mr. Ickes' membership in the legal profession entitles his statements with respect to the law to even greater weight than if he were giving those expressions as a layman who had never studied or practiced law.

In the second place, I cite this observation because of its mention of a very wholesome rule, it appears to me, of thorough study of the problem. He states that he signed briefs only when he had thoroughly studied the problem and never in response to telegraphic solicitation, and I judge from his testimony that he thinks at any rate that he had given thorough study to this problem before he reversed the decision which he had given in writing over his own signature in 1933.

Mr. President, some reference has been made here to the States. I do not see upon the floor the distinguished Senator from West Virginia, Mr. Revercomb, but I am confident he would have no objection to my reading this with reference to his remarks. Mr. Ickes said:

"In the process of building up support based on emotion, rather than upon fact, I am thus accused of wanting to seize these lands and ultimately to complete the conquest in all of the States."

Senator Donnell continued:

Mr. President, I digress to say that by reading this I do not in any sense mean to imply that the Senator from West Virginia was attempting to play upon emotion or was actuated by anything other than the highest of motives, but I wanted to read this because of the observation Mr. Ickes makes with respect to the respective rights of the States and the Federal Government. He says further:

"To the supporters of this resolution, my insistence for 8 years that this troublesome problem should be settled by the courts is the equivalent of a seizure vi et armis, and our doubts about the true ownership of these submerged lands amount to an assault on States' rights. I have been an advocate of legitimate States' rights for well over half a century, but it has never occurred to me that one of the inalienable rights of a State is to escape litigation when it claims land to which the National Government also asserts title."

Then he proceeds:

"The committee will note that I persist in viewing this contest as one over oil, and one between the United States and California. This does not mean that I have not heard that the attorneys general of 46 States, to say nothing of the American Association of Port Authorities, and the oil company lessees of California, have joined in supporting this legislation. I have certainly heard of this vocal group, every member of which is opposed to an invasion of States' rights and to overrule settled law, although apparently none of them has troubled to investigate whether either issue is in truth involved."

Then Mr. Ickes a little further on states:

"Once California embarked on the united-front tactic"—

I want to say to the distinguished Senator from California [Mr. KNOWLAND], whose colleague does not appear to be present, that I mean no disrespect to California in reading this testimony, not in the slightest; but I think it is well for us to understand the views of Mr. Ickes and his comments as to the support which the joint resolution has received. He said:

"Once California embarked on the united-front tactic it forced into prominence, not the merits of its case, but the fact that some have refused to go along. The attorneys general of Washington and Arizona never did join up. The attorneys general of Missouri and Georgia, I am informed by the press, took another look and withdrew from the attempt to high-pressure the Congress into deciding a law case in favor of California and the oil companies."

Senator Donnell said:

I digress, Mr. President, by reason of the fact that I come from the State of Missouri, to say that until I read this testimony I did not know the attitude of the attorney general of Missouri, and I do not know whether this is a correct statement or not, though I have no doubt of Mr. Ickes' sincerity in stating it. He says this:

"If the law is in truth so well settled against the United States why not permit the Court to speak? Is California, or are the oil companies apprehensive that the Supreme Court cannot find or will fail to apply a rule so thoroughly settled as they claim this to be? Or do they prefer to make their statements about settled law to a legislative body, composed of busy men who have not had both sides of the legal question extensively argued before them and who lack the time to study the case thoroughly themselves? Finally, if the law is so well settled, why did California ask for a delay of 1 month, in addition to the 2 first allowed by the Supreme Court, in order to file an answer to the complaint? One would have imagined that the brief printed in Los Angeles, and signed in the spaces indicated for their signature by accommodating State attorneys general, would have already proved beyond the peradventure of a doubt what the law is, if it is in fact as well settled as that brief so vigorously and repetitiously asserts."

I call further attention to this language from Mr. Ickes:

"Whatever the motives of those who advocate the passage of House Joint Resolution 225, without waiting for orderly judicial procedures, and whatever the strength or weakness of their case before the courts, there is a compelling reason why the Congress should not enact this legislation at this time. Its sole effect would be to give away a claim of the United States which is now pending before the Supreme Court for decision.

"The Congress has deprived the Supreme Court of its jurisdiction of a pending case only once in our history. That episode occurred in the heat of the reconstruction passions after the Civil War. Then a Mississippi editor, held for trial by the military authorities, had a petition for a writ of habeas corpus pending in the Supreme Court.

"The Congress, fearful of the possible decision, took away the Court's jurisdiction (Ex parte McCardle (6 Wall. 318, 7 Wall. 506; 1869). Despite the veto of President Johnson, the bill was passed. Later generations have considered this to be a shameful abuse of the powers of Congress (Charles Warren, History of the Supreme Court, II p. 480, quoting John W. Burgess)."

Senator Donnell continued:

Mr. President, I pass to several pages later in Mr. Ickes' testimony, where he said this:

"The United States and California are now litigating in the Supreme Court their opposing claims to ownership. The question has never before been decided, and no one knows the outcome. It would be an almost unprecedented abuse of legislative power if Congress were to take the issue away from the Supreme Court by presenting to the defendant State the Government's claims. The result would be bad government, not only because it would be an invasion by the legislative branch of the judicial function, but because it would constitute the waste of a national asset which might some day be crucial to our survival."

Thus it is that the Department of the Interior has reversed the decision of 1933. As indicated earlier this afternoon, it seems to me that the very fact that it had made a ruling in writing over the signature of the Secretary of the Interior, and the very fact that thereafter there was an overruling of that decision by the refusal on the part of the Department to grant some 200 applications are themselves indicative of the sincerity of the Department in taking the action by which it overruled the former decision. The case is now pending in the Supreme Court of the United States.

Yesterday in the course of the discussion the Senator from Nevada stated:

"If the Senator will read the report of the Judiciary Committee he will find there cited a number of cases which will throw much light on the question in the Senator's mind."

He was referring to the question which I had presented, as to whether or not the same rule which has been supported by these various decisions of the United States Supreme Court with respect to title to lands under navigable rivers within the borders of a State applies likewise to coastal lands. I, therefore, searched the report of the committee to ascertain what decisions were therein cited as bearing on this particular problem.

As I indicated a while ago, I found that in the body of the report of the committee the only cases cited to the effect that land underlying the bordering ocean within the 3-mile limit belonged to the States within their respective boundaries was that of *Martin* v. *Waddell* (41 U. S. 366, 410). Inasmuch as that case was discussed yesterday to some extent, I shall only say with respect to it that, as indicated twice today, that case referred to lands in the Raritan Bay and River, and, therefore, to my mind, may be very properly distinguished on the ground that it did not involve necessarily, nor in its terms, the title to lands along the coastal region not embraced within bays or rivers. The first case to which I shall pay attention among those which are cited in the appendix is that of *Weber* v. *Harbor Commissioners* (18 Wall. 57, 65–66). I point out that at page 65 the Court said:

"The complainant is not the proprietor of any land bordering on the shore"—

The word "shore" is italicized—"of the sea in any proper sense of that term. His land is situated nearly half a mile from what was the shore of the bay of San Francisco at the time California was admitted into the Union, and over it the water at the lowest

tide then flowed at a depth sufficient to float vessels of ordinary size."

Senator Donnell continued:

So I submit that that case is one in which the Court itself distinctly shows by the statement which I have just read, that the land involved is not the coastal area to which I have referred in my argument.

The next case to which reference is made in the appendix to the report is that of *St. Clair* v. *Lovingston* (23 Wall. 46, 68). This case almost makes me homesick, because it goes back to Illinois, our neighbor to the east of Missouri. It refers to a piece of land in the county of St. Clair, Ill., which I take it, obviously, notwithstanding the patriotic claims of our Illinois brethren with respect to their State, cannot be claimed to be upon an ocean bank.

I do not know what were the conferences between the Attorney General and the Secretary of the Interior. I do not know whether the Secretary of the Interior was advised by Attorney General Biddle before the reversal of the position taken in 1933 occurred. I have no means of knowing that. So far as I have been able to observe, that point is not brought out in the testimony given by Mr. Ickes before the committee.

The next case referred to in the appendix to the report of the Committee on the Judiciary is the case of *McCready* v. *Virginia* (94 U. S. 391); at page 394 I find the following sentence:

"The precise question to be determined in this case is, whether the State of Virginia can prohibit the citizens of other States from planting oysters in the Ware River, a stream in the State, where the tide ebbs and flows, when its own citizens have that privilege."

Senator Donnell continues:

Obviously, Mr. President, that case did not involve the question of coastwise lands.

I now pass to the next case cited in the appendix, namely, *Hoboken* v. *Pennsylvania Railroad Company* (124 U. S. 656), and I invite attention to the fact that, as I read this case, it involves six actions in ejectment with respect to certain lands on the western shore of the Hudson River where the city of Hoboken—quoting from the decision—"now stands." If my understanding of the decision is correct, it does not pertain to coastwise marginal real estate.

I now pass to the next case cited in the appendix to the report, namely, *Knight* v. *U. S. Land Association* (142 U. S. 161, loc. cit. 193). I find, Mr. President, from the opinion of Mr. Justice Lamar, that it is strenuously insisted that the patent for the San Francisco Pueblo is void to the extent it embraces lands below the ordinary high-water mark of Mission Creek as that line existed at the time of the conquest from Mexico in 1846.

Senator Donnell continued:

I note also on page 182 of the decision the following language:

"The only remaining question in the case, as we understand it, and as we desire to consider it, may be thus stated: Admitting that the Von Leicht survey is correct and follows the decree of confirmation: Admitting also that the patent followed the survey and the decree, and the premises in dispute are embraced in the patent: Was parol evidence admissible to show that these premises were below the ordinary high-water mark—not of the bay of San Francisco, but of Mission Creek, a navigable arm of the bay, as that line existed at the date of the conquest from Mexico in 1846?"

Continuing quoting from Senator Donnell:

So, Mr. President, it would appear that this case is likewise one in which the question of coastal waters, the so-called marginal area, is not involved. I now pass to the case of *Mann* v. *Tacoma Land Co.* (153 U. S. 273, loc. cit. 283). I find that this case, as I understand it, relates to property in what is called Commencement Bay, at the head of Puget Sound, in Pierce County, State of Washington, and that it is near the city of Tacoma. I recall the old admonition "Watch Tacoma grow." However, I do not believe that Tacoma ever grew clear out to the marginal area which is involved here.

The final case cited in the appendix is *Mobile Transportation Co.* v. *Mobile* (187 U. S. 479 at p. 482). I observe from a reading of that case that it relates to a portion of the shore and bed of the Mobile River in the city of Mobile. As I understand, the river empties into a bay between Mobile and the ocean.

Mr. President, earlier in the day I referred to a case on which I could not place my hands at the time, but which I now have before me. It is the case of *Smith* v. *Maryland*, which is the case from which the quotation appears on page 8 of the appendix. The quotation reads:

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

Mr. President, I may say that this case comes about as close to the question as does any other. It relates to the questions of the power of the State of Maryland with respect to the owner of a schooner which had been dredging for oysters in the Chesapeake Bay. Because of some violation of a statute of Maryland the owner of the schooner was punished by being required to forfeit his schooner. Yet, Mr. President, in this case it will be observed—quoting from the decision:

"The purpose of the law is to protect the growth of oysters in the waters of the State by prohibiting the use of particular instruments in dredging for them. No question was made in the court below whether the place in question be within the territory of the State."

I wish to repeat that sentence:

"No question was made in the court below whether the place in question be within the territory of the State."

Senator Donnell then stated:

I disgress to say that the very fact that the Court emphasized that no question was raised in the court below as to whether the place in question was within the territory of the State, to my mind is very significant as indicating that the Court itself thought that the proposition might be of some importance. Indeed, Mr. President, counsel obviously thought so as it will be observed later. The Court continued as follows:

"No question was made in the court below whether the place in question be within the territory of the State. The law is, in terms, limited to the waters of the State. If the county court extended the operation of the law beyond those waters, that was a distinct and substantive ground of exception, to be specifically taken and presented on the record, accompanied by all the necessary facts to enable the Court to determine whether a voyage of a vessel, licensed and enrolled for the coasting trade, had been interrupted by force of a law of a State while on the high seas, and out of the territorial jurisdiction of the State.

"To present to this Court"—that is the Supreme Court of the United States—"such a question upon a writ of error to a State court, it is not enough that it might have been made in the court below; it must appear by the record that it was made, and decided against the plaintiff in error.

"As we do not find from the record that any question of this kind was raised, we must consider that the acts in question were done, and the seizure made, within the waters of the State; and that the law, if valid, was not misapplied by the county court by extending its operation, contrary to its terms, to waters within the limits of the State. What we have to consider under the writ of error is, whether the law itself, as above recited, be repugnant to the Constitution or laws of the United States."

Senator Donnell continued:

Mr. President, my recollection is that there are certain dicta in this case which I presume are the reasons for the citation of the case in the appendix of the report of the committee. But the observations of the Court show that the Court itself did not go into the question of whether or not the action of the defendant took place within the territory of the State, a decided question, as is obvious in the language of the decision which reads, in part:

"What we have to consider under this writ of error is, whether the law itself, as above recited, be repugnant to the Constitution or laws of the United States."

So, Mr. President, these are all the cases that are cited on the proposition of coastal waters in the appendix, and the only other case cited in the report itself on the question of coastal waters is the case of Martin against Waddell which was mentioned previously.

Continuing quoting from Senator Donnell's remarks:

Mr. President, I wish to say only a few words in conclusion. I appreciate the points made today by the distinguished Senators. It may well be that the Supreme Court of the United States will follow their theory. But in light of the contrary view taken by distinguished counsel such as the Attorney General of the United States, and the distinguished Secretary of the Department of the Interior who himself has been a practicing lawyer, I submit that there is at least room for doubt with reference to the proposition.

The Newark case referred to yesterday pointed out that the State of New Jersey had passed a law extending its boundaries into the ocean. Mr. President, we do not know whether—at least I do not know from the evidence which I have read; it may be present somewhere, but I did not read the report until it came into my possession this afternoon—there is anything in the report of the committee as to any other State extending its boundaries into the ocean. I know that the State of California, according to the decision to which reference was made, and which I believe I mentioned earlier in 96 Pennsylvania 2d, at page 941, has a constitutional provision by which its boundary goes 3 English miles into the Pacific Ocean. It may well be that all the Pacific Coast States may have been the recipients of enabling acts similar to that to which the senior Senator from Oregon referred. There is no evidence in the report of the committee before the Senate as to whether that is true with respect to all the coastwise States of the Union. There are a great many of them on the Atlantic Ocean, on the Gulf of Mexico, and on the Pacific Ocean. In order for us to know whether in any given case the lands which are sought to be quitclaimed away, given away, by House Joint Resolution 225, are within the boundaries of the States, we must know, first, whether or not any attempt has been made, either by the States themselves or by the Federal Government, respectively, to extend the boundaries of the States out into the ocean adjacent to those several States, each one by itself. We would have to know that.

We would have to know, further, whether or not the States, either by their constitutions or by their statutes, undertook to extend their boundaries.

Senator Donnell concluded with this remark:

We would have to know whether they could do it along the line of the inquiry of the Senator from Michigan this afternoon. Whether or not a State can lift itself by its own bootstraps, whether by its own declaration it can vest title in itself to lands is a question which would have to be determined.

Now, Mr. President, there is another part of this resolution that I find objectionable. That is subsection (b) of section 6. That subsection generously saves for the United States the right of first refusal to purchase any of the natural resources accruing from these submerged lands, not at a bargain price, Mr. President, but at the prevailing price or by condemnation of the property and payment of just compensation. What shoddy treatment is this for a donor who is about to give away lands whose natural resources may produce revenue measured in billions? And I might point out, Mr. President, in time of peace, or in a time when no national emergency exists, the United States is not even granted the right of first refusal to purchase. Maybe that does not offend the sense of fair dealing of some of the Members of the Senate but I assure you it offends mine. It ought to be, in my mind, especially offensive to all the inland States who gain little or nothing from this resolution.

I notice that section 9 of the resolution preserves to the United States the right to the natural resources lying outside the boundaries of the coastal States. At least, that is the interpretation placed on section 9 by the majority report, though it is by no means clear from reading the section. Now, I wonder, as did the minority report, why the resolution provides no authority for the Federal Government to develop the resources that are not taken away? The majority report seeks to answer this by saying that many questions would be raised by such an undertaking and therefore the matter should be left for early consideration in separate legislation. Mr. President, many questions are raised by the undertaking proposed in Senate Joint Resolution 13, but the existence of such questions has not deterred the proponents of this measure from urging immediate consideration of it.

One of the questions not mentioned is, how far seaward do the boundaries claimed by the coastal States extend? The bill does not prejudice State claims extending beyond the traditional 3-mile limit and I think it is acknowledged that some of the coastal States may claim boundaries extending at least 10½ land miles seaward of the coast line. But the important point is that, in the case of at least one of the coastal States, Louisiana, the attorney general of the State testified that he does not know what the historic boundaries of the State are. If he does not know, who does? And if he does not know the boundary of the State of Louisiana, how can the interest of the United States beyond that boundary be determined? Are we headed for another series of lengthy and costly suits in the Federal courts to determine the rights of the United States to be followed by more giveaway legislation like this? The Attorney General of the United States, in his testimony before the committee, urged that a line be drawn on a map so that the State boundaries could be fixed and the interests of the United States determined, but this suggestion has not been adopted. Failure to do this seems to me to represent but the prelude to another long overture of discordant litigation.

In the veto message President Truman saw this problem clearly. He remarked, at page 3 of that message:

The figures I have cited relate only to the submerged lands which are claimed to be covered by this resolution—that is, the marginal belt of land which the sponsors of the resolution say extends seaward 3 marine leagues (10½ land miles) from the low-tide mark off the coast of Texas and the west coast of Florida, and 3 nautical miles (3½ land miles) off all other coastal areas.

The Continental Shelf, which extends in some areas 150 miles or more off the coast of our country, contains additional amounts of oil and other minerals of huge value. One oil well, for example, has already been drilled and is producing about 22 miles off the coast of Louisiana.

While this resolution does not specifically purport to convey lands and resources of the Continental Shelf beyond a marginal belt, the resolution does open the door for the coastal States to come back and assert claims for the mineral resources of the Continental Shelf lying seaward and outside of this area. The intent of the coastal States in this regard has been made clear by actions of the State Legislature of Louisiana, which has enacted legislation claiming to extend the State's boundary 27 miles into the Gulf of Mexico, and of the State Legislature of Texas, which has enacted legislation claiming to extend that State's boundaries to the outer limit of the Continental Shelf. Such an action would extend Texas' boundary as much as 130 miles into the Gulf of Mexico.

Former Attorney General Clark also realized the difficulties involved in the present approach to the problem. At the joint hearings before the Committees on the Judiciary in the 80th Congress, 2d session, he appeared and I ask unanimous consent that his statement, which appears at page 617 of the printed record of those hearings, be printed in the RECORD.

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

The measures now before you are designed to accomplish a single objective, although they differ in certain respects as to form and language. The purpose is to release and relinquish to the several coastal States of the Union all right, title, and interest of the United States in and to the lands and resources underlying the open ocean adjacent to the shores of this country, beyond low-water mark along the open coast and outside of the inland waters. To be sure, the language of these proposals refers to all lands beneath navigable waters within the respective boundaries of the several States, and this is defined as extending seaward to the 3-mile limit, or, where a State has extended its boundary beyond 3 miles, to the exterior limits of that State.

I would like to violate, as you call it, my rule; I would like to call the attention of the committee to this strange anomaly that I will point out later in the statement but I want to call attenion to it here to the committee now—every State under this bill would have a different territorial limit. It could have a territorial limit beyond the territorial limits that the United States Government itself claims.

For example, in the California case, the territorial limit there was 3 miles. However, the Court held that the United States had, we claim, ownership in that property.

Take Texas, for example. It had, I think, 9 miles back in 1936. Then in 1941 they extended it, I think, to 27 miles, and in May last year they extended it out to the farthest boundary of the Continental Shelf. I understand that is some 59 miles.

You take Louisiana, for example. They had, I think, the same as Texas originally, and then in 1938 they extended theirs to 27 miles.

So that the boundary of the United States would start down in Texas at 59 miles outside, and then it jumped over to Louisiana, and come over 27, and if Florida got an idea they wanted 1,000 miles, they could extend theirs out halfway to Europe.

Senator MOORE. That would be beyond the Continental Shelf?

Mr. CLARK. The Continental Shelf is right at the United States. We do not even claim that.

Senator MOORE. I mean the Continental Shelf varies.

Mr. CLARK. Yes. There in Texas it is supposed to be 59 miles.

Senator MOORE. Depending upon the depth of the water.

Mr. CLARK. The United States does not claim any title beyond the 3-mile limit, never has. There has not been any legislation of any type——

Senator MOORE. There are some who think it has not any title at all.

Mr. CLARK. What I am saying, this is a very strange thing, and something that the committee should study very seriously, because here you are validating a State's action in extending the territorial limits away out into the sea beyond the limit that the United States ever claimed. There would be very much complication, as I see it, from the standpoint of international relations.

Mr. LANGER. Mr. President, just to elaborate on how confused this matter of the State boundaries is, let me draw your attention to the statement of the chairman of the State Mineral Board of the State of Louisiana at the joint hearings before the Committees on the Judiciary in the 80th Congress. This is what was said at that time, which will be found at pages 105 and 106 of the printed record of those hearings:

Senator DONNELL. Mr. Hardey, are you able to tell us approximately the total annual revenue which the State of Louisiana derives from the 524 leases covering lands in Louisiana's marginal waters off coast?

Mr. HARDEY. Senator, that is a very new development, started about a year and a half ago. Since the war, we have encouraged a new frontier of exploration extending out into the gulf. Realizing that we were short of reserves, that development started about a year and a half ago. To date, only 6 wildcat wells have been drilled out in the gulf. Out of the 6 wells, one new field has been developed during the past summer, brought in by an oil company from Oklahoma City and its associates. It looks like a very fine oil field. So far, no revenue has been derived.

Senator MCCARRAN. How far offshore is it?

Mr. HARDEY. We got out 27 nautical miles, Senator. Our jurisdiction was established by a special act of the legislature in 1938 establishing a State jurisdiction out 27 nautical miles. We have leased out that fa[illegible]

Senator DONNELL. Do you know how many of these 524 leases comprising the 1,885,6[illegible] acres, are with respect to lands within the 3-mile limit seaward from the low-water mark?

Mr. HARDEY. I don't have the figures, Senator. The spread is pretty even, though, from shoreward out to 27 miles, so I would say approximately one-ninth.

Senator MOORE. You mean these 524 leases are on coast lands?

Mr. HARDEY. They are on submerged lands off coast, beginning at the coastline and extending out 27 nautical miles.

Senator MOORE. But not including the inland?

Mr. HARDEY. Not the inland bays or rivers at all.

Senator DONNELL. The State of Louisiana, then, asserts ownership at least 27 miles off its coast, is that correct?

Mr. HARDEY. 27 nautical miles, Senator.

Senator DONNELL. Do you know, Mr. Hardey, what the legal basis is on which the State of Louisiana asserts ownership 27 nautical miles off coast?

Mr. HARDEY. I do not, Senator. I think you probably will have a treatise on that from our attorney general when he makes his appearance here.

Senator MOORE. That is based on acts of legislature?

Mr. HARDEY. It is by special act of legislature in 1938.

Senator DONNELL. The Federal Government has not passed any legislation recognizing any such rights so far as you know, has it?

Mr. HARDEY. No, sir.

Senator DONNELL. The nautical mile is even greater in length than the ordinary English mile?

Mr. HARDEY. That is right. It is almost equivalent to 39 miles.

Senator DONNELL. The United States nautical mile, as I understand it, is 6,080.20 feet. Is that correct?

Mr. HARDEY. I assume it is. I don't know.

I wish my colleagues would give heed to what the present Attorney General of the United States said concerning this phase of the problem. His statement, appearing at page 926 of the printed record of the hearings held this year, reads:

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.

Now, all of these gimmicks are in the gift bag, Mr. President, but I think we ought to give attention, too, to the constitutional arguments involved in this proposal.

The title of the resolution reads "To confirm and establish the titles of the States" to the submerged lands. This is an unconcealed attempt to ignore the plain and unequivocal declarations of the Supreme Court in the submerged lands cases that the States did not have title or interest in the submerged lands. This is nothing more than a masquerade. It is an attempt to conceal the true nature of this measure which is in reality another giveaway.

Attorney General Clark, it seems to me, hit the nail on the head when he stated at the joint hearings before the Committees on the Judiciary in the 80th Congress, at page 619 of the printed record:

As a result of the decision in the case of *United States* v. *California*, the situation is now different from that existing at the time a similar proposal was before the 79th Congress. At that time the question as to the respective rights and interests of the Federal Government and the several coastal States in the lands underlying the marginal sea adjacent to the shores of the United States was in doubt. This doubt has been resolved—people seem to forget—by the Supreme Court in the California case. We now know that California, for example, does not have and never did have any title to the lands underlying the ocean seaward of low-water mark; and that the United States, rather than the coastal State, is vested with the right and power to control the disposal of the resources situated in those lands. There is no State title or interest which can be subject to the so-called cloud which a quitclaim would remove.

Consequently, the proposed legislation would, as I have said, operate as an outright gift of the rights and interests of the United States in the subsoil of the adjacent oceans, and the beneficiaries of this gift would not be all the States of the Union but only the States and their lessees, the oil operators, which by accident happen to be those coastal States off the shores of which valuable and essential mineral deposits are located.

Right now, Mr. President, a grand total of approximately $63 million is awaiting disposition either to the Federal Government or to the States of Texas, California, or Louisiana, according to the minority report filed by the distinguished senior Senator from Montana [Mr. MURRAY]. According to this same report, royalties from the oil and gas resources in the offshore areas may bring as much as $23 billion to those who own and control this property.

What a colossal giveaway this would be if this resolution should be adopted. And who would benefit from it? Primarily, the States of Texas, California, and Louisiana. How would the great State of North Dakota recover the loss of its share of the national resource—how could it benefit? Maybe the sponsors of this resolution could answer that question. I cannot.

Now, Mr. President, during the hearings on this resolution, it became apparent that a close constitutional question was involved in this giveaway. It was so apparent, as a matter of fact, that the Attorney General of the United States suggested a six-point program to avoid the issue being presented to the courts. One of the points of the program involved the abandonment of the conveyance of full title of the submerged lands to the coastal States and the grant of authority only to develop and use the natural resources from the submerged lands.

The proponent of this resolution tacitly, at least, recognized the serious constitutional question involved here, for the separability section of the resolution is unusually specific in stating that if the sections of the resolution which vest title in the States are held invalid, other sections, such as that establishing the seaward boundaries of the States, will be unaffected. Normally a general separability clause would be sufficient, but not in this resolution. The proponents know that these submerged lands are under the full dominion and control of the United States because the United States is a sovereign with the sovereign obligation to defend its people and the States which compose it. They know that the submerged lands are under the full dominion and control of the United States because the United States is a sovereign with a constitutional directive from the people to conduct the foreign relations of this country. They know all this because the Supreme Court has told them so. And, Mr. President, the proponents of this legislation know that the grant authorized by this resolution may result in an impairment of national sovereignty. They know because a former Solicitor General of the United States warned them and the present Attorney General suggested that the objection be avoided by several amendments to the resolution. The proponents of this resolution also know that this resolution may embarrass the United States in its relations with foreign nations who make extravagant seaward boundary claims for themselves. They know this because of what they were advised by Assistant Secretary of State Thruston Morton in a letter to the chairman of the Interior and Insular Affairs Committee, which I ask to have printed in the RECORD.

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

DEPARTMENT OF STATE,
Washington, March 4, 1953.

Hon. HUGH BUTLER,
Chairman, Committee on Interior and Insular Affairs, United States Senate, Washington, D. C.

MY DEAR SENATOR BUTLER: Reference is made to your letter of January 28, 1953, receipt of which was acknowledged January 30, 1953, transmitting for the comment of the Department of State Senate Joint Resolution 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 land and resources.

The interest of the Department in the proposed legislation is limited to the bearing which it may have upon the international relations of the United States.

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 interests 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 the air space above them) was limited to a belt of waters of 3 miles' width, and has vigorously objected to claims of other States to broader limits. 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. 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 the 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.

It should be noted, moreover, that the interest of the United States in resources in the high seas has in no wise been affected by its adherence to the 3-mile limit of territorial waters. The claim of the United States in the President's proclamation of September 28, 1945, to jurisdiction and control of the natural resources of the subsoil and seabed of the Continental Shelf beyond the limit of its territorial waters has not been questioned. These resources were thus secured without recourse to an extension of its territorial waters and as a result, navigation on the high seas off its coasts remains free and unimpeded as befits this country's dedication to the principle of freedom of the seas and in sharp contrast to the actions of some foreign states which sought the same result by assertions of sovereignty over immense areas of the high seas.

It is the view of the Department, therefore, that the proposed legislation should not support claims of the States to seaward boundaries in excess of those traditionally claimed by the Nation; i. e., 3 miles from the low-water mark on the coast. This is without reference to the question whether coastal States have, or should have, rights in the subsoil and seabed beyond the limits of territorial waters.

In section 2 of the Senate Joint Resolution 13, page 3, lines 3 to 5, inland waters are defined as including "all estuaries, ports, harbors, bays, channels, straits, historic bays, and sounds, and all other bodies of water which join the open sea." This definition appears to be too broad. With respect to bays and estuaries, the United States has traditionally taken the position that the waters of estuaries and bays are inland waters only if their opening is no more than 10 miles wide, or, where such opening exceeds 10 miles, at the first point where it does not exceed 10 miles. With respect to a strait which is only a channel of communication to an inland body of water, the United States has taken the position that the rules governing bays should apply. So far as concerns a strait connecting two seas having the character of high seas, whether the coasts of the strait belong to a single State or to two or more States, the United States has always adhered to the well-established principle of international law that passage should be free in such a strait and hence has maintained that its waters, even thought to be 6 miles wide or less, cannot be inland waters. With respect to both bays and straits, of course, the United States has excepted the cases where, by historical usage, such waters are shown to have been traditionally subjected to the exclusive authority of the coastal State.

The purpose of this Government in adopting such a definition of inland waters was to give effectiveness to its policy of freedom of the seas. The broader the definition of inland waters, the more the seaward limit of inland waters is brought forward from the coast. And since the seaward limit of inland waters is the baseline whence the belt of territorial waters is measured, this by cumulative effect brings forward the outer limits of territorial waters. Of late, efforts have been made by some foreign States to broaden the definition of their inland waters and to gain control thereby of large areas of the seas adjacent to their coasts. This Government has opposed and continues to oppose such developments, but any indication on its part of a change of position, such as may be suggested by the broad definition of inland waters now present in the proposed legislation, may well encourage the growth of a dangerous trend. Hence, in the view of the Department it would be advisable to amend section 2 of the proposed legislation, page 3, lines 3 to 5, as follows:

"Limit of inland waters in estuaries, ports, harbors, bays, channels, straits, sounds, and all other bodies of water which join the open sea."

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,

THRUSTON B. MORTON,
Assistant Secretary
(For the Secretary of State).

Mr. LANGER. Mr. President, they know, too, that the boundary claims of some of these States which are preserved under section 4 of this resolution may result in the harassment of our fishing industry. Mexico has just recently seized several American shrimp boats whose owners claim they were not violating international law. But Mexico, Mr. President, claims territorial waters to a distance of 9 miles.

An excellent discussion of this phase of the controversy appears on page 31 of the minority report, and I recommend to those of my colleagues who may not have read it that they study that portion of the report carefully.

Mr. President, this whole issue is of momentous consequence. Shall the Congress abdicate the national interest in billions of dollars of national resources to benefit a few States? I believe that the national interest, as well as the interest of the people of North Dakota, require that these valuable rights be reserved to all the people.

Mr. President, I believe it is pertinent at this stage of the discussion of Senate Joint Resolution 13, to consider an aspect of this proposed legislation which may give rise to troublesome questions at a later day.

One of the primary issues before us is the constitutionality of the proposed transfer of ownership of the submerged lands which lie under the oceans seaward from the low-water mark.

The decision of the Supreme Court in the California case—332d United States Reports at page 19, 1947—clearly stated that California had no title to these lands. Whatever, then, may be the basis under which the United States holds this property, it is entirely clear that this legislation is conferring upon these coastal States an attribute of ownership which they do not now possess.

The legal effect of Senate Joint Resolution 13 would grant to coastal States by section 2 (a) (2), 2 (b), 2 (e), 3 (a), 3 (b), and section 4, title and ownership in the submerged lands seaward from the low-water mark at least out to a line "3 geographical miles" distant from its coast line. This is explicitly confirmed by the bill for the Thirteen Original States. Other States which have asserted their claim by statute or constitutional provision or otherwise for such boundaries receive ownership and title in the submerged lands out to the 3-geographical-mile limit.

AUTHORITY OF CONGRESS TO DISPOSE OF PROPERTY

The constitutional grant to Congress of the "power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States" is contained in article IV, section 3, clause 2. The word "territory" as there used, has been construed to mean property—*O'Donoghue* v. *United States* (289 U. S. 516, 537 (1933))—and the authority conferred upon Congress to dispose of this property was not abridged or withdrawn by the 9th and 10th amendments to this Constitution. *Ashwander* v. *Tennessee Valley Authority* (297 U. S. 288, 330 (1936)). The nature of the disposal is left to the discretion of the Congress—*U. S.* v. *Gratiot* (14 Pet. 526, 538 (1840)).

While Congress may constitutionally limit the disposition of the public domain to a manner consistent with its views of public policy—*U. S.* v. *San Francisco* (310 U. S. 31)—this broad grant of authority in the Congress is not unlimited. Certain of the lands obtained by the United States, no matter how acquired, are held with the object, as soon as their population and condition justify it, of being admitted into the Union as States, upon an equal footing with the original States in all respects; and the title and dominion of the tide waters and the land under them are held by the United States for the benefit of the whole people, and in trust for future States—*Shively* v. *Bowlby* (152 U. S. 1).

Historically, Congress, in disposing of the public lands under authority of article IV, section 3, clause 2, of the Constitution, has constantly acted upon the theory, that those lands, whether in the interior, or upon the coast, above high-water mark, may be taken up by actual occupants, in order to encourage the actual settlement of the country; but that the navigable waters and the soils under them, whether within or above the ebb and flow of the tide, shall be and remain public highways; and being chiefly valuable for the public purposes of commerce, navigation and fishing, and for the improvements necessary to secure and promote those purposes, shall not be granted away during the period of territorial government; but, unless in the case of some international duty or public exigency, shall be held by the United States in trust for the future States.

In this connection the Supreme Court in Shively v. Bowlby (152 U. S. 1, at p. 57) said:

Upon the acquisition of a territory by the United States, whether by cession from one of the States, or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States, for the benefit of the whole people, and in trust for the several States to be ultimately created out of the territory.

From these expressions of the Court in Shively against Bowlby, supra, under article IV, section 3, congressional power over the territories and other properties could be viewed as relating to such territory or property which could be carved into later States, and inferentially land claims. But here under Senate Joint Resolution 13, we are dealing with property under the marginal sea, incapable of being erected into States. Here we have an instance of the United States coming into dominion over tremendous area of the sea bed by reason of its existence as a Nation and its obligations with reference to foreign affairs and national defense.

These areas under the marginal seas are incapable of formation into States, and as the Court stated in Shively against Bowlby, supra, title and dominion rests in the United States for the benefit of the whole people. It thus can be argued that if these marginal areas, seaward, are incapable of being formed into States, Federal ownership and control should be maintained over these lands. As was stated by the Court in the *California* case (332 U. S. 19, at p. 37)—

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 natural rights are paramount in waters lying to the seaward in the 3-mile belt. Cf. *United States* v. *Curtiss-Wright Corp.*, 229 U. S. 304, 316; *United States* v. *Cousby*, 328 U. S. 256.

Thus, while the general authority of the Congress to dispose of property belonging to the United States is not questioned, its authority to dispose of the title to the beds lying seaward of the low-water mark is open to serious question. This is due chiefly to the character or nature of the property involved. The role of the Federal Government with respect to these lands is similar to the role of the State of Illinois with respect to the property involved in the case of *Illinois Central Railroad* v. *Illinois* (146 U. S. 387). The Court said in that case:

The State holds the title to the lands under the navigable waters of Lake Michigan within its limits in the same manner that the State holds title to soils under tidewater, by the common law, we have already shown and that title necessarily carries with it control over the waters above them whenever the lands are subjected to use. But it is a title different in character from that which the State holds in lands intended for sale. It is different from the title which the United States holds in the public lands which are open to preemption and sale.

THE CHARACTER OF THE PROPERTY INVOLVED

In the first case to be presented to the Supreme Court on the issue of the paramount right to the submerged lands—*U. S.* v. *California* (332 U. S. 19 (1947))—the Supreme Court noted the unusual character of the property here involved. Indeed, the Supreme Court's decision in the California case can be said to rest primarily on the unusual nature of this property and the subsequent decisions involving the State of Louisiana and Texas—*U. S.* v. *Louisiana* (339 U. S. 699 (1950)); *U. S.* v. *Texas* (339 U. S. 707 (1950))—reaffirmed the Court's position in that regard. The Court in the California case stated at page 34:

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.

The Court explained what it meant by "national external sovereignty" by saying 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 to near its coast—*U. S.* v. *California* (332 U. S. 1935).

The statement of the Court reveals a character inherent in the property under discussion which is not common to other property which the United States Government may hold. Here the Court affirms the intangible nature of this property which represents a portion of the security of the people from wars to be waged from outside sources. Unlike any other property, the 3-mile belt becomes a barrier erected for the purpose of national security, and for the benefit of all of the people of the United States. It is most important that we recognize this intangible feature attendant to this property as distinguished from other public lands and property owned by the United States which may be sold at the dictates of Congress.

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—(*U. S.* v. *California* (332 U. S. 19, 35)).

Thus, even in its first decision on the issue of paramount rights to the submerged lands, the Supreme Court recognized the inescapable fact that these lands beneath the sea are closely related to the national external sovereignty, and by that very characteristic, are to be distinguished from other property belonging to the United States.

This proposition was reiterated by the Court in the Louisiana case cited earlier. Mr. Justice Douglas, in the majority opinion, wrote:

The claim to our 3-mile belt was first asserted by the National Government. Protection and control of the area are indeed functions of national external sovereignty, (332 U. S. pp. 31–34). The marginal sea is a national, not a State concern. National interests, national responsibilities, national concerns are involved. The problems of commerce, national defense, relations with other powers, war and peace focus there. National rights must therefore be paramount in that area (*U. S.* v. *Louisiana*, at p. 704).

Mr. President, I might add that I thoroughly examined the proposed measure. I did so, Mr. President, because I noticed in the Evening Star of April 27, 1953, a headline reading as follows: "Net Farm Income Expected To Be Lowest Since 1941—Agriculture Department Sees Prices for Products Falling Faster Than Costs."

Mr. President, I ask unanimous consent that the entire article, which is a short one, appearing on the front page of the Washington Star, may be printed in the RECORD at this point in my remarks.

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

NET FARM INCOMES EXPECTED TO BE AT LOWEST SINCE 1941—AGRICULTURE DEPARTMENT SEES PRICES FOR PRODUCTS FALLING FASTER THAN COSTS

(By James E. Roper)

The Agriculture Department predicted today that farmers will be worse off this year than at any time since 1941—even though most of the Nation's economy is booming.

The Department said farmers will net about $14.3 billion this year. This is $1 billion less than in 1952.

"The purchasing power of this income would be the lowest since 1941," the Agriculture Department said.

The farm net is dropping because prices farmers receive are falling faster than the prices they pay.

STIFFENING PRICES SEEN

The Agriculture Department, however, sees stiffening prices because of the Nation's general prosperity.

"Economic activity is at record rates with output of factories and mines at postwar highs," the Department said in a regular survey of the demand and price situation.

"Employment, incomes and retail sales are at record levels. Moreover, reports by both consumers and businessmen are generally optimistic regarding investment and spending plans for 1953 and total Government outlays probably will not change much from current levels.

"These prospects suggest that economic activity, employment and income will continue high in 1953."

QUANTITY TO STAY SAME

The Department expects demand from American consumers of farm products probably to continue high, demand from foreign countries to stay about as it is now, and farmers to market about the same quantity of products this year as last year.

Mr. FERGUSON. Mr. President, will the Senator from North Dakota yield for a question?

Mr. LANGER. Mr. President, I regret that I cannot yield. I have only an hour.

Mr. FERGUSON. Mr. President, I should like to ask the Senator a question.

Mr. LANGER. I yield for a question.

Mr. FERGUSON. I should like to ask whether the Senator contends that where a boundary is defined in the Great Lakes, the land inside that line belongs to the State.

Mr. LANGER. It belongs to the State.

I thank the distinguished Senator for asking that question. The Senator from Michigan is a very distinguished constitutional lawyer. For many years we have been seat mates on the Judiciary Committee. The Senator did a very fine job on that committee. I enjoyed very much working with him on the committee.

Mr. FERGUSON. I thank the Senator for his kind remarks.

Mr. LANGER. Mr. President, it remained for the Court in the decision of United States against Texas, cited above, to establish the inextricable adhesion of the submerged lands to the national sovereignty. In that decision the Court states—339 United States Reports 719:

> And so although dominium and imperium are normally separable and separate, this is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty.

And later on the same page:

> Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign.

And further:

> Unless any claim or title which the Republic of Texas had to the marginal sea is subordinated to this full paramount power of the United States on admission, there is or may be in practical effect a subtraction in favor of Texas from the national sovereignty of the United States.

From these decisions of the United States Supreme Court, two considerations clearly emerge. One is that the conveyance of the title and ownership of the submerged lands would involve the transfer of a portion of the national sovereignty to a few coastal States. The other consideration which is readily apparent from these decisions is that such a transfer of sovereignty would upset the equality of political rights and sovereignty of the several States obtained upon their admission by virtue of the "equal footing" clause in the enabling act authorizing the formation of State governments.

One writer, whose summation appears in the Temple Law Quarterly, volume 24, page 378, 1950–51, viewed the decision similarly, for he wrote:

> The Court rejected the contention that dominium and imperium were separable, on the grounds the property interests involved were so subordinate to natural political rights as to coalesce and be united in national sovereignty. This conclusion also was reached by applying the equal-footing principle. The alternative to the equal-footing concept would result in contracting national sovereignty in favor of Texas and granting superiority over other States.

This view is clearly supported by the statement in the majority opinion in the Texas case—supra, page 719—that—

> The equal-footing clause prevents extension of the sovereignty of a State into a domain of political and sovereign power of the United States from which the other States have been excluded. Just as it prevents a contraction of sovereignty (*Pollard's Lease* v. *Hagan*, supra) which would produce inequality among the States.

An "equal footing" clause was incorporated in the enabling act admitting Tennessee to the Union—2 statutes 847—and similar phraseology has been inserted in all the admission acts since that date. See, for example, Missouri, 3 statutes 645; Mississippi, 3 statutes 472; Indiana, 3 statutes 399; Illinois, 3 statutes 536.

This guarantee of equal footing is not a guarantee of economic quality, but it has long been held to have a direct effect on property rights—United States against Texas, cited above. For example, it has long been the rule that the States have "absolute property in and dominion and sovereignty over the soils under the tide waters" since the original States possessed such rights after the formation of the Union and States which have been admitted subsequently acquired the same rights, sovereignty and jurisdiction as the original States possessed by virtue of the equal footing clause—see *Knight* v. *United States Land Association* (142 U. S. 161 (1891)).

The equal-footing clause was, however, designed to create a parity as respects political standing and sovereignty—U. S. against Texas, at page 716—and the provisions of the enabling acts and State constitutions on this issue form a compact between the States and the United States—*Stearns* v. *Minnesota* (179 U. S. 223 (1900)).

Equal footing among the States cannot be maintained under these statements of the Court, if title to the submerged lands is to be transferred to a few coastal States.

THE UNITED STATES GOVERNMENT AS TRUSTEE

The character of this property leads logically to the question of the manner in which this property is held by the United States and the relation which the possessor bears to the States collectively and the people for whose benefit it is held.

As hereinbefore stated in the California case, not only has acquisition of the 3-mile belt been accomplished by the National Government, but protection and control of it is a function of national external sovereignty.

Sovereign right, as defined in Black's Law Dictionary, third edition, is as follows:

> A right which the State alone, or some of its governmental agencies, can possess, and which it possesses in the character of a sovereign, for the common benefit and to enable it to carry out its proper functions.

It, therefore, appears that where the protection and control is a function of national external sovereignty, it is a function and control for the benefit of all. In other words, a trust relationship arises wherein the United States holds the 3-mile belt by its sovereign right and for the benefit of all of the people.

The nature of the property, which distinguishes it from property owned in fee, is discussed in *Illinois Central Railroad* v. *Illinois* (146 U. S. 387). The Court stated that—

> The title to the land under the navigable waters of Lake Michigan is a title held in trust for the people of the State that they may enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein freed from the obstruction or interference of private parties. The interest of the people in the navigation of the waters and in commerce over them may be improved in many instances by the erection of wharves, docks, and piers therein, for which purpose the State may grant parcels of the submerged lands. And, so long as their disposition is made for such purpose, no valid objections can be made to the grants. * * * But that is a very different doctrine from the one which would sanction the abdication of the general control of the State over lands under the navigable waters of an entire harbor or bay, or of a sea or lake.
>
> Such abdication is not consistent with the exercise of that trust which requires the Government of the State to preserve such waters for the use of the public. The trust devolving upon the State for the public, and which can only be discharged by the management and control of property in which the public has an interest, cannot be relinquished by a transfer of the property. The control of the State for the purposes of the trust can never be lost, except as to such parcels as are used in promoting the interests of the public therein, or can be disposed of without any substantial impairment of the public interest in the lands and waters remaining. It is only by observing the distinction between a grant of such parcels for the improvement of the public interest, or which when occupied do not substantially impair the public interest in the lands and waters remaining, and a grant of the whole property in which the public is interested, that the language of the adjudged cases can be reconciled. * * * A grant of all the lands under the navigable waters of a State has never been adjudged to be within the legislative power: And any attempted grant of the kind would be held, if not absolutely void on its face, as subject to revocation.

The above case, which is quoted somewhat at length, shows clearly the trust relationship that exists between a State and the people. It is established that the Government of the United States exercises possession and control over the 3-mile belt for the benefit of the United States as a whole, so that the distinction between its position over such property is not different from the relationship which existed between the State of Illinois and the people of that State in the Illinois Central case.

The Court, in the Illinois Central case, went on to point out that—

> The decisions are numerous which declare that such property is held by the State, by virtue of its sovereignty, in trust for the public. The ownership of the navigable waters of the harbor and of the lands under them is a subject of public concern to the whole people of the State. The trust with which they are held, therefore, is governmental and cannot be alienated, except in those instances mentioned of parcels used in the improvement of the interest thus held, or when parcels can be disposed of without detriment to the public interest in the lands and waters remaining.

It will be noted that such property is held by the State by virtue of its sovereignty in trust for the public so that the character of the property, together with the use for which it is held, establishes the trust relationship. The 3-mile belt, as has been decided in previous cases, is held by the Government for the revenue, the health, and the security of its people from wars waged on or too near its coast.

There is a definite obligation of the United States Government to hold that property for those purposes. Any measure which would, in any way, interfere with such obligation would be a relinquishment or abandonment of the trust.

> The State can no more abdicate its trust over property in which the whole people are interested, like navigable waters and soil

under them, so as to leave them entirely under the use and control of private parties, except in the instances of parcels, et cetera, * * * than it can abdicate its police powers in the administration of Government and the preservation of peace (*Illinois Central R. R.* v. *Illinois*, cited *supra*).

And likewise in *People* v. *Kirk* (45 N. E. 830), it is stated:

> Title to and dominion over lands beneath the navigable waters of the Great Lakes are in the States respectively, within whose boundaries such lands are located, each State holding the fee thereof in trust for the people for the purpose of navigation and fishing. * * * It is true that the State, holding the title to the lands covered by the waters of Lake Michigan does not hold such title subject to barter and sale, as does the United States its public lands: But the State holds the title in trust in its sovereign capacity for the people of the entire State, for the purposes of navigation and fishing. The governmental powers of the State over these lands cannot be relinquished or given away. The trust imposed upon the State must be kept and faithfully observed.

The United States of America holds no different position as to the 3-mile belt of coastline of the United States than does the State heretofore discussed in its ownership of the beds of Lake Michigan. The property herein dealt with must be considered to be held by the United States Government in trust for the benefit of all its people and, to relinquish to any particular State or States its sovereignty, would be to violate the trust heretofore imposed.

CONCLUSION

From an analysis of these cases, it must be clear that any legislation by the Congress which would diminish the collective sovereignty of the United States would violate the Constitution. It must also be clear that legislation which would increase the political rights and sovereignty of a few States at the expense of the others would be a violation of the equal-footing compact between the Nation and the States which it admitted to the Union. Senate Joint Resolution 13 would also violate the trust relationship existing between the United States as a governmental unit and the people of the Nation who constitute the true beneficiaries of the trust, for the trust contemplates this 3-mile belt as a unit of protection for all the people of the United States, for which the Government is always responsible to the people and which it may not relinquish.

The property involved in Senate Joint Resolution 13 is so intrinsically different from that ordinarily transferred by the Federal Government that it cannot be constitutionally transferred by virtue of the delegated authority of article IV, section 3, clause 2 of the Constitution.

EDITORIAL FROM ST. LOUIS POST-DISPATCH AND COMMUNICATIONS RECEIVED BY SENATOR MORSE IN OPPOSITION TO SENATE JOINT RESOLUTION 13

Mr. MORSE. Mr. President, the editor of the St. Louis Post-Dispatch, Mr. Irving Dillard, whom I regard as one of the greatest newspapermen in America, and who is the editor of what I consider to be the greatest newspaper in America, insofar as objectivity both of news reporting and inspiration of editorial content is concerned, sent to me the galley proof of the lead editorial which was published in yesterday's—Sunday's—edition of the St. Louis Post-Dispatch. It is my pleasure, Mr. President, to ask that the editorial be printed as a part of my remarks in the body of the RECORD. It deals with the fight the little band of liberals have put up in opposition to the pending measure. The title of the editorial is "A Lot Has Been Gained." In behalf of the opponents of the pending measure, I wish to express our deep appreciation to Mr. Irving Dillard for the analysis both of the pending measure and of the position of opponents of the measure, as set forth in the editorial.

The PRESIDING OFFICER. Is there objection?

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

A LOT HAS BEEN GAINED

As agreed last week, the Senate will vote Tuesday afternoon on the Holland bill to establish title to offshore oil lands in the States. There is little, if any, question as to the outcome. Judging by the tests on amendments, the vote will be overwhelmingly for handing over this great natural resource to Texas, Louisiana, and California—at the expense of the taxpayers in the 45 other States.

What, then, was the good of the month-long fight of some 25 Senators—approximately one-fourth of the membership—against the giveaway bill? What has been achieved?

The answer is that a lot has been gained. As Senators HUMPHREY and DOUGLAS and HILL and ANDERSON have spoken and been succeeded on the floor by Senators LEHMAN, FULBRIGHT, MORSE, KEFAUVER, and others, countless citizens have come to know for the first time what is involved. From all parts of the country they have sent their protests to Washington. These citizens know now who is for giving away their heritage and who is fighting to save that heritage from exploitation.

The record has been made and it will be referred to time and again. This record will be an issue in the midterm election next year. It will be a factor in the court tests that will follow congressional action. Let those who will dismiss the heroic effort in the Senate as a "talkathon" or even as a "filibuster." The fact is that this has been one of the most important debates in the history of the Nation, conducted on a high plane and without delay to the work of Congress.

This last statement is at variance with comments by newspaper writers and radio commentators. It is at variance with President Eisenhower's letter to Senator ANDERSON. It is at variance with remarks such as that of David Lawrence, editor of U. S. News & World Report, namely: "Congress has been delayed in getting started on important legislation at this session because a minority in the Senate have carried on a filibuster."

What the facts are can be judged from an exchange between the Post-Dispatch and the New York headquarters of the Associated Press. Last Wednesday a news summary of the Associated Press said the offshore oil debate "has been blocking consideration of other important legislation."

Whereupon the Post-Dispatch asked the Associated Press for a list of bills ready for Senate action and being delayed by presentation of the case against the oil bill. Several messages were exchanged in the course of 3 days. Finally the Associated Press reported that "Hawaiian statehood, reciprocal trade and supplemental appropriation bills" were "expected to clear committees momentarily," but conceded that there was no logjam.

We are pleased to report this correction by the Associated Press. For it is bad enough to have Majority Leader TAFT and others who know better talking about a logjam that does not exist. But is infinitely worse when news facilities—on which the people must depend for accurate information—fall for such patent propaganda.

If any further evidence is needed that a lot of hokum has been pumped out to the country about delay to the Eisenhower program, it can be found in the leading item in the current Newsweek's Periscope. Newsweeks say that GOP leaders are worrying because they have done so little to advance administration bills and that Hawaiian statehood is being moved up on the agenda, in effect, to make this situation look better.

Since the GOP-controlled Senate committees have no bills of consequence ready to pass, the majority leadership actually owes the opponents of offshore oil giveaway a vote of appreciation for using time that otherwise would have been almost entirely wasted. But the greatest debt of all to the 25 Senators is the one owed by the American people.

This fight already has a sure place in history. And what is lost now can be won back in the future.

Mr. MORSE. Mr. President, I also ask to have printed at this point in the RECORD certain other letters, telegrams, and editorials in support of the position which I have taken in opposition to the pending measure.

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

PALM BEACH, FLA., *April 30, 1953.*

Hon. WAYNE MORSE,
United States Senate,
Washington, D. C.

DEAR WAYNE: I cannot resist the impulse to write you a note of congratulation upon the fine public service you rendered in the tidelands matter.

Of course you were eternally right and the manner in which you handled your part in the debate, including your last great speech, is quite beyond praise.

The whole episode will live in history. Your wisdom, foresight, and statesmanship will not be forgotten. I hope the vindication will come before it is too late. In any event you have spoken—and spoken greatly—in behalf of millions of your countrymen.

With high regards,

Sincerely,

HOMER CUMMINGS.

PORTLAND, OREG., *April 28, 1953.*

Senator WAYNE MORSE.

DEAR SIR: We want you to know that we are with you 100 percent on your stand on the tidelands oil debate. We believe this revenue could be very well used for the schools or on the national debt. We have always approved of your stand on controversial legislation and wish that we could say as much for the senior Senator of Oregon. Hope to vote for you again in 1956.

Yours truly,

ALBERT F. KITTRELL.
NANCY C. KITTRELL.

SALEM, OREG., *April 30, 1953.*

Hon. WAYNE MORSE,
United States Senate,
Washington, D. C.

DEAR SENATOR MORSE: My husband and I would like to let you know that we certainly appreciate your efforts on account of

Pages 4410 – 4428

Intentionally omitted

industry of the West coast, with special reference to your own home town, Eugene, Oreg., brought to mind the March 1953 issue of our monthly publication—Retail Clerks Advocate.

Containing, as it does, a quotation from a speech by Abraham Lincoln on the cover and a sketch-pad article about Eugene within its pages, it seems to be appropriate that I send you the enclosed copy of that issue.

While doing so, permit me to express to you my personal appreciation and high esteem of your magnificent courage and integrity. Your firm devotion to the cause of liberal government for the people of America, and your unceasing and alert attention to the welfare and interests of all the little people of these United States, will surely be long remembered by your countrymen as a true example of man's responsibility to man.

Most sincerely yours,

JOHN L. PHILPOTT,
Washington Representative.

TOPEKA, KANS., *April 28, 1953.*

DEAR WAYNE: I am a Morse telegrapher and I think we need more Morse men like you in the Senate.

GLENN D. BAKER.

MONROE, N. Y., *April 27, 1953.*

Senator WAYNE MORSE,
United States Senate,
Washington, D. C.

DEAR SENATOR MORSE: An old saying that I first heard many years ago is along the lines that, "People who live in glass houses should not throw stones" (I have windows in my house) because someone might throw the stone back. (I had that happen last Halloween night when the plate glass in my front door was broken.)

In reading yesterday's New York Times, it states that the Senate crowned you as their new speaking champion because of your talk on the offshore oil bill. This letter is not intended as a criticism or to find fault in any way, shape or manner, but I remember the time when J. P. Morgan was attending a railroad meeting and the president of the railroad suggested that one of the very little stations have its name changed. Morgan replied, "To what?" The president answered that no name had been picked out, whereby Morgan moved that the meeting be adjourned until the president knew what he wanted.

This may seem far-fetched, but to the ordinary run of Americans, and I believe to people in other countries, some of the business methods in Washington are beyond understanding. A rule for writing a letter is that to have it given attention, it should not be more than a page in length and the pertinent part should be in the first sentence. If a member of a board of directors of any of the big companies should attempt to give a talk lasting many hours, it is doubtful if he would be a member for very long.

I have personally sat in the gallery of the Senate Chamber and also the House of Representatives and I have seen so few Senators present while a speech was being made that it seemed amazing. As to the House of Representatives, I have seen so much confusion and talk that hardly anyone could hear what was being said and for the calling a vote for something before the House, the length of time wasted through not using an electrical recording device is also not understood by many visitors to the gallery. I have watched little board meetings that conducted the business of the village so orderly and so promptly that there is no comparison between Washington and Pochunk.

Yours very truly,

R. W. SMITH.

O TIDELANDS, MY TIDELANDS

(By Abram Eisenman)

Bubble, bubble, trouble and toil,
Who owns our water, soil, and oil?
The 48 States in sovereign isolation,
Or the 150 million people of this great Nation?

What is this local-yokel's appeal?—
Cogs to be bigger than the wheel?

What is this new States rights law of geography,
That extends Florida and Texas 10 miles out to sea?

O take our great Federal power,
O Dwight David Eisenhower,
And on every ballot's tide,
Divide, divide, divide!

Split this great Nation into the fragmentation
Of 48 units in supreme isolation,
Turn back progress without commotion,
Make Florida and Texas part of the ocean!

Sail on, O Union, strong and great,
In spite of selfish men in every State,
Sail on, O Captain, in thy raft,
Powered by Senator ROBERT A. TAFT,
And when you've stripped the Federal Government of power,
What will be history's verdict of President Eisenhower?

"A nice guy who fronts for Mr. TAFT,
Plays golf with shiny sticks,
But, in the world of politics,
Can't tell his fore from aft."

LANSING, MICH., *April 28, 1953.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MORSE: Your stand against giving away our offshore oil lands is encouraging to those of us who are concerned about the trend of our present Government.

From May 9 through May 12 I am going to be in Washington on a vacation and would like the opportunity to meet you if possible. Naturally I realize that you are very busy and if it is not possible to meet you I will understand. At any rate, it is pleasant to know that there are still a few men in public office who really believe in democracy and who are not afraid to fight for it.

Wishing you good health and success in your political undertakings, I am

Very truly yours,

BETH LANGWORTHY
Mrs. Beth Langworthy.

AUSTIN, TEX., *April 25, 1953.*

DEAR SENATOR MORSE: We cannot help trying to express directly our admiration, not only for your recent stand against tideland oil giveaways but also for your courageous, independent stand since the beginning of the Taft-Eisenhower coalition.

When you run for reelection I am sure we shall be able to take up a small collection of contributions to your campaign fund from Texans who realize where our national resources are really going. Meanwhile, personal thanks for representing our point of view, which our own party's Senators have often failed to do.

Sincerely,

Mr. and Mrs. DON BARTLETT.

THE BRYAN TIMES,
Bryan, Ohio, April 27, 1953.

Senator WAYNE MORSE,
Washington, D. C.

DEAR SENATOR: I certainly appreciate your effort to prevent Congress from giving away the greatest gift in all of history. With 40 more Morses, Humphreys, and Douglases, and some others, this would be a better country.

Yours,

CASS CULLIS.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
New York, N. Y., April 29, 1953.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D. C.

DEAR WAYNE: Enclosed is a copy of a telegram which was sent yesterday to sixty NAACP branches urging them to wire their Senators regarding the bill on tidelands oil.

Ever sincerely,

WALTER,
Executive Secretary.

(Enclosure)

APRIL 28, 1953.

Senate voted unanimous consent today to vote Friday on bill giving tidelands oil to Texas, Louisiana, Florida and California which our Senate friends like LEHMAN, HUMPHREY, MORSE, and DOUGLAS characterize as greatest giveaway in human history. They propose using money for education and other advantages to all people of United States. National office urges you telegraph your Senators and get as many other organizations and individuals do so urging them vote against Holland bill and for Lister Hill amendment to use tidelands oil money for public education. Immediate action imperative. We are counting on you.

WALTER WHITE.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed at this point in my remarks my amendment to the pending joint resolution, lettered "D," about which I have just spoken to the Senator from Florida and the Senator from Texas, the sponsors of the pending measure. I hope that, between now and tomorrow, they will see fit to accept my amendment.

There being no objection, Mr. MORSE's amendment was ordered to be printed in the RECORD, as follows:

Amend section 7 so as to read as follows:

"SEC. 7. Nothing in this joint resolution shall be deemed to amend, modify, or repeal existing law pertaining to commerce and navigation, rivers and harbors, reclamation and irrigation, national defense and international affairs, including but not limited to the acts of July 26, 1866 (14 Stat. 251), July 9, 1870 (16 Stat. 217), March 3, 1877 (19 Stat. 377), March 3, 1899, chapter 425, section 10 (30 Stat. 1151), June 17, 1902 (32 Stat. 388), Federal Water Power Act of June 10, 1920, chapter 285, section 39 (41 Stat. 1077), as amended, and December 22, 1944 (58 Stat. 887), and acts amendatory thereof or supplementary thereto."

Mr. MORSE. Mr. President, I see no reason why the two particular laws, that of 1899 and the Waterpower Act of 1920, should be excluded from the list of laws which are already, by specific provision, exempted from the operations of the pending measure.

I ask unanimous consent, without my taking time to repeat it, to take from the long argument I made last Friday on the pending measure certain paragraphs which appear in the CONGRESSIONAL RECORD at pages 4283 and 4284. I want the argument readily available to the Senate tomorrow, when the Senate comes to vote on my amendment.

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

In the course of the debate, on Monday, April 20, the distinguished Senator from Florida [Mr. HOLLAND] referred to section 7 of the bill, which specifically preserves all the reclamation laws of the United States and all the right of the United States

under those laws. The majority report seeks to impart the same assurance. However, the enumeration of laws preserved unimpaired by section 7 is, in my judgment, incomplete. Two significant ommissions—the act of 1899 and the Federal Water Power Act of 1920—would be specifically added to this section by the proposed amendment which I shall send to the desk shortly and ask to have printed and await the action of the Senate when I call it up on Monday. I respectfully submit that the enumeration of laws as presently contained in the joint resolution is incomplete, and, as I have indicated, it is also incomplete in the report. In such circumstances I think the good old Latin maxim, e judsem generis exclusio unius, applies; in other words, any member of a class not included in an enumeration is deemed to be excluded intentionally. That is the essence of my argument, Mr. President. I believe it is a legal principle that courts are most likely to follow. Courts look at the sections of a bill and see what was included, and then they apply the old Latin principle that what was excluded was presumptively excluded intentionally.

Certainly the Senate does not want to enact subconscious legislation. We should not take the chance that Senate Joint Resolution 13 will, without the knowledge of the Congress, undermine existing laws. But, I respectfully submit, without the adoption of my proposed amendment, that result will easily follow.

For example, the Boulder Canyon Project Act of 1928 was largely based on the reclamation laws. However, another extremely important law in the fabric of the Federal waterpower policy established by the Congress during the last 50 years became a vital part of the Boulder Canyon Project Act, under which Boulder Dam, since renamed Hoover Dam, was constructed.

Section 4 (d) of the Federal Water Power Act of 1920 vested in the Federal Power Commission the authority to grant licenses to the various States, municipalities, individuals, and corporations for the construction of dams, powerhouses, transmission lines, and so forth, on any of the navigable waters of the United States. Section 3 of the act defined navigable waters in such a way as to include the uppermost reaches of all the rivers of the United States. The Supreme Court of the United States, in the New River case—*U. S.* v. *Appalachian Power Co.* (311 U. S. 377)—upheld this broad definition of navigable waters, thus affirming the authority of the Federal Power Commission to grant or withhold a license to construct a power dam on the uppermost reaches of a navigable river.

It is significant that section 6, paragraph 3, of the Boulder Canyon Project Act, provides as follows:

"The Federal Power Commission is hereby directed not to issue or approve any permits or licenses under said Federal Water Power Act upon or affecting the Colorado River or any of its tributaries, except the Gila River, in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California until this act shall become effective as provided in section 4 herein."

The Federal Government in this way asserted and exercised its right to control the entire upstream watershed of the Colorado River.

By the omission of the Federal Water Power Act of 1920 from section 7, Senate Joint Resolution 13 may be construed to rewrite the current definition of "navigable waters."

I believe there is that danger, Mr. President, and what I am trying to do is to plug the loopholes so as to obviate the danger when the proposed legislation reaches the stage of litigation. Believe me, Mr. President, it is going to be the subject of litigation.

I desire briefly to comment on that point. Eventually, Mr. President, the joint resolution, if it becomes law, is going to go where it ought to go—to the Supreme Court of the United States. Mr. President, it may be attempted to reverse the Supreme Court by what the Senator from Arkansas [Mr. FULBRIGHT] called legislative packing of the court; but the Supreme Court is still going to sit and function, and I think the legal shortcomings of the joint resolution are so great that when it gets before the Court it will have great difficulty in getting through the Court on constitutional grounds. When it reaches the Court I want to have it in as good shape as is possible in regard to such questions as those which I am raising today. That is why I am going to offer amendments to the pending joint resolution, and I shall ask for a vote on them.

I send forward my first amendment, and ask unanimous consent that it may be printed and lie on the table.

The PRESIDING OFFICER. Without objection, the amendment will be received and will be printed and lie on the table.

Mr. MORSE. By the omission of the Federal Water Power Act of 1920 from section 7, Senate Joint Resolution 13 may be construed to rewrite the current definition of "navigable waters."

This would constitute a grave threat to the further orderly and efficient development of the rivers of the United States, such as the Missouri River, the Connecticut River, and so on, as such development is impossible without complete control of such watersheds, all the way up to their headwaters. The construction of Hells Canyon Dam by the Federal Government might be blocked by the State of Idaho if the State through this legislation is given the right to license power sites on the Snake River.

Therefore section 7 of the pending joint resolution must be amended to include the Federal Water Power Act of 1920, as well as all other laws relating to reclamation, irrigation, and the improvement of rivers and harbors and the other areas over which Federal control is purportedly reserved by section 6 (a).

Therefore, Mr. President, I send to the desk my second proposed amendment and ask to have it printed and lie on the table, to be called up by me on Monday.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. SALTONSTALL in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDING OFFICER. Does any Senator wish to speak in opposition to the pending amendment? If not, what is the pleasure of the Senate?

RECESS

Mr. FERGUSON. Mr. President, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 53 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, May 5, 1953, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 4 (legislative day of April 6), 1953:

MISSISSIPPI RIVER COMMISSION

Brig. Gen. John R. Hardin (colonel, Corps of Engineers) to be a member and president of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved June 28, 1879 (21 Stat. 37; 33 U. S. C. 642), and section 8 of the Mississippi River Flood Control Act of May 15, 1928 (45 Stat. 537; 33 U. S. C. 702h), vice Brig. Gen. Peter A. Feringa.

COLLECTOR OF CUSTOMS

Carroll L. Meins, of Massachusetts, to be collector of customs for customs collection district No. 4, with headquarters at Boston, Mass.

COMPTROLLER OF CUSTOMS

Albert Cole of Massachusetts, to be comptroller of customs, with headquarters at Boston, Mass.

HOUSE OF REPRESENTATIVES

MONDAY, MAY 4, 1953

The House met at 12 o'clock noon.

Bishop Stephen Robinson, Reorganized Church of Jesus Christ of Latter-day Saints, Des Moines, Iowa, offered the following prayer:

Dear Lord, our Heavenly Father, we call upon Thee for Thy blessing this morning. We are appreciative of the blessings and opportunities of life, for our great Nation, for the faithful servants of our country. We pray Thy blessing upon this assembly that these servants may be endowed with wisdom and understanding. May they seek to walk in Thy ways and observe Thy will, that the spirit of inspiration may bless their minds.

Forgive us wherein we have made mistakes. May we always be mindful of our responsibilities and trusts. Help us to be humble, full of love, courageous, and true.

May the activities of the House be blessed today.

We pay special respect to one of our Members who has served faithfully here. May Thy divine spirit be present, and may we enjoy that spirit throughout the day. Enlighten our minds with wisdom and understanding for the duties of today. In Jesus Christ our Lord we pray. Amen.

The Journal of the proceedings of Thursday, April 30, 1953, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had adopted the following resolution (S. Res. 108):

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. GARRETT L. WITHERS, late a Representative and former Senator from the State of Kentucky.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now take a recess until 12 o'clock noon tomorrow.

The message also announced that pursuant to the provisions of the above reso-

cans that they had nothing to fear under the act.

"As one phase in [our] campaign of vigilance," the letter said, "I recently stated that 10,000 naturalized persons were being investigated. * * * But these inquiries affect a minute proportional—about one-tenth of 1 percent of our naturalized citizens.

"And they are aimed only at the criminal, the subversive, and the corrupt. I wish to emphasize that the 99.9 percent of our naturalized citizens are decent, loyal, and law-abiding and do not have the slightest cause for any apprehension."

THE GREAT LAKES-ST. LAWRENCE SEAWAY—EDITORIAL FROM THE MILWAUKEE JOURNAL

Mr. WILEY. Mr. President, the Senate Foreign Relations Subcommittee on the St. Lawrence Seaway will shortly hold its final round of hearings on the waterway project when various governmental witnesses appear before us.

The Middle West in particular, and the Nation as a whole is closely watching to determine how strongly the Eisenhower administration will give its backing to this vital development and how effectively it will translate that backing.

There has never been any question of the fact that the project is basically supported by the President and his Cabinet.

We know that the administration is, of course, wrestling with the overall budget problem for our entire Government.

Admittedly, that problem is severe. But I should like to respectfully point out the budget considerations should not enter into this particular question at all. The $100 million requested for the seaway canals does not constitute even the proverbial drop in the bucket, in relation to our vast seventy to eighty billion dollar budget—even if the $100 million were to be spent all in the 1 year, rather than to be spread out over several years, as it will be.

No, there is no reason, financial or otherwise, why the seaway should be delayed for so much as 1 additional day.

The Nation looks to the Eisenhower administration, therefore, to give its support to this project with all the vigor at its command as a crucial contribution to America's economic health and military security.

Over and over again we have listened to the hackneyed antiproject arguments trotted out by the seaway opponents. Those arguments consist of nothing but a repetition of all the moth-eaten hobgoblin claims which the opponents have trumped up in the past.

One such particular hobgoblin—over the alleged inadequacy of the 27-foot depth—was discussed and refuted once again in a recent Milwaukee Journal editorial, and I send to the desk now the text of this April 18 editorial, and ask unanimous consent that it be printed in the RECORD.

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

MORE UNTRUTHS AGAINST SEAWAY

The National St. Lawrence Project Association, backed strongly by the coal and rail interests which are fighting to block the Great Lakes-St. Lawrence Seaway, continues to send out its stream of misleading information.

A current bit of propaganda revives the old untruths that "only about 4 percent of American privately owned oceangoing vessels would be able to operate" in the proposed 27-foot channel of the seaway, and, the contention continues, "less than 20 percent of world tonnage would be able to do so."

What's the truth of the matter? First; all but the largest of ocean vessels—and practically all cargo vessels—can now travel 1,000 miles from the ocean to Montreal. Given a 27-foot channel westward, almost every type of ocean vessel in the American merchant fleet, except supertankers and the very largest ocean ore boats, could use the proposed seaway with profitable pay loads. In 1951 there were 3,425 vessels in the United States merchant fleet. About 326 of them could use the 27-foot channel fully loaded.

If ships outbound picked up their full load of fuel at Montreal and ships inbound went through the seaway with light fuel loads—as they would, having used up much fuel on the ocean voyage—75 percent of the merchant fleet could use the seaway.

The proposed seaway locks will have a minimum clearance of 30 feet over their sills and up to 35 feet. If the seaway channel were dug to 30 feet—which would entail nothing but dredging—67 percent of the merchant fleet could pass fully loaded.

But few ships travel with capacity loads. In 1949 there were 15,193 vessels checked in transit on New York's Hudson River. Of that number, only 222 inbound and 345 outbound drew more than 27 feet of water. Best estimates are that 92 percent of the world's merchant fleet could use the seaway with profitable pay loads—some under any load conditions and the rest with normal loads, which seldom require full draft.

Seaway capacity a "hoax" as the National St. Lawrence Project Association calls it? The "hoax" is in the distortion of the seaway story that the association spreads.

ANNIVERSARY OF POLAND'S CONSTITUTION, 1791

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement which I have prepared relative to the anniversary of Poland's Constitution of 1791.

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

STATEMENT BY SENATOR HUBERT H. HUMPHREY ON ANNIVERSARY OF POLAND'S CONSTITUTION OF 1791

As persons of Polish ancestry throughout the world once again commemorate the 3d of May, they do so with sorrowful realization of the fact that Poland is once again under the heel of Russian tyranny. Like many a 3d of May in the past, this one, too, must unfortunately be dedicated not to the celebration of freedom but to a protest against the subjugation of the proud and independent people of Poland by the ruthless imperialist power to the east.

Yet, to the people of Poland, subjugation of the body has never meant subjugation of the spirit. From the days when Thaddeus Kosciusko, a hero of our own Revolutionary War, as well as a national hero of Poland, led the forces of Poland against Russia, the Russian overlords knew no peace. Through more than a century of continuous struggle, Poland finally won its way to ultimate victory.

But this period of freedom and independence was short-lived. It is a tragic fact that due to the treachery of Soviet Russia, the war into which the Allied Powers entered to preserve the integrity of Poland failed to achieve that result. Thus, since the dark days of September 1939, Poland has not known freedom. Still, like on many another dark 3d of May, the Polish people will again proclaim, in the words of their national anthem, that Poland is not lost. And with the help of God, their just cause will ultimately triumph.

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. BUSH. Mr. President, I ask unanimous consent that a statement I have prepared with respect to Senate Joint Resolution 13 be printed at this point in the RECORD.

There being no objection, Mr. BUSH's statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BUSH

The question of whether the States or the Federal Government should own the submerged lands off our coasts has now been thoroughly explored on the Senate floor. After giving careful consideration to the many arguments, for and against, which have been presented, I have voted to support Senate Joint Resolution 13, which would restore to the States ownership of the submerged lands within their historic boundaries.

REASONS COMPELLING SUPPORT OF SENATE JOINT RESOLUTION 13

Among reasons compelling my support of the resolution are these:

1. A moral principle was involved. Resources in the disputed area—the submerged lands seaward from the low-water mark to the historic boundaries of the States—have been developed in good faith under State control. Many decisions of the United States Supreme Court, from the earliest times in our history until very recently, justified a conviction that the States owned this area. It was not until 1947 that a divided Supreme Court upset the long-established legal doctrine of State ownership. In so doing, the Court ignored considerations of equity. For that reason, in my judgment, the Court decided wrongly and the Congress should do justice to those who relied in good faith on the law as it was before the 1947 decision. It's a simple question of right and wrong.

2. Moreover, the present Supreme Court's decisions in the three cases which precipitated this controversy hold dangerous implications for those who believe that our constitutional system is one of shared powers between the States and the Federal Government. If extended to their logical conclusions, they could lead to all-powerful Federal Government. If the Federal Government can take these submerged lands because, as the Court suggests, it may one day need, for national defense purposes, the oil which may be produced, it is difficult to see why it could not take any land—anywhere, in any State—in which an important resource is located. As Mr. Justice Frankfurter said, in dissenting in the California case, "The fact that these oil deposits in the open sea may be vital to the national security, and important elements in the conduct of our foreign affairs, is no more relevant than is the existence of uranium deposits, wherever they may be."

3. It is important that this question be settled. This is not a new issue. Previous

Congresses have repeatedly taken the stand that these lands belong to and should belong to the States. President Eisenhower has urged that this Congress enact legislation restoring to the States the lands within their historic boundaries. The governors of nearly all the States and the attorneys general of nearly all the States have asked for this legislation. Its enactment is needed to end the confusion created by the Supreme Court's decisions and to make possible full development of the resources in the submerged lands. It should be recognized that the Congress has a constitutional duty to perform in settling this vexatious question.

4. Important rights of all the States were involved. The decisions of the Supreme Court in these cases left in a confused and unsettled state many questions of great importance in property law. Although denying the claims of the States to the disputed area, the Court refused to declare that the Federal Government had any proprietary rights therein. The attorney general of the State of Connecticut, the Honorable George C. Conway, has stated that these decisions have cast doubt on our State's right to control important activities in Long Island Sound. Similarly, Mr. Robert Moses, city construction coordinator and commissioner of parks in New York City, has said that the Supreme Court has created an intolerable situation by casting "a cloud on the city's title to the submerged lands and reclaimed lands on which its piers, many of its recreational facilities, and other waterfront improvements stand." The shore-front property in the coastal States, built on reclaimed or filled-in land seaward of the low-water mark, which was adversely affected by these decisions, is valued at many millions of dollars.

5. As a matter of policy, the public interest in the development of the resources in the submerged lands can best be served by State ownership. As it was said in the report of the Senate Committee on Interior and Insular Affairs, "Considering the untold millions of dollars of economic wealth represented in the port and harbor developments of our great coastal cities, in the recreational, residential, and commercial areas of Boston Harbor, Long Island, Staten Island, New Jersey, Florida, and California, and elsewhere, and the beginning of the development of the undersea oil and gas deposits within State boundaries off the gulf and Pacific coasts, the committee majority is firmly convinced that the State ownership under which all of these and many other developments have been achieved should be continued in the public interest and in the furtherance of our Federal-State system."

6. In assigning to the States what should be rightfully theirs, Senate Joint Resolution 13 protects the legitimate interests of the Federal Government. The resolution reserves the rights of the United States in the natural resources located in the Continental Shelf seaward of the States' historic boundaries, an area in which oil deposits may be discovered. It provides that in time of war or when necessary for national defense, the United States shall have first claim to purchase the oil and other resources in the submerged lands within State boundaries and may acquire such lands by condemnation if need be. It makes it clear that the United States retains paramount rights to regulate and control the entire area seaward of the low-water mark for the constitutional purposes of commerce, navigation, national defense, and international affairs.

THE HILL AMENDMENT

I voted to table the Hill amendment, the so-called oil-for-education proposal, for two reasons:

1. It was essential to attempt to check the irresponsible filibuster which delayed for far too long the orderly business of the United States Senate. It is ironic that those who in the past have loudly proclaimed their opposition to the filibuster had no hesitation in employing this undemocratic parliamentary device when it suited their own purposes. Their tactics have delayed action on legislation of the highest importance to the people, including the bill intended to give President Eisenhower authority he will need to curb inflation should we find ourselves in the future in a period of grave national emergency. The filibuster by self-styled anti-filibusterers also has set back immeasurably the efforts of those of us who are seeking changes in the Senate rules to impose reasonable limitations upon debate.

2. The Hill amendment, in itself, was an unsound and demagogic attempt to confuse the question of ownership of the submerged lands with that of Federal aid to education. The latter should be an entirely separate problem. How far we wish to go in the field of Federal aid to education deserves careful and thoughtful study. In some cases it can be justified. To take one example: I have voted for appropriations with which the Federal Government will reimburse towns and cities for the extra expense involved when activities of the Government itself impose an extra burden on local school systems. There may be other special cases where Federal grants can be justified. But whether we wish to embark on an all-out program of peacetime Federal grants for education is a question which raises serious doubts. Such a program could lead to Federal control of education; and I'm against that.

The Hill amendment was a carefully calculated political device intended to arouse emotional support for those who advocate extension of Federal power at the expense of the States. It deceived many well-meaning people who are seriously and properly concerned about the increasing burden upon local communities and States imposed by the rising costs of education. In my judgment, a careful examination of the debate on this deceptive proposal exposes its fallacies.

Propagandists for the Hill amendment have circulated fantastic estimates of potential governmental revenues from the submerged lands. These propagandists would deceive the people of Connecticut—if they could—into believing that they have hundreds of millions of dollars at stake. Nothing could be more false.

It must be remembered that we are dealing with potential reserves. They lie under water where exploration and development present tremendous obstacles. Government geologists have testified that much of the oil is not recoverable by known methods.

Moreover, even if we consider potential reserves we must recognize that 83 percent are located seaward of the States' historical boundaries. Government geologists have estimated that the total potential oil reserve in the entire Continental Shelf is 15 billion barrels. Of this, only 2.5 billion barrels are within the States' boundaries. These figures clearly demonstrate the gross exaggerations made by the propagandists for the Hill amendment, and, if reduced to dollar expectancy over a period of years ahead, they would show Connecticut's share of this phantom money to be infinitesimal.

In the unexplored areas of the Continental Shelf, the location and development of these resources will involve great risk and expense. This work will be done in the future, as it has been in the past, by private enterprise under royalty leases from governmental agencies.

In that area of the Continental Shelf which is properly under control of the United States, the resources may be so developed as to benefit the entire Nation. Whatever revenues may be forthcoming from leases of the submerged lands in that area should go into the National Treasury.

What use we should make of the money should be decided in the light of conditions as they then exist. There is danger in earmarking these revenues in advance. If we set them aside for education, we may be ignoring other needs which may be more pressing at the time—health and welfare, to name but two examples. In any event, the past history of Federal grants to the States, and the exercise of the Federal taxing power to make possible those grants, gives rise to serious doubt that there would be any real benefit to Connecticut in a program of that kind.

On the other hand, if these funds are placed in the National Treasury they may be used for tax reduction, so urgently needed and greatly desired by us all.

Mr. HILL. Mr. President, in the Washington Star last night there appeared an article entitled "Tidelands Fight Is Not in Vain," written by Thomas L. Stokes. As the title indicates, this relates to the measure now pending before the Senate, and I ask unanimous consent that it be printed in the RECORD.

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

TIDELANDS FIGHT IS NOT IN VAIN—OPPONENTS BOUND TO LOSE BUT EXPOSE GREEDY INTERESTS SETTING OUT TO EXPLOIT OUR NATIONAL RESOURCES

(By Thomas L. Stokes)

Unfortunate as it is that the first major legislation of the Eisenhower administration is the bill giving offshore oil lands to the States, nevertheless it is fortunate in a way that this issue so deeply affecting our whole natural resource policy was raised and explored this early in the new regime.

For it did give a bold and determined group in the Senate, which fought in vain for Federal control, an opportunity to expose how certain powerful interests have planned to capitalize this administration for their own special benefit, if possible.

Oil was behind this raid on the marginal sea part of our national domain. Now other special interests—lumber, mineral, private utilities—are ready to pressure Congress to hand over other public land and water resources to the States where they anticipate they can exploit such resources more easily. They use the offshore oil example as a precedent.

This threat is embodied in bills now pending.

There is every indication that, so far as the public is concerned, this battle over our natural resources may become the dominant issue of the Eisenhower era. There is a clearly planned campaign to reverse the trend of the last half century, started by Theodore Roosevelt, who began to set aside parts of our domain to protect this valuable natural heritage from the plundering that he found going on when he became President. He and other Presidents since sponsored laws which seek to preserve these lands and develop them in a way that will best conserve our resources.

Luckily for the public, it discovered in the offshore oil land fight in the Senate that there is a group, including both Democrats and Republicans, which is fully aware of the long-range significance of the gigantic raid on our natural resources in which the offshore oil bill was the first step. This same group will be ready to contest further steps which will involve public lands in interior States.

This group is due great credit. It fought against great odds. It knew in advance that it was almost bound to lose, unless a miracle happened. It knew how great had been the contribution of oil to the Eisenhower campaign, and it saw the bargain signed and sealed with the Republican candidate's pledges in the campaign to put through a State ownership bill. It learned very soon after the new President took office that he would stand by his campaign promise.

But this indefatigable group in the Senate did succeed in alerting the public to

degree. This became manifest in letters that poured in upon Senators. As a result, the public should be more conscious of what is at stake and should be able to recognize the next moves, for they have been pointed out in advance in the lengthy debate over the offshore oil bill.

A familiar pattern has developed in the Senate that is reminiscent of something else that happened quite a while ago now. The minority in the Senate which stood up so valiantly against the offshore oil giveaway recalls that other minority of another era, compounded likewise of both Democrats and Republicans.

Mr. TAFT. Mr. President, I do not see the necessity for delaying the debate further by calling a quorum at this time. A quorum call will be had at 2 o'clock. If we do not call a quorum at this time there will be available 50 minutes for debate on each side, which is somewhat less time than was anticipated. I hope Senators may proceed with the debate and conclude it within that time. If not, later on, if a request should be made for an extension of time, we may be able to arrange for a slight extension.

Mr. MURRAY. Mr. President, I thank the majority leader for his generosity.

Mr. President, when this debate is closed and final action has been taken to make Senate Joint Resolution 13 the law of the land, the American people, with heavy hearts, will look back upon the course of this debate. They will wonder what evil spirit has possessed this great deliberative body that could induce it to give away the vast natural resources involved in this measure while, at the same time, our country is threatened with bankruptcy and ruin by an overwhelming national debt.

They will wonder why a country like the United States, that claims to be the most progressive and farsighted nation in the world, would not take advantage of the opportunities here afforded to build up our national education system so as to give the children of this country an opportunity to prepare themselves for the great future which awaits our country as the foremost industrial power and greatest moral force on earth.

It is obvious that this bill sacrifices this great opportunity to preserve the resources of our country, to meet the problems of our national debt, and to prepare the youth of this great land for the future that awaits them. History will record that the defeat of the Hill amendment will be one of the greatest mistakes we have ever made.

Mr. President, it is a matter of profound disillusionment to me that the supporters of Senate Joint Resolution 13 have dodged the issues and refused to enter into honest debate and answer the serious charges that have been made on this floor during the past weeks. The proponents of this measure have studiously ignored our contention—supported by the Republican Secretary of State himself, the Honorable John Foster Dulles—that the passage of this measure recognizing State boundaries beyond the 3-mile limit would encourage extravagant boundary claims by Russia and other nations.

They have produced not a scintilla of evidence to answer our contention—supported by the present Attorney General himself, the Honorable Herbert Brownell—that the passage of this measure would result in protracted litigation in the courts and in the failure to develop with dispatch oil resources which are needed to promote the national security of our country.

Mr. President, in another sense, they have failed to live up to the high traditions of senatorial debate. Their performance, Mr. President, is a low-water mark in the history of this great deliberative body.

While a large section of the press has gone to considerable extremes to inform their readers that we have been talking at length and to charge us with trying to prevent a vote on the measure—which we have never tried to do—the press has, at the same time, shied away from giving a factual report on what we have been saying.

Where we have presented cold facts and documented analyses to prove that this measure is a legislative monstrosity, the press has repeatedly maintained a stony silence.

When the papers have given reluctant attention to our remarks, they have usually done so in abbreviated stories buried in the back pages.

But the people of this country, Mr. President, are nevertheless beginning to find out that this bill is a legislative monstrosity. Let me read briefly from only 3 of the many letters which I have received protesting the passage of this giveaway measure.

These 3 letters, let me point out, come from residents of the 3 States of Texas, California, and Louisiana.

The first letter is from a man in Dallas, Tex., who says:

> I am a native citizen of Texas, and I know something of the tideland-oil issue in Texas. I think that the oil should belong to the people of the United States and not just 3 States, regardless of any previous treaty. In this modern age, this atomic age, what can 1 State do to protect itself against the world as now organized?

The second letter comes from a man in Tarzana, Calif. This writer makes the following comment:

> Do rank and file Texans and Californians believe by any wild stretch of the imagination that the State and its people will stand to benefit, except perhaps indirectly by taxes? The big oil interests are the ones who will benefit.

The third letter is from a union official in New Orleans, La., who strongly urges support of the oil-for-education amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in connection with my remarks the 3 letters to which I have just referred, from residents of Texas, California, and Louisiana.

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

DALLAS, TEX., *February 25, 1953.*

DEAR SENATOR: "I am a native citizen of Texas and I know something of the tideland-oil issue in Texas. I think that the oil should belong to the people of the United States and not just 3 States, regardless of any previous treaty. In this modern age, this atomic age, what can 1 State do to protect itself against the world as now organized?"

Please vote to keep the oil for use of all the people of the Nation.

Very truly yours,

T. C. SETTLE.

TARZANA, CALIF., *February 22, 1953.*

Senator JAMES E. MURRAY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MURRAY: I have followed the tidelands-oil controversy with considerable interest, and have some thoughts on the subject that may be of help to you in your efforts to keep these valuable lands in the public domain.

Candidate Eisenhower came out for State ownership, I believe, primarily to help carry California and Texas. I do not recall that he ever gave any reasons beyond, "I'm for State ownership."

It was one of the big campaign pledges, and many Republicans who might normally be against State ownership of the lands, will be tempted to vote the other way just to save face for the President. This point should be brought out in all its political bluntness.

"Do rank and file Texans and Californians believe by any wild stretch of the imagination that the State and its people will stand to benefit, except perhaps indirectly by taxes? The big oil interests are the ones who will benefit."

If States in question claim the oil and other possible resources for themselves, perhaps they should be thinking about certain other logical corollaries. Would California and Texas, for example, want to establish their own navies and coast guard groups, their own coast and geodetic surveys, their own bureaus of fisheries, and the other Federal services extended to States bordering on oceans?

The matter of course should not properly be thought of in such narrow and limited terms, because a fleet of vessels that protects Washington, Oregon, and California, also protects Montana, Nevada, Idaho, not to say Kansas and Missouri. However, if the people who are so vocal about States rights in this matter were confronted with the cost of the maintenance of Federal services which benefit them most immediately and most directly, and then compare it with the relatively small revenue gained by the Federal Government in return, I think that the inland Members of the Congress might be made to feel that their States were contributing more to support Federal coastline services than any possible share of the tidelands-oil revenue that might come to their States in the form of benefits to education.

They wouldn't mind this so much, unless they realized that they might be taxed to help other poor States for educational and other purposes if tidelands-oil revenue were not made available for the purpose. Good luck.

WAYLAND D. HAND.

INDUSTRIAL UNION OF MARINE AND
SHIPBUILDING WORKERS OF AMERICA, CIO,
New Orleans, La., April 13, 1953.

Hon. JAMES E. MURRAY,
Committee on Interior and Insular Affairs, Washington, D. C.

SIR: The officers and 1,200 members of the Industrial Union of Marine and Shipbuilding Workers of America, Local 29, CIO, strongly urge your support of Senator HILL's oil-for-education amendment.

Very truly yours,

RAYMOND RADOVICH,
Executive Secretary, Local 29, IUMSWA.

Mr. MURRAY. Mr. President, I shall refrain from introducing into the RECORD the many thousands of letters of a similar nature which we have received from residents in the other 45 States, including my own State of Montana.

In the course of time, Mr. President, I believe that those Senators who vote today in support of this giveaway measure will come to realize that they have made a serious error. In due time, they will surely understand—and their constituents will certainly help them understand—that they were victimized by one of the greatest illusions ever to have occurred in our legislative history.

Today marks the end, Mr. President, of one chapter in the long history of the struggle of those who would protect the public domain against the special interests. While we who have fought the giveaway measure will not win today, we serve notice that we have just begun to fight.

New bills are in the offing to turn over to the special interests the mineral lands, the forest lands, the grazing lands, and the great hydroelectric projects which have been developed to serve all the people of our country. We shall oppose such bills with every resource at our command.

We are told that a new bill is being prepared to provide for the development of the offshore mineral resources on the Continental Shelf beyond the so-called historical boundaries.

Although I have not yet enjoyed the privilege of seeing this new measure, I am informed that it will probably attempt to give three States the right to levy taxes on the offshore oil and gas produced on the Continental Shelf in the area which is supposed to be left under the complete control of the Federal Government.

If the new bill does indeed contain provisions authorizing such a raid upon the Federal domain, I suggest that its proponents pause, think carefully, and not be misled by the number of votes they may obtain today. If they offer a measure of this type to deal with offshore mineral reserves under Federal control, they will indeed learn that we have just begun to fight.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article by William M. Blair, appearing in the New York Times of Sunday, May 3, 1953, pointing out that the future of our Federal resources is involved in this debate.

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

FEDERAL LANDS' FUTURE IS RAISED IN OIL DEBATE—IN OFFSHORE CLAIMS OF STATES IS SEEN A THREAT TO NATURAL RESOURCES

(By William M. Blair)

WASHINGTON, May 2.—The administration's efforts to turn over to the States the rich offshore oil reserves have raised the bigger question of whether such action would be the first step in a giveaway of the country's western public-land wealth.

There has been increasing speculation that once the States gained control of the seaward reserves they would turn their attention to the mountains and the forests, major target of some industrial interests because of the tremendous reserves of timber, minerals, water and waterpower, and grazing rights. The western public lands also contain untapped oil reserves still unestimated in value.

The offshore-oil issue, coupled with shake-ups in the Department of the Interior, guardian of the vast stores of western natural resources, has alarmed professional conservationists and partisans. And this concern has not been tempered by administration pronouncements that there is no intention of letting go of the public wealth.

In the Western States the Federal Government owns tracts ranging from 35 percent of the total area in Washington to nearly 85 percent in Nevada. This land is administered by agencies of the Departments of the Interior and Agriculture. From the public domain comes approximately 22 percent of all timber harvested in the West. Forty-six percent of all western livestock grazes on lands supervised by Interior's Bureau of Land Management and Agriculture's Forest Service.

RESOURCE REVENUE

In 1952 Interior's Bureau of Reclamation derived $83,257,176 in revenue from its waterpower projects, including such public giants as Bonneville Dam on the Columbia River. Federal water projects irrigated land carrying crops valued at $935 million. The Fish and Wildlife Service supervises the conservation and development of the fish industry, and last year the dollar value of the catch in California, Oregon, and Washington was $97,403,492.

Receipts from timber cut under the eye of the Forest Service totaled $63,722,986 in 1952 and revenue from grazing was $5,022,654. These funds are returned to the Government, some of it direct to the Federal Treasury.

Until this year development of water- or hydroelectric power proceeded at a rapid rate. From 1945 to 1952 installed power output in the West doubled and Federal transmission lines grew from 5,000 miles to 15,000 miles.

The Roosevelt and Truman administration proceeded under a policy of strict Federal development of western lands, arguing that private enterprise sought to exploit and deplete the natural resources which belonged to all the people and not just to westerners. This is the same basic argument used by the opposition Democrats in the offshore-oil controversy.

PROTEST OF THE STATES

Opposition forces charged that the Democratic policy was based as much on political considerations as on genuine interest in conservation, that conflicts between Federal agencies slowed down orderly development of the West, and that the increasing demand for public services under the impact of population growth was becoming an excessive burden for States and communities deprived of tax money that could come from Federal lands. California alone estimated it has lost $17 million annually since 1938 because the Federal Government had acquired so much land for defense, atomic energy, and other Federal projects.

CONFLICTING VIEWS

Private or special interests have concentrated their attacks on four major natural resources areas:

Water power: Private power interests, charging wasteful and costly public operations, seek to distribute the power generated by public projects now constructed and the right to operate the power facilities in future projects. There also is an effort to change the Federal law that requires the sale of firm electric public power to such preferential bodies as rural electric cooperatives and municipalities before any may be sold to private companies.

Public power advocates contend private interests have been too slow to develop water and other power for the West; that, in most cases, private power companies have neither the inclination nor the resources to construct efficient projects. They also maintain that private sources cannot deliver cheap power to ranchers and farmers and growing western industry, that private rates often are double and triple what the Federal Government charges.

Grazing: Western stockmen contend that Federal agencies have overprotected vast areas of lush land and that, instead of keeping it in prime condition, have permitted it to go to seed. They charge the Bureau of Land Management and the Forest Service with arbitrary rulings against stockmen without court review and challenge the legality of Federal actions.

Conservationists view the stockmen as predators who once almost ruined western land by overgrazing. They allege that cattle and sheep operators want grazing rights in perpetuity, to buy, sell or barter as they wish without regard to the public interest in the lands.

BILLS IN CONGRESS

Several bills have been introduced in the Congress looking to liberalizing grazing rights. Hearings on these will start late this month.

Mineral rights: Within recent years oil and gas leases in the West have increased manyfold. New oil reserve discoveries have put a premium on leases. Private enterprise believes this is one of the greatest areas for development and that the States should have control because of possible large tax revenues. These interests see Federal restrictions almost prohibiting industrial development of major resources.

Conservationists argue that wholesale mineral-rights leasing abuses the land and tends to lay it open to erosion and eventual destruction, as in the case of the strip mining of silver, gold, and coal in the last century. Here again is the fear that private industry would overrun multiple-purpose lands and deplete their usefulness.

Timber: Lumbermen are front runners among those who favor transferring public lands to the States. They argue the Federal agencies hold down even that amount of timber production cutting that can be done without permanent injury to the forests. They say that Federal services let trees stand too long, thus choking out young growth and preventing proper forest cultivation.

Federal foresters say that the policy is to prevent stripping the forests such as has occurred outside the national forests. They say no more timber should be cut than is grown and that in most cases private interests do not plan reforestation on a long-range basis.

Secretary of the Interior Douglas McKay takes the view that protection of public lands has been Federal policy since 1902 and the days of President Theodore Roosevelt, and this policy is too strong in the public mind to be changed.

ROLE OF PRIVATE ENTERPRISE

He would, however, reduce what he believes is too much power centralized in Washington and let the States have more say in the administration of resources within their own boundaries. How far he will go in this respect has yet to be spelled out.

In the field of water power, he views public and private interests as moving along together. He believes that on the major rivers private enterprise cannot build giant and costly multiple-purpose dams because they provide flood control, irrigation, and navigation as well as power. But on the smaller streams private enterprise can and should build dams for a single purpose power. Likewise, he believes, private sources can distribute power and that in the main the Bureau of Reclamation has been doing more promoting than work.

Republican congressional views generally are in line with this view. The House Appropriations Committee, whose power-slash recommendation the House followed this week, said the "Interior Department should be concerned only with those functions or activities which private enterprise cannot or will not undertake."

Mr. HOLLAND. Mr. President, I yield such time to the senior Senator from New Jersey [Mr. SMITH] as he may require.

Mr. SMITH of New Jersey. Mr. President, I have not endeavored to take an active part in the debate on Senate Joint Resolution 13. I believed the various arguments pro and con were being adequately covered by the speakers on both sides.

However, for the RECORD, I believe I should make a brief statement, by reading into the RECORD a communication which I am sending to my constituents who have written asking my position on the subject. I shall read the text of the brief letter I am sending to my constituents.

MAY 4, 1953.

MY DEAR MR. ——: This will acknowledge your recent communication with regard to the so-called tidelands legislation. This matter has become very much confused because of the failure of so many people to understand that there are two different issues involved in the debate.

First, the issue presented by the so-called Holland resolution is simply the question of what are the boundaries of the States and to what extent, if any, do those boundaries extend into the Atlantic and Pacific Oceans and the Gulf of Mexico. The pending Holland resolution only includes the subject of the State boundaries.

Second, the other question involved in the debate is the so-called Continental Shelf which extends out into the Atlantic and Pacific Oceans a distance of 150 to 200 miles. This shelf also apepars in the Gulf of Mexico, which, of course, is part of the Continent of North America. Section 9 of the Holland resolution definitely confirms the jurisdiction and control by the United States outside the State boundaries. That section of the Holland resolution reads as follows and is fully agreed to by both parties to the dispute:

"Nothing in this joint resolution shall be deemed to affect in any wise the rights of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, as defined in section 2 hereof, all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is hereby confirmed."

The question of how to handle this enormous area is being studied by the committee that submitted the report and presently there will be another bill introduced to determine how mineral rights in this area shall be handled. The matter involves not only United States law, but also international law. When we consider the second bill we will decide whether this alleged wealth shall be used for our national defense, to retire the national debt, or for education.

Of course, Mr. President, some Members of the Senate have advocated, in the speeches they have made here on the floor, that the proceeds from these natural resources be used for education.

I read further from the letter:

If we consider our own State of New Jersey it is obvious from the history of the original colony and the situation when the colony was admitted as a sovereign State into the Union, that the boundary extended at least 3 miles into the Atlantic Ocean. There never has been any question as to our State's sovereignty in this area.

New Jersey has always assumed that it had jurisdiction to the 3-mile limit. Unless we are protected in this, New Jersey will suddenly find the United States Government taking over jurisdiction from our low-water mark seaward, which would mean that the Federal Government would take control over our piers and other installations at places like Atlantic City, and other points on the seaboard, and we would have a sharp conflict between local and Federal government in these areas. Federal control would also jeopardize New Jersey's fishing industry, including oyster beds, and so forth, which employ many persons. Also the income for our schools from the present development of this area would immediately be cut off.

Mr. President, I may say in passing that the income for our schools from this operation is about $50 million a year.

The letter concludes as follows:

If you are interested in studying the matter further I will be happy to send you the report of the majority of the committee.

The wild talk of 50 to 300 billions of dollars being given away is mere speculation. There is no "steal" nor are those who are defending the boundaries of the States doing any unpatriotic act as alleged.

Always cordially yours,
H. ALEXANDER SMITH.

I thank the Senator from Florida for yielding to me.

Mr. HOLLAND. Mr. President, I yield such time as he may desire to the distinguished junior Senator from Virginia [Mr. ROBERTSON].

The VICE PRESIDENT. The Senator from Virginia is recognized.

Mr. ROBERTSON. Mr. President, I shall be brief in my remarks on the pending joint resolution, for, as I have indicated on several occasions, I have felt that the debate has already been too long extended and has not resulted in changing any votes. Naturally, I do not expect to change any votes by what I shall say.

My principal purpose in saying anything at all about the joint resolution is to try to correct several misconceptions which some of my good constituents have obtained from reading primarily the accounts in the Washington Post, which magnify the arguments, first, about the alleged giveaway program; second, about the alleged billions of dollars which are to be given away; and third, as has just been suggested by my distinguished friend, the Senator from Montana [Mr. MURRAY], about the direful effect the passage of the pending measure would have on the glowing, bright future of the youth of the land by depriving them of 41 cents a year for education, if, as, and when they would ever get it. Of course, I venture to assert they would never get it.

Of course, I am afraid I shall have to send a copy of today's CONGRESSIONAL RECORD to all the constituents who have written to me, in order that they may have correct information and their minds may be disabused.

The first point is that the Federal Government cannot give away something it does not own. In that connection, I point out there has never been a decision in any State court or in any local Federal court or in any instance in the Supreme Court of the United States which holds that the Federal Government has title to the submerged lands involved in the pending joint resolution. Mr. President, there have been 244 lower court decisions and State court decisions, many of which have directly passed upon the question of who has title to these lands, and all of them that have passed on the question have held that the States have title seaward to the traditional 3-mile limit. Of course, the pending measure affects only the lands out to the traditional 3-mile limit, except in the case of Texas and Florida, whose claims to a broader area or greater limit, extending farther into the Gulf of Mexico, were heretofore recognized by the Congress.

However, nowhere in the pending measure is there a gift to anyone of any portion of the Continental Shelf beyond the 3-mile or 3-league limit.

The opponents of the pending joint resolution rely upon three recent decisions, namely, those in the California case, which was the first one, the Texas case, and the Louisiana case. I challenge any Member of the Senate to show where in any one of those decisions the Supreme Court has said that the United States owns title. I happen to know—it is not necessary to quote on this floor the source of my information—that Mr. Justice Black, who wrote the leading and first decision, namely, that in the California case, scrupulously refrained from using the word "title." Instead, he used an indefinite phrase, "paramount rights"; and then went on to say that under certain circumstances, paramount rights might be converted into property rights, but in that event certain equities would have to be considered.

The Attorney General of the United States was so disturbed when the Court refused to confirm the Government's contention about title, that he filed a petition for a rehearing on that issue; but the Court turned it down cold. The decisions in the Texas case and the Louisiana case followed the decision in the California case.

So my first point, Mr. President, is that there has never in the history of our Nation been a single court decision holding that the United States Government owns, in fee simple, title to the submerged resources out to the historic 3-mile limit.

Yet throughout this debate, including the very interesting and commendably short speech just made by my distinguished friend, the Senator from Montana, we have been told, "This is a giveaway measure." In fact, the Senator from Montana quoted from a letter written by a resident of California who said he could not understand why the oil should be given to the coastal States.

Mr. President, I am somewhat familiar with the part oil plays in our economy. Of course, in war oil plays a very large part. But I venture the assertion, which I am sure my distinguished friend, the senior Senator from West Virginia, will confirm, that, of all the natural resources of our Nation, the most essential is coal. There can be no doubt about that. Any nation that does not have access to coal and iron is powerless in the modern industrial world. Oil can be made from coal, as the Germans demonstrated in World War II.

But if oil is so essential to the future welfare of this Nation, the inquiry might well be made—unless Senators have some court decision that backs

them up in their stand, which I deny—"Why not consider coal as the great natural resource on which the future economy of the Nation depends, and save it for all the people?" If that were done, it would be with the knowledge that the three major bituminous coal-producing States of the Nation are, first, West Virginia, then possibly, Pennsylvania, and then Virginia. The order may not be exactly correct, but I think it is substantially so. Those three States produce the bulk of the bituminous coal mined in the United States. Of course, there is some coal in the South, there is some shale in the Middle West, and there is some coal in Indiana, and in certain other States, but the three large producers of bituminous coal, as I have said, are West Virginia, Pennsylvania, and Virginia. If Congress is to take from any States that which belongs to them, there is much more reason to take the coal than there is to take the oil from California, Texas, Florida, and Louisiana.

The second point I wish to emphasize, Mr. President, about which, in my opinion, there has been gross misrepresentation, is the value of the assets which may be found in the submerged lands. Time after time it has been asserted throughout the debate, that $300 billion worth of oil is involved. I have enjoyed visiting in Texas and have been to the oil fields there. I know a good many oil producers. For 10 years I served on the House Ways and Means Committee, where we heard the oil producers say, "We must have the 27½ percent depletion allowance." When asked "Why," they answered, "because so many of the oil wells we drill turn out to be dry wells, and if we cannot get a proper depreciation when we strike oil, we cannot build up sufficient reserves to enable us to drill for oil in an unproved field."

Those men had the advantage of the services of the best geologists in the Nation, and, acting on the best-informed guess of those geologists, they would proceed to drill for oil. I say in all sincerity, the oil producers are always happy when not more than half of the oil wells they drill turn out to be dry ones.

Distinguished Senators on this floor have told us that a group of geologists, standing on the shores of the ocean, and looking across the wild, restless waves, have estimated the amount of oil beneath the land under the water, which they cannot see, when everyone knows they can only guess at the amount of oil that is under land they can see. Any geologist who could go into Texas, Oklahoma, or Louisiana, and successfully predict "Here is where oil is to be found," would become fabulously rich. He would not tell someone else where to drill; he would buy up the options and would do the drilling himself. Yet we are being told that the geologists know the amount of oil under the ocean and can form accurate estimates.

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

The PRESIDING OFFICER (Mr. COOPER in the chair). Does the Senator from Virginia yield to the Senator from Wyoming?

Mr. ROBERTSON. I have very limited time. I am sorry I cannot yield. This is the only time I have participated in the debate on the pending measure, and I merely desire to cover three major misrepresentations. If the Senator from Wyoming will excuse me, in his own time, he may then ask some questions.

Mr. HUNT. Mr. President, I may say I was not going to argue, I was merely going to correct a statement, for the record.

Mr. ROBERTSON. But, Mr. President, geologists of the Government have attempted to make estimates. Point No. 1: Most of the oil they have estimated is on the outer Continental Shelf that is not covered by the pending measure.

In the second place, they do not tell us that the Government is going to get oil worth $3.50 or $4 a barrel. They are too sensible for that. They know that whether the States own it or whether the Government owns it, they will get one-eighth royalty. They know that to recover whatever is under the submerged lands is going to require years of exploration, drilling, and the erection of derricks. Then storms will come and wash them away, and it will be necessary for them to rebuild the derricks.

If the operators succeed in getting all the oil within 50 years, they will be lucky. They figure on what they will get by guesswork. They cannot see it; they merely guess what the production will be, on the basis of certain formations. They think the oil is there; and a few wells which have been drilled beyond the 3-mile limit are pretty good producers. Possibly in the course of 50 years the Federal Government, if it owns the land and has clear title to it, can collect in royalties something over $500 million. That is all.

Mr. President, it is said that we are giving away $300 billion. How absurd that statement is, yet it has gone all over the lines of communication throughout the Nation, it has been repeated time after time, when actually, on the basis of the most optimistic informed guess—and it is nothing but a guess by Government geologists—we are dealing here with something over $500 million over a period of 50 years. That is the issue.

All that the Holland measure does is to affirm that for 150 years the titles of the Thirteen Original States to the lands within their historic 3-mile limit, their titles to which have never been challenged. There were 52 Supreme Court decisions, not bearing directly upon the question of who owned the title, but which tacitly acknowledged the States' titles to the lands. Then came a decision containing a reference to paramount rights; and no one yet knows where those rights begin or where they will end.

It has even been suggested by some that certain of those rights were inherited by the Federal Government from King George III, the British King. Oh, Mr. President, I hope those two great Virginians, Thomas Jefferson and Patrick Henry, who helped the Colonies win their independence and then assisted in framing the Constitution under which there was created a central government, all of whose powers were granted to it by sovereign States, do not lie uneasy in their graves today because of the assertion which is now being made, "Oh, you were wrong; King George III had certain rights, and our Federal Government inherited certain of those rights from him." Mr. President, I know that Mr. Justice Sutherland, when he was a college student, became imbued with that theory, and that it remained in his mind throughout his legal career. He finally succeeded in writing certain obiter dicta into a decision to that effect. The subject was not involved in the case, but he had to get it off his mind; and there is a little of that flavor to be found in the three cases to which I have referred, the California, Texas, and Louisiana cases, regarding the supposed inherited right.

Not a single Member of the Senate, Mr. President, who has spoken on the pending measure, would for a minute question the rights of the Federal Government to control navigation on the ocean. That is fully set forth in section 6 of the pending measure.

Several years ago the charge was made against the tidelands bill which was then pending, that there was something in that measure, by inference, which might impinge upon the rights of the Federal Government to build hydroelectric power dams. So the authors of the pending measure, in their wisdom, have spelled that out in subsection (d) of section 3 and removed any doubt. They even included the term "power dams," so there could be no argument about them, and safeguarded all other rights which attach clearly to the Federal Government under the commerce clause.

So, Mr. President, I emphasize first that the States have always had title up to the 3-mile limit. But the decision in the three recent oil cases threw a cloud upon their title. The pending measure merely seeks to quiet the title. It quiets the title.

I know the distinguished Senator from Rhode Island [Mr. GREEN] is of the opinion that the State Legislature of Rhode Island contemplates financing legal action to contest it if the joint resolution shall pass, but I am informed that the senate of the Rhode Island legislature recently had the question under consideration and voted not to do so. I read in a newspaper this morning that the distinguished governor of West Virginia says he will start action in the courts. Perhaps he will. Then, if the courts, on the specific issue of title, hold that the Federal Government has title, then I shall bow to what I consider an erroneous but controlling decision.

Mr. ANDERSON. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I am sorry. I have very limited time. I am depending upon my very limited knowledge without notes and trying to cover three points. I have covered two of them, and I am coming to the third point.

Mr. President, I venture to say that if the joint resolution shall pass, and the Supreme Court overrules the act of Congress, it will have to depend on something more substantial than any claim of power inherited by the Federal Government from King George III of England. Navigation is not involved. Building power dams is not involved. What is involved, Mr. President? A sum

of approximately $500 million over a period of possibly 50 years.

I now come to my third point, which has disturbed quite a number of my friends in Virginia, and which was mentioned in the speech of the Senator from Montana [Mr. MURRAY]. I refer to the statement that the money derived from the resources of the submerged lands would be given to the schools. What is the fact? The Hill amendment, which was overwhelmingly defeated, did not directly provide any funds for schools. It provided for dedicating the money to the Federal Government so long as there might be a national emergency. Unless we have been greatly misled about the duration of the present cold war with Russia, this emergency will last for a long time, and while it lasts the schools would receive nothing under the Hill amendment. But, Mr. President, assume that the emergency is over. Assume that the American lamb can lie down with the Russian bear and not be in the bear's stomach. Assume that we want to do something for the schools. What will happen? We shall first have to pass a law to appropriate the money to the schools. Even if we do pass a law appropriating the money to the schools, we shall have to pass a bill providing for Federal aid to education. Ever since I have been in the Senate there has been pending, off and on, a bill for Federal aid to education. On one occasion our present distinguished majority leader [Mr. TAFT], in opposing such a program, stated that if we ever started such a program it would cost $3 billion a year.

In my opinion, we are further away from a bill providing for Federal aid to education than we have been since I have been a Member of the Senate, because if I can make any worthwhile appraisal of the first hundred days of the present administration, I will say it is most notable not for the distance it has covered but for the direction in which it has been traveling. We are turning in the direction of private enterprise. We are turning in the direction of a simplified and less expensive Federal Government. We are turning in the direction of a greater recognition not only of the rights of the States but of the duties and obligations of the States. Certainly, Mr. President, any student of political history or any friend of the principles of Thomas Jefferson should know that public education is one of the fundamental duties of the States. That, in my opinion, is where that responsibility should always rest—in the States and their political subdivisions.

Let us assume that we shall have a condition in the world such as that described by Patrick Henry after the Revolutionary War when he said:

> The white wings of peace are spread above our fair land and contentment lies at every door.

Assume the Federal Government should say, "We do not need the oil any more," and Congress should say, "Let us give it to the schools." Suppose Congress should reverse itself and say, "We are going to place the Government in all sorts of Federal-aid projects." How much would the schools receive from the oil resources of the submerged lands? According to the very careful, and, I assume, accurate analysis which was placed in the RECORD yesterday, the school children would get approximately 41 cents a year.

With all deference to my desk mate whom I admire so much and of whom I am very fond, I want to say that, if 41 cents is going to make the difference between the degree of ignorance of our school children on the one hand, and their adequate education in a proud and glorious future to aid them in furthering the manifest destiny of our Nation, on the other hand, they will be in a tough situation.

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

Mr. ROBERTSON. I yield for a brief question.

Mr. MURRAY. I was going to make the observation that the Senator has made a very excellent speech, but it is more remarkable for its exaggeration than for the accuracy of its facts.

Mr. ROBERTSON. Those who take the trouble to read the RECORD will have to appraise the difference of opinion.

Mr. ANDERSON. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield briefly to the distinguished Senator from New Mexico.

Mr. ANDERSON. The statement was made a moment ago that the Attorney General of the United States was so disturbed that he took an appeal. There is not one shred of evidence to show that that statement is even remotely in accordance with the fact.

Mr. ROBERTSON. I have to admit that I shall have to produce evidence from my principal advisers, the Senator from Texas [Mr. DANIEL] and the Senator from Florida [Mr. HOLLAND], who have been laboring with this matter for a long time. They said the Attorney General filed a petition for rehearing, asking the Court to add words of "ownership" in its decree after the original opinion was written.

Mr. ANDERSON. If they can show that, I shall be happy to retire and get off the Senate floor forever. We have been hearing that misrepresentation for some time.

Mr. ROBERTSON. Then, Mr. President, I appeal to the Senator from Florida [Mr. HOLLAND] to clear up that discussion.

Mr. HOLLAND. Mr. President, I yield to myself 3 minutes.

The only thing which is at all variant from the completely correct facts in the statement of the Senator from Virginia is in his choice of words. The fact is that the Federal Government submitted a proposed decree after the Court had indicated what its ruling would be, and included words which would have fixed title in the Federal Government. The fact is that the Supreme Court declined to put in those words, repeatedly declined, as I understand, to put them in, and that matter is still one of grave concern to the Federal Government.

Mr. ROBERTSON. Mr. President, under those circumstances, does not the distinguished Senator from New Mexico feel that the Senator from Virginia has been vindicated?

Mr. ANDERSON. There is a vast difference between a person arguing for something in a judgment, and, having won a case, filing an application for rehearing. It is not correct, in my opinion, that the Government ever asked for a rehearing.

Mr. HOLLAND. There is strong basis for complete truth in the assertion I now make, that the Federal officials asked that the Court, after learning of its original opinion in the California case, find where the title was and should find that the title was in the Federal Government. That question was raised not only on the original hearing, but also, as I understand, on the rehearing, and the Court consistently and continuously took the position which has been stated.

I do not like to hear an assertion made by my good friend from New Mexico questioning the good faith of either the distinguished Senator from Virginia or of the Senator from Florida who has stated the facts as they are and as they are known to be by everyone who has studied this matter.

The Federal Government did want the decree to recite that title was in the Federal Government. It so prayed in its original petition; it so requested when it submitted the form of decree; it so requested when the matter was reheard upon petition for rehearing filed by the State of California. The Federal Government was alarmed by the fact that title was not fixed by decree, because it realized that exactly what has happened would happen, namely, that the question of title would be left in the air, and that the development of coastal areas would be not only challenged, but would be stymied, as it has been up to now. The Senator from New Mexico knows perfectly well that that is the case.

Mr. ROBERTSON. Of course, the Senator from New Mexico knows that my statement about what the Government has tried to do was based upon what the Senator from Florida [Mr. HOLLAND] and the Senator from Texas [Mr. DANIEL] had told me. But is it not a fact that the Federal Government entered the California case in order to get title?

Mr. HOLLAND. The Federal Government asked for such a ruling in its petition.

Mr. ROBERTSON. Is it not a fact that the question of title was never mentioned in the opinion written by Mr. Justice Black, but that he used the words "paramount right"?

Mr. HOLLAND. The Senator from Virginia is correct.

Mr. ROBERTSON. When the Government knew how the decision would be phrased, it then tried to get a revision in order to make clear that title would be in the United States, did it not?

Mr. HOLLAND. The Senator is correct.

The Government requested that the words of the decree be restated so as to include a finding of title in the Federal Government. This the Court declined to do.

Mr. President, I now yield to the distinguished Senator from Montana [Mr. MURRAY], who controls his side of the debate.

Mr. MURRAY. I yield 5 minutes to the Senator from Vermont [Mr. AIKEN].

Mr. AIKEN. Mr. President, like everyone else, I am happy to see this debate

come to a close. It has been conducted upon a high level, having been handled admirably by leaders on both sides of the question. The senior Senator from Florida [Mr. HOLLAND] and the junior Senator from Texas [Mr. DANIEL], and the other proponents of the joint resolution, have handled their side of the case skillfully and, at times, convincingly.

However, in the final analysis, the determination of how one will vote on an important matter such as this must be reached in one's own mind. After hearing both sides of the question being presented ably and thoroughly, as they have been, I have asked myself these questions:

First, has Congress the authority to dispose of the lands under the sea which have, for generations, been regarded as belonging to the Federal Government? I have read carefully the testimony given by the Attorney General of the United States before the Committee on Interior and Insular Affairs, and I believe that Mr. Brownell cast sufficient doubt upon the authority of Congress to dispose of those lands to warrant a great deal of hesitation before voting to do so.

The second question I have asked myself is this: If we assume that Congress does have the authority to dispose of these lands and quitclaim them to the States, is such disposal of the lands being made on a fair and equitable basis? When I ask that question, I think of all the other States where there are Federal lands, where there is Federal domain, particularly our Western States, and I realize that the income to the States where the lands are located, from leases and royalties on minerals and oil lands in those States, is restricted to 37½ percent. It is planned, under Senate Joint Resolution 13, to give to the coastal States 100 percent of the income from such resources. Certainly if the coastal States are entitled to 100 percent of the income from the undersea lands, then the inland States are entitled to equitable treatment. The third question and perhaps the most important, is this: Is the effort to transfer the undersea oil lands from Federal ownership to the ownership of the States a prelude to further raids upon natural resources of the United States by interested groups of people? For many years there has been building up in this country a determination on the part of certain groups to acquire unto themselves the natural resources of the United States which have always belonged to all the people. I think in particular of the plan to raid or to seize Niagara Falls. The efforts now being made to grab the power from the St. Lawrence development, so that instead of all the people getting the benefits, a very few will receive the profits. I think of the proposals to dispose of great public powerplants, such as Boulder Dam, Bonneville, Grand Coulee, and even the TVA; and I wonder where we may be headed in that respect. Other groups would take unto themselves the forests on our publicly owned lands and all the minerals to be found thereon.

Mr. President, I am convinced that this great effort, this great raid, which has been building up will reach its climax very soon. I believe that President Eisenhower will soon be under greater pressure to permit the raiding of natural resources than any other President has been put under for a generation. May God give him the wisdom and the strength to turn back the spoilers when they come to the White House seeking acquiescence in their plans. I hope the wee, small voice of conscience may speak to each and every Member of Congress, reminding us of the sacred duty which we have to protect the heritage which properly belongs to our country and to posterity, and which has been entrusted to our keeping.

The PRESIDING OFFICER. The Chair advises the Senator from Vermont that his time has expired.

Mr. MURRAY. Mr. President, I yield an additional minute and a half to the Senator from Vermont.

Mr. AIKEN. I thank the Senator.

The fourth question I ask myself is: Do we, by claiming ownership of the land under the salt water beyond the historic 3-mile distance, and the right to dispose of this land, recognize the right of other countries to do the same? If we do, the effect of the passage of the pending joint resolution may result in closing great areas of the sea which previously have been open to international shipping, and eventually may involve us in controversies with other countries.

So, Mr. President, because I am unable to justify disposal of the undersea lands which from time immemorial have been held to belong to all the people of our 48 States, I shall vote "no" on the joint resolution.

Mr. MURRAY. I yield to the junior Senator from West Virginia [Mr. NEELY] 5 minutes, or as much additional time as he may require.

Mr. NEELY. Mr. President, I propose an amendment to the pending joint resolution and ask that it be printed. It need not be read, because it is identical with the previously considered Anderson substitute, except the manner of the disposition of the income from the submerged lands, which will be stated.

The PRESIDING OFFICER. The amendment will be received, will be printed, and will lie on the table.

Mr. NEELY. Mr. President, the purpose of the amendment is to afford all the Members of the Senate an opportunity to show by the record whether they choose to give to California, Texas, and Louisiana between $50 billion and $300 billion worth of oil, gas, and other property, which the Supreme Court of the United States has 3 times solemnly decided belongs to the Federal Government, or utilize these vast resources for the benefit of all the people of the Nation in accordance with the following percentages:

First. Ten percent for the reduction of the national debt;

Second. Ten percent for research in the prevention and extermination of cancer;

Third. Ten percent for research in the prevention and extermination of heart disease;

Fourth. Ten percent for education;

Fifth. Ten percent for research in the prevention and extermination of muscular dystrophy;

Sixth. Ten percent for research in the prevention and extermination of multiple sclerosis;

Seventh. Ten percent for research in the prevention and extermination of infantile paralysis;

Eighth. Ten percent for aid to the blind;

Ninth. Ten percent for aid to disabled veterans; and

Tenth. Ten percent to the American National Red Cross to be used for the alleviation of human suffering.

The action of the Senate on this amendment will determine whether every man, woman and child of 45 States in the Union shall be forever stripped of his or her share of this vast wealth, in order that 3 States may be enriched to an extent that would have dazzled the imagination of the Caesars. It will also determine whether 250,000 of our people, who are condemned to die, during the present year, of cancer—the world's most agonizing disease—shall be completely deprived of hope of having any of the income from our offshore oil and gas utilized for the alleviation of their deplorable affliction.

A vote against the amendment will be a vote against the use of any part of the income from the offshore oil and gas for the cure or care of any of the half a million Americans who are marked for death from heart disease during the next 12 months.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. MURRAY. I yield an additional minute to the Senator from West Virginia.

Mr. NEELY. The vote on the amendment will show whether the republican members of the Senate respect or repudiate the philosophy of the immortal Lincoln to the effect that concern for the Godmade man should always be superior to the concern for the manmade dollar.

Mr. President, let me entreat all Senators present to vote for the amendment and by adopting it prosper the lofty enterprises of educating our children, healing the afflicted, rescuing the perishing and comforting the dying. By thus discharging our duty in relation to our earthly treasures, let us lay up for ourselves treasures in heaven where neither moth nor rust doth corrupt, and where thieves do not break through nor steal.

The PRESIDING OFFICER. The Senator's time has again expired.

The Senator from Florida.

Mr. HOLLAND. Mr. President, I yield such time as he may require to the distinguished junior Senator from Louisiana [Mr. LONG].

Mr. LONG. Mr. President, during my service in the Senate I have steadfastly supported proposals similar to the pending measure to return submerged lands within historic boundaries to the States. It has been my feeling that the minority view of the Supreme Court in the California case more properly represents the traditional and proper legal concept of the organization of our American Government. For that reason, it has always seemed to me that the restoration of the submerged lands along the Atlantic and Pacific Oceans and the Gulf of Mexico to the States bordering those bodies of

water was essential to the maintenance of the form of government under which our Nation has prospered during the past 177 years.

In the first place, I believe we should realize that our Federal Government was always intended by its creators to be a Government of limited powers. Our Constitution was carefully drawn in the effort to preserve and protect the functions of State government and to prevent Federal usurpation of those powers. Likewise, our Federal Government was organized into three separate branches as a part of the checks and balances to prevent excesses within our Federal Government. It is important to notice, however, that unless 1 of the 3 branches of the Federal Government—either the executive, the legislative, or the judicial—should call a halt on the others, then there is nothing to prevent the Federal Government from usurping all the powers and functions properly reserved to the States and to the people.

For example, it is possible that the Supreme Court could hold that there is no power denied to the Federal Government under our Constitution and that the powers granted under the American Constitution are sufficiently broad to permit the Federal Government to do anything that it chooses. It is even possible that the executive and legislative branches of our Government in pursuance of such a legal theory could proceed to exercise the superior power of the Federal Government in ways that could completely exclude the State and local governments from performing any functions whatsoever.

I realize that such an illustration is farfetched; yet in some respects it represents the trend of our Government during the last 20 years. I would not for a moment suggest that there has not been increasing pressure on the Federal Government to undertake vast additional functions in order to care for the needs of the people of this Nation; yet we are all familiar with the manner in which new legal theories have been developed and new interpretations have been suggested and urged upon the Supreme Court of the United States to permit the Federal Government to engage in first one vast program and then another, which has never previously been considered an appropriate function of the Federal Government. Most outstanding examples of these cases have been the expanded meaning of the interstate-commerce clause giving the Federal Government the power to regulate any business enterprise in America on the theory that such an enterprise affected interstate commerce and therefore was subject to regulation in pursuance of the Federal Government's power to regulate commerce between the States.

Likewise we are familiar with the expanded meaning of the general-welfare clause of our Constitution. In these respects attorneys for the Federal Government have been able to persuade the Court to place the interpretation upon our Constitution which has made it possible for the Federal Government to accomplish practically any result it desired in the economic field and to achieve practically unlimited power in various other phases of domestic legislation.

Of course, we realize that this new look given to the Constitution law of the United States resulted in part from the appointment of judges who were regarded as entertaining so-called liberal views. I do not for a moment criticize the appointment of liberal judges. I believe it proper that there should always be a certain number of judges on the Supreme Court who entertain views regarded as liberal. I do say, however, that the Court should never be composed entirely of liberals just as it should never be composed entirely of conservatives or reactionaries; although I believe it would be well that every member of the Court as well as every Member of Congress should be conservative in the sense that he would preserve the fundamentals of our system of government.

I submit that the Supreme Court in the California, Louisiana, and Texas cases has been proceeding upon a dangerous departure from the fundamentals of American government. In those cases the Supreme Court proceeded to hold that the States never possessed complete sovereignty and that the United States Government has powers other than those derived from the Constitution of the United States. This is a theory that can lead to all sorts of mischief, far beyond the seizure of 17 million acres of ocean bottom at issue in this instance.

I realize that such a theory has been expressed on earlier occasions. It has only been in recent years, however, that we have seen this theory of government advanced to in any way deprive the States of their rights or their property. In the California case, we found the Court saying:

> From all the wealth of material supplied, however, we cannot say that the Thirteen Original Colonies acquired ownership to the 3-mile belt or the soil underneath it, even if they did acquire elements of sovereignty of the English Crown by their revolution against it (*U. S.* v. *Curtiss-Wright Export Corp.* (229 U. S. 304, 316)).

With such language we find the Supreme Court denying the original sovereignty of the States of this Nation.

Now, let us look to the language of U. S. against Curtiss-Wright Export Corp., to which the Supreme Court referred in the California case. One should remember that the U. S. against Curtiss-Wright was decided upon the basis that the Congress of the United States could properly delegate to the President of the United States the power to invoke an embargo on the shipment of arms to war in foreign nations, when the President found certain facts to exist. It was not essential to such a conclusion to find that the Thirteen Original States never possessed complete sovereignty. Nevertheless, Justice Sutherland, who in that case wrote the majority opinion, expressed certain views at variance with the history of the formation of this Nation, as most of us understand it.

Mr. President, I ask unanimous consent to insert the language which I have in mind.

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

[Excerpt from *U. S.* v. *Curtiss-Wright Corp.* (299 U. S. 304, at 316 et seq.)]

> As a result of the separation from Great Britain by the Colonies acting as a unit, the powers of external sovereignty passed from the Crown, not to the Colonies severally, but to the Colonies in their collective and corporate capacity as the United States of America. Even before the Declaration, the Colonies were a unit in foreign affairs, acting through a common agency, namely, the Continental Congress, composed of delegates from the Thirteen Colonies. That agency exercised the powers of war and peace, raised an Army, created a Navy, and finally adopted the Declaration of Independence. Rulers come and go; governments end and forms of government change; but sovereignty survives. A political society cannot endure without a supreme will somewhere. Sovereignty is never held in suspense. When, therefore, the external sovereignty of Great Britain in respect to the Colonies ceased, it immediately passed to the Union. (See *Penhallow* v. *Doane* (3 Dall. 54, 80–81.)) That fact was given practical application almost at once. The treaty of peace, made on September 23, 1783, was concluded between His Britannic Majesty and the United States of America (8 Stat.—European Treaties—80).
>
> The Union existed before the Constitution, which was ordained and established, among other things, to form a "more perfect Union." Prior to that event, it is clear that the Union, declared by the Articles of Confederation to be perpetual, was the sole possessor of external sovereignty and in the Union it remained without change save insofar as the Constitution in express terms qualified its exercise. The Framers' Convention was called and exerted its powers upon the irrefutable postulate that though the States were several their people in respect to foreign affairs were one. Compare the *Chinese Exclusion* case (130 U. S. 581, 604, 606). In that convention, the entire absence of State power to deal with those affairs was thus forcefully stated by Rufus King:
>
> "The States were not sovereigns in the sense contended for by some. They did not possess the peculiar features of sovereignty—they could not make war, nor peace, nor alliances, nor treaties. Considering them as political beings, they were dumb, for they could not speak to any foreign sovereign whatever. They were deaf, for they could not hear any propositions from such sovereign. They had not even the organs or faculties of defense or offense, for they could not of themselves raise troops, or equip vessels, for war" (5 Elliott's Debates 212).[1]
>
> It results that the investment of the Federal Government with the powers of external sovereignty did not depend upon the affirmative grants of the Constitution. The powers to declare and wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties, if they had never been mentioned in the Constitution, would have vested in the Federal Government as necessary concomitants of nationality.

Mr. LONG. Mr. President, please note that the effect of the application of this theory held by Justice Sutherland in the Curtiss-Wright case had no more effect than merely to serve as one more reason for upholding a delegation of power which the Congress felt it had the right to pass to the Executive. Nevertheless,

[1] In general confirmation of the foregoing views, see 1 Story on the Constitution, 4th ed., 198–217, and especially 210, 211, 213, 214, 215 (p. 153), 216.

It was such language as this which was relied upon by attorneys for the Federal Government to contend the States had never owned their submerged lands, although agents of the Federal Government had consistently recognized such State titles for more than 100 years.

I completely differ with that view of the formation of our Government. I believe that the States were at one time completely free and independent. I will concede that there was always perhaps 1 percent or one-tenth of 1 percent of Americans who suggested that the States were never completely sovereign at the time they won their independence. I concede that such was the opinion of Mr. Rufus King, quoted in Elliott's Debates. I would concede that a private citizen in Rhode Island made such an argument at a time when Rhode Island was withholding its agreement to join the American Union even after our Government had been in operation for several months under the Constitution. I would concede that Mr. Justice Story in one of his commentaries once made such a statement. I concede that the late Justice Sutherland held such a view and so expressed himself in the Curtiss-Wright case. Nevertheless, I believe that even today there are not more than 1 percent of the attorneys and historians who have studied the question who would agree with that point of view—Justice Black and the present Supreme Court of the United States to the contrary notwithstanding.

First, let me refer to previous Supreme Court opinions in which it was fundamental to the decision of the Court that the States had acquired complete sovereignty by their revolution from the King of England. First, I would quote from the old case of Martin against Waddell, in which Justice Taney, speaking for the Court, could, in some respects, qualify as an eyewitness in that he had lived through the period of the Revolution and the formation of our Federal Government:

Martin v. *Waddell* (16 Pet. 367 (1842)):

"For when the Revolution took place the people of each State became themselves sovereign; and in that character hold the absolute right to all their navigable waters and the soils under them for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

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

Next, I quote from three other Supreme Court opinions, decided in 1823, 1855, and 1891, in which the Court clearly expressed the fundamentals of the formation of our American Government exactly as the enormous majority of lawyers and historians had always agreed it to be. These are only a few of the declarations of our Court which could be found describing the fundamentals of our form of government in the fashion that those of us supporting the submerged lands bill contend it to be:

Johnson v. *McIntosh* (8 Wheat. 543 (1823)):

"By the treaty which concluded the war of our Revolution, Great Britain relinquished all claim, not only to the Government, but to the 'property' and territorial rights of the United States whose boundaries were fixed in the second article. By this treaty, the powers of government, and the right to soil, which had previously been in Great Britain, passed definitely to these States."

Smith v. *Maryland* (18 How. 74 (1855)):

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

Manchester v. *Massachusetts* (139 U. S. 240 (1891)):

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

"The title thus held is subject to the paramount rights of navigation, the regulation of which, in respect to foreign and interstate commerce, has been granted to the United States. There has been, however, no such grant over the fisheries. These remain under the exclusive control of the State, which has consequently the right, in its discretion, to appropriate its tidewaters and their beds to be used by its people as a common for taking and cultivating fish, so far as it may be done without obstructing navigation. Such an appropriation is in effect nothing more than a regulation of the use by the people of their common property."

I support the Supreme Court as one of the institutions of our Government; yet I realize that personalities of the Court change with the years, and I sincerely doubt that prior to recent years a majority of Justices on that Court would have agreed with the view of the formation of our Nation expressed in the Curtiss-Whight case and relied upon in the tidelands cases.

Next I wish to refer to a message to Congress by our fifth President, James Monroe, discussing the matter of initial sovereignty of the States.

Before reading from the message of President Monroe, let me first discuss President Monroe's qualifications to discuss the initial sovereignty of the Original Thirteen States. President Monroe served in the Army during the Revolution and was wounded at the Battle of Trenton. He studied law under Thomas Jefferson, the author of the Declaration of Independence. During the period of Federal Government under the Articles of Confederation, James Monroe served as a Member of Congress. He was a member of the Convention in Virginia which ratified the Constitution. He was Minister to France under President Washington. He served in several diplomatic missions under President Jefferson, including the assignment as a negotiator of the Louisiana Purchase. He was Secretary of State under President Madison from 1811 to 1817 and served a brief period as Secretary of War. His close relationship to James Madison made him intimately acquainted with the arguments in favor of stronger Federal Government at the time the movement began for the adoption of the Constitution of the United States.

Inasmuch as those who argue against the States in this debate pin so much of their argument upon our international responsibilities, it is worthy of note that James Monroe, in addition to his other achievements, was responsible for the Monroe Doctrine which has to this day been a keystone to our foreign policy. The message to which I refer was dated May 4, 1822. It was sent to Congress a few days subsequent to the President's veto of "an act for the preservation and repair of the Cumberland Road," which he had vetoed "with deep regret" because he did not believe the Federal Government possessed the power under the Constitution to pass such a law, although later interpretations of the commerce clause to which I have previously referred have caused the Government to subsequently assert the same type power which President Monroe denied at that time.

It was not until recent years that any sizable group of attorneys or judges seriously differed with President Monroe's views that the Colonies won complete independence and sovereignty as a result of the American Revolution and further that the central Government possessed only those powers which were delegated to the central Government—first under the Articles of Confederation and later under the Constitution of the United States.

I now read excerpts from the message to which I have been referring:

In thus tracing our institutions to their origin and pursuing them in their progress and modifications down to the adoption of this Constitution two important facts have been disclosed, on which it may not be improper in this stage to make a few observations. The first is that in wresting the power, or what is called the sovereignty, from the Crown as it passed directly to the people. The second, that it passed directly to the people of each Colony and not to the people of all the Colonies in the aggregate; to 13 distinct communities and not to one.

And that the power wrested from the British Crown passed to the people of each colony and the whole history of our political movement from the emigration of our ancestors to the present day clearly demonstrates. What produced the Revolution? The violation of our rights. What rights? Our chartered rights. To whom were the charters granted, to the people of each colony or to the people of all the Colonies as a single community? We know that no such community as the aggregate existed, and of course that no such rights could be violated. It may be added that the nature of the powers which were given to the delegates by each colony and the manner in which they were executed show that the sovereignty was in the people of each and not in the aggregate. They respectively presented credentials such as are usual between ministers of separate powers, which were examined and approved before they entered on the discharge of the important duties committed to them. They voted also by colonies and not individually, all the members from one colony being entitled to one vote only. This fact alone, the first of our political association and at the period of our greatest peril, fixes beyond all controversy the source from whence the power which has directed and

secured success to all our measures has proceeded.

Had the sovereignty passed to the aggregate, consequences might have ensued, admitting the success of our Revolution, which might even yet seriously affect our system. By passing to the people of each colony the opposition to Great Britain, the prosecution of the war, the Declaration of Independence, the adoption of the Confederation and of this Constitution are all imputable to them. Had it passed to the aggregate, every measure would be traced to that source; even the State governments might be said to have emanated from it, and amendments of their constitutions on that principle be proposed by the same authority. In short, it is not easy to perceive all the consequences into which such a doctrine might lead.

It is obvious that the people in mass would have had much less agency in all the great measures of the Revolution and in those which followed than they actually had, and proportionately less credit for their patriotism and services than they are now entitled to and enjoy. By passing to the people of each colony the whole body in each were kept in constant and active deliberation on subjects of the highest national importance and in the supervision of the conduct of all the public servants in the discharge of their respective duties. Thus the most effectual guards were provided against abuses and dangers of every kind which human ingenuity could devise, and the whole people rendered more competent to the self-government which by an heroic exertion they had acquired.

As if there were any further need to establish the limited nature of the powers of the Federal Government or the fact that these powers were derived from the States rather than from some nebulous concept of unity such as that suggested in this debate by the Senator from Minnesota [Mr. HUMPHREY], or previously by the Senator from Wyoming Mr. O'Mahoney, or the former Solicitor General, Mr. Philip Perlman, let me now refer to the Declaration of Independence.

In that monumental document it will be noted that in the resolving clauses, the Declaration in several instances uses the words "free and independent States" in referring to the new status of the English colonies. Although it is true that the word "States" is not in every instance preceded by the word "free," however in every instance the word "States" is preceded by the word "independent."

The resolving clause of the Declaration of Independence reads:

We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by authority of the good people of these Colonies, solemnly publish and declare that these United Colonies are and of right ought to be free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

We all know that the Declaration of Independence was carefully drawn and well considered by Thomas Jefferson and those great patriots who joined him in the drafting and adoption of that document.

Likewise, we know that the King of England dealt with the States of this Nation as free and independent States and in the treaty of peace, he referred to them in the plural as independent States, and they were expressly enumerated.

In the treaty of peace with the King of England, article 1 reads:

His Britannic Majesty acknowledges said United States, viz (which in layman's language means "namely"), New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States; that he treats with them as such, and for himself, his heirs, and successors relinquishes all claim to the government, proprietary, and territorial rights of the same, and every part thereof.

We know further that at the time of the drafting of the Articles of Confederation it was proposed that the States should undertake to draft Articles of Confederation by which they would bind themselves to a common effort. A committee was appointed on July 12, 1776. On November 15, 1777, the Congress agreed to the articles in form and directed that they be proposed to the legislatures of all the United States and, if they were approved by them they were advised to authorize their delegates to ratify same in the Congress of the United States.

It was not until March 1, 1781, that the articles were finally ratified by the 13th State and on May 2, 1781, that the Congress first assembled under the new form of government. Until that date, the Congress of the United States could be regarded as little more than an elaborate committee of correspondents, representing the will of the various States only insofar as those States authorized and agreed that it should represent them. A brief discussion of the background of the Articles of Confederation will be found at page 423 of the Senate Manual.

I now read excerpts from the Articles of Confederation of the United States:

EXCERPTS FROM ACT OF CONFEDERATION OF THE UNITED STATES OF AMERICA

ARTICLES OF CONFEDERATION AND PERPETUAL UNION BETWEEN THE STATES OF NEW HAMPSHIRE, MASSACHUSETTS BAY, RHODE ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA

ARTICLE I. The style of this confederacy shall be "The United States of America."

ART. II. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled.

ART. III. The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ART. VIII. All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in Congress assembled.

From these articles it will be seen that the elements of sovereignty transferred to the Congress under the articles were extremely limited. The Government thus formed had no executive, no judiciary—only a Congress. It had no power to enforce any of its decisions upon any of the States. It had no taxing power. The experience under that form of government demonstrated for the most part that States would not even send their proportionate share of the levies which they had agreed to pay for the support of the Central Government.

It is important to notice that the articles stated that each State retained its sovereignty, freedom, and independence, and every power, jurisdiction, and right, not expressly delegated by the articles.

Next I refer to the Constitution of the United States. Nowhere in that document will it be found that the States surrendered any proprietary right whatsoever to the Central Government. As a matter of fact, the 10th amendment 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.

The 10th amendment to the Constitution makes clear that the only powers that exist in the General Government are those which are delegated by the Constitution. There simply are no powers that exist in the United States other than those that are delegated by the Constitution. Does it not make sense to realize that the purpose of that amendment was to allay the fears of those then opposing ratification of the Constitution for fear that the Central Government would usurp the rights and the powers of the individual States.

It is interesting to note that in the present debate the Senators from Rhode Island are opposing the restoration to the States of property which has been denied them by the assertion of the doctrine of paramount rights derived in part from a theory that the Central Government possesses undelegated and unlimited powers in the field of international affairs and defense other than those derived from the Constitution. Yet it was poor little Rhode Island that held out until the very last against the ratification of the American Constitution. We recall that that little nation attempted to go it alone for more than a year after the Constitution had gone into effect. History tells us that the States which had previously ratified had met in the First Congress under the Constitution—minus Rhode Island—and that they had adopted customs laws permitting Rhode Island to ship into the

newly formed Nation domestic products of that independent State duty-free for a limited time. History further tells us that it was the consensus of the new Congress that the favorable treatment of that former associate should be permitted to expire and that thereafter Rhode Island would have had to accept the same treatment as other foreign nations when it undertook to pass the customs of the United States.

A merchant in Rhode Island, fearful of the consequences of the failure of Rhode Island to join the Union, suggested that the Union had existed even without the Constitution, but that was not the view of the Congress of the United States. That is why the Congress was disposed to tell little Rhode Island, "Either join up or start paying customs when you ship your goods into this Nation."

One of the reasons why Rhode Island withheld ratification was that she wished to insist that the larger States of the Union should surrender the vast unoccupied tracts of land to the Nation for the formation of future States. In line with the general understanding of all States, such tracts of land were later surrendered for the formation of such States as Ohio, Indiana, Illinois, Kentucky, Tennessee, and Alabama. Never until the present has Rhode Island been in the position of urging that the Federal Government had acquired property from the States which the States had never surrendered.

Thus we see that the history of the formation of our Nation was such as to completely negate any inference that the Government possessed paramount rights above and beyond the rights granted to the Federal Government in the Constitution.

Mr. MORSE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. Mr. President, I am sorry. My time is very much limited, and I do not have time to yield.

As new States were admitted to the Union, they were admitted on an equal footing with the original States and the holding of the Supreme Court in case after case acknowledged that the effect of the admission on an equal footing was to confer upon the new States the same rights of sovereignty that had existed in the original States.

A group of cases held that the admission of new States caused them to acquire that element of sovereignty that related to the position of the submerged lands within their boundaries.

I ask unanimous consent that a statement of these cases be printed in the RECORD at this point.

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

THE NEW STATES (ADMITTED ON EQUAL FOOTING WITH THE ORIGINAL THIRTEEN)

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

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

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

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

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

"Then to Alabama," the Court said, "belong the navigable waters and soils under them * * * subject to the rights surrendered by the Constitution to the United States," and that "no compact that might be made between her [Alabama] and the United States could diminish or enlarge these rights."

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

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

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

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

In the course of its opinion, the Court said:

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

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

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

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

Borax Consolidated v. *City of Los Angeles* (296 U. S. 10 (1935)): This action was brought by the city of Los Angeles (defendant in writ) claiming under a grant from the State of California, to quiet title to land in San Pedro Harbor, the other party claimed under a preemption patent from the United States.

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

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

The Court held:

"It is the settled rule of law in this Court that absolute property in, and dominion and sovereignty over, the soils under the tidewaters in the original States were reserved to the several States, and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the Original Thirteen States possess within their respective borders."

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

"It is the settled rule of law in this Court, that the shores of navigable waters and the soils under the same in the original States were not granted, by the Constitution, to the United States; but were reserved to the several States; and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the original States possess within their respective borders" (quoting from *Pollard* v. *Hagan*, supra).

New Orleans v. *United States* (152 U. S. 1 (1894)): The United States sought in this action to enjoin the officials and inhabitants of New Orleans, La., from selling lots included in the vacant lands forming part of the common, or quay, by asserting the claim that such property inured to the United States by the Treaty of Cession in 1803.

The Court discussed the laws of France in much detail, and cited Domat for the following statement:

"There are two kinds of property destined to the common use of man, and of which everyone has the enjoyment. The first of those are so by nature—as rivers, the sea, and its shores. The second, which derive their character from the destination given by man, such as streets, highways, churches, market houses, courthouses, and other public places."

Among other pronouncements, the Court said:

"The King of Spain, like the King of France, had the power to give permission to construct buildings on grounds dedicated to public use * * *; but this does not show that either sovereign had the power to alien such lands.

"This common (quay) having been dedicated to public use, was withdrawn from commerce, and from the power of the King rightfully to alien it."

"The State of Louisiana was admitted into the Union on the same footing as the origi-

nal States. Her rights of sovereignty are the same, and by consequence no jurisdiction of the Federal Government, either for purposes of police or otherwise, can be exercised over this public ground."

"All powers which properly appertain to sovereignty, which have not been delegated to the Federal Government, belong to the States and the people."

This case is important in two main respects: (1) The sea and its shores were declared to be owned by the State; and (2) such property was referred to as being inalienable.

Shively v. *Bowlby* (152 U. S. 1 (1894)): The land in controversy, located in Oregon, was submerged in waters beyond the high-water mark. The plaintiff claimed under a State grant, the defendant under a United States patent. (Oregon tidelands at mouth of Columbia River in contest.)

In rendering judgment for plaintiff, the Court held:

"By the common law, both the title and the dominion of the sea, and of rivers and arms of the sea, where the tide ebbs and flows, and of all the lands below high-water mark, within the jurisdiction of the Crown of England, are in the King. * * * The common law of England upon this subject, at the time of the emigration of our ancestors, is the law of this country, except as it has been modified, by the charters, constitutions, statutes or usages of the several colonies and States, or by the Constitution and laws of the United States."

There was also mentioned in the opinion the rights of new States as being equal to the Original Thirteen.

"Upon the admission of Oregon into the Union, the tidelands became the property of the State, and subject to its jurisdiction and disposal."

Skiriotes v. *Florida* (313 U. S. 313 (1941)): A case, in certain respects, similar to the Abby Dodge, supra. A Federal statute was under consideration, prohibiting the use of diving equipment in the taking of sponges from the Gulf of Mexico and the Florida Straits.

The Court sanctioned the right of the State to regulate the taking of sponges from its territorial waters, dismissing the contention that international law was involved.

United States v. *Mission Rock Co.* (189 U. S. 391 (1920)): Title to tidelands contiguous to and surrounding San Francisco Bay was at issue in this case. As against a grantee of the State to reclaim such lands, the opposing party claimed that the area had been reserved by order of the President of the United States for naval purposes.

The State-grantee prevailed. Said the Court:

"Although the title to the soil under the tidewaters of the bay was acquired by the United States by cession from Mexico, equally with title to the upland, they held it in trust for the future State."

Illinois Central Railroad Co. v. *State of Illinois* (146 U. S. 387 (1892)): A segment of the subsoil of Lake Michigan was in controversy herein.

The Court pointed out the settled law of the land as to State ownership of tidelands, citing *Pollard* v. *Hagan* (3 How. 212) and *Weber* v. *Harbor Commissioners* (18 Wall. 57), then it added significantly:

"We hold, therefore, that the same doctrine as to the dominion and sovereignty over and ownership of lands under the navigable waters of the Great Lakes, applies, which obtains at the common law as to the dominion and sovereignty over and ownership of lands under tidewaters on the borders of the sea, and that the lands are held by the same right in the one case as in the other, and subject to the same trusts and limitations."

Weber v. *Board of State Harbor Commissioners* (18 Wall. (85 U. S. 57) 57 (1873)): This suit involved lands under an arm of the sea in California waters.

The Court said in part in its opinion:

"The title to the shore of the sea, and of the arms of the sea, and in soils under the tidewaters, is, in England, in the King and in this country in the State."

Mr. LONG. Mr. President, I realize that it has been suggested that all of these cases related merely to controversies over lands beneath inland waters. The point is that the doctrine announced was a broader doctrine than the States possessed all lands beneath navigable waters within their boundaries. The turning point to holding that a State possessed title to such land was first that the land was beneath navigable water and second that it was within the State's boundary. In no instance did the Court attempt to determine that the submerged land was beneath inland water. Thus, in a case involving Chesapeake Bay, it was not necessary to determine whether the nature of that body of water was such that it should be regarded as a historic bay or as inland water. The fact that the property in question was within the boundary was sufficient to settle the question.

The United States of America is unique among the nations of the world in that the elements of sovereignty are divided between State and Federal Government. Those who contend for Federal ownership contend, of course, that the element of sovereignty relating to the possession of land beneath the open sea within a State's boundaries is an element of sovereignty belonging to the Federal Government.

Why do our opponents find it essential to their case to rely upon a far-fetched distortion of American history? The reason is because the States never gave to the Federal Government any right to their submerged lands.

Mr. President, when the junior Senator from Louisiana was an attorney in private practice of law, he was amazed upon reading the decision of the Supreme Court in the United States against California. How well I recall that many good Louisiana attorneys urged that the California case was not necessarily controlling insofar as Louisiana was concerned and many attorneys of Texas were quick to point to the fact that Texas had reserved all of its public lands in the Act of Annexation to the Union. They learned to their sorrow that all coastal States were in the same position.

During my service on the committee, I have seen the efforts of the Federal agents of the Truman administration to allay the fears of coastal States. States were assured that although the Federal Government proposed to take the oil from the submerged lands, the States need have little worry that the Federal Government would take their fish, shrimp, oysters, crabs, kelp, sand, gravel, shells, or the soil itself. What a ridiculous argument. Anyone familiar with the law could see that the Federal Government would have every bit as much right to take all of these resources as does the Federal Government have to take the oil.

When I first read the California decision, Mr. President, the question immediately occurred to me—how about our inland waters? The State which I have the honor to represent has vast amounts of inland waters within our boundaries. The question occurred to me: "Does this mean the Federal Government will be taking our inland waters next?" By a review of the previous decisions of the Court, one could see that the Courts had definitely held lands beneath such waters to be property of the States; yet the doctrine announced in those cases was prior to the announcement of the new paramount rights theory. It is a doctrine that would have been equally applicable to submerged land seaward of the low-water mark in the ocean. It was a doctrine which the Federal Government in its successful case against California had described as unsound.

I may point out, Mr. President, that subsequent to that decision, suggestions were made that the Federal Government should use that doctrine as a means of taking other lands, particularly on the Great Lakes, as proposed by one member of the Department of Justice at that time.

How safe are the inland States in relying upon those decisions dating back more than 100 years—decisions handed down during the days when the entire Federal officialdom agreed that the States owned all submerged lands within their boundaries, and respected those States' rights without a challenge. Of course, it is true that the Federal officials who successfully took our so-called tidelands have disclaimed any desire to seek our lands beneath inland waters, but they are not bound by such declarations, nor can they bind their predecessors. In fact, it was fundamental to the Government's case against California that Federal attorneys should brush aside all previous declarations of Federal officials. One of the elements of the California case was the decision of the Court that the vast expenditure of State and private money passed in part upon Federal recognition of State titles, did not in any wise bind the Federal Government.

Mr. Philip Perlman has told us that we need have no worry, because the Court has previously decided that inland waters belong to the States; yet it is the same Mr. Perlman who has previously gone before the Supreme Court and urged that Court to reverse long lines of Supreme Court decisions. Only recently was Mr. Perlman before the Court, urging it to overrule the long line of cases announcing the famous separate-but-equal doctrine.

Of course, we recall that the most ardent advocate of Federal ownership of submerged lands was the late Mr. Harold Ickes. It was that same person who, as Secretary of the Interior, signed letters declaring that the very property which he later urged to be taken for the Federal Government belonged to the States. It simply goes to demonstrate, Mr. President, that we cannot believe what some people say. Their soothing words give one an unjustified feeling of confidence unless he looks to the record to see what has actually been done.

Some years ago, a representative of the then Attorney General, a Mr. Vanesh, suggested that the decision in the California case should serve as a precedent for the Federal Government's taking the beds of all the Great Lakes.

Subsequently, as legislation similar to Senate Joint Resolution 13 to quitclaim all submerged lands within historic boundaries to the States obtained general support throughout the Nation, other representatives of the Justice Department came before us to suggest that the States bordering the Great Lakes need have no fears. Yet for years the Justice Department nevertheless objected to confirming title to the States bordering the Great Lakes.

As I have shown, one will read the Constitution in vain if he is in search of language indicating the intention of the States to give the submerged lands to the Federal Government. I well realize that some argue that the Federal Government possesses the submerged lands seaward of the low-water mark within State boundaries in the Atlantic, Pacific, and the Gulf of Mexico, because the Federal Government has the duty to defend these lands. I ask the Senators to consider this argument in its true nature. If pursued to its logical conclusion, it would jeopardize all property rights. If it is to be held that the Federal Government owns land because it has the duty of defending it, then that argument would be even stronger when applied to land under the inland waters, which the Federal Government has a greater obligation to defend. In that event, the greater the duty to defend, the greater the power of the Federal Government to take the property. A logical extension of that argument could lead to an assertion of the power of the Federal Government to take every piece of property in the United States of America, without paying 5 cents of compensation for it.

If one is to argue from the commerce clause or the defense clause of the Constitution or the provisions which relate to the powers of the Federal Government in foreign affairs to a conclusion that the Federal Government possesses submerged lands, in that these various powers coalesce with property ownership, certainly his argument would be every bit as applicable to inland waters as it would be to land beneath tidal waters.

If the Central Government has the responsibility of defending our coast line, as surely it does, does it not have an even greater responsibility to defend our harbors? If it has the responsibility of defending the mouth of the Mississippi River, does it not have an even greater duty to defend the Mississippi itself? If the Federal Government has the duty to defend the waters a mile seaward from Long Island, does not it have even greater responsibility for the defense of New York Harbor?

Granting that the Federal Government owes us a defense of an oyster bed or a mud flat, does not it owe us a greater duty to defend our homes? Assuredly, if the Federal Government possesses vast paramount rights which enable it to claim and take property which for more than 100 years agents of the Federal sovereignty have agreed to be property of the States, then the Federal Government is equally capable by such devices of asserting such powers to take all land beneath inland waters. For that matter, practically any property that this Government feels it requires in pursuance of the duties and responsibilities of our Nation, particularly in pursuance of its powers in the field of national defense, would be subject to similar seizure. Such powers could be urged to take any given piece of private property in the Nation without 5 cents of compensation to the property owner. Of course, I seriously doubt that such a thing is likely in the foreseeable future, but if it should ever come to pass, the aggrieved individuals would be before us, just as the States are here today, asking to have their property restored to them.

From this background it can be seen that justice and fairness favor a return of submerged lands within State boundaries in their entirety to the States. Those of us who are supporting Senate Joint Resolution 13 are relying upon principles of justice and fairness consistent with our views of the nature of this Government. We do not believe we are proposing to give anyone anything. We are supporting legislation to return property to those who we felt properly owned it. We disagree with the opinion of the Supreme Court in the California, Texas, and Louisiana cases. We do not seek to overrule those cases, however. We know that we have no power to overrule the Supreme Court. The Supreme Court has held that the Federal Government had paramount rights which coalesced with property rights. The Supreme Court itself has recognized that the effect of its decision would work inequities and injustices upon the States. It has suggested to the States that they should present to Congress their arguments for fair treatment. For more than 7 years Congress has listened to the State's arguments. Hardly any proposed legislation has received more attention or more debate either in the committee or on the floor of the Senate. We are nearing the conclusion of one of the longest debates during my service in the Senate. I believe Congress will decide wisely in favor of the passage of the Holland joint resolution.

Mr. President, at this time I should like to refer briefly to the suggestion that the pending joint resolution to restore to the States property which had been regarded as theirs for more than 100 years is a giveaway measure. I know that some Senators argue that it is wrong to give anything to the States. Those who are opposing us make that argument. If they are sincere in taking that position, then why do the same Senators propose to give to the States 37½ percent of all the oil and gas within their historic boundaries, and to give them all the reclaimed land and all the fish and all the gravel and all the sand and all the other resources in that area?

Those who make the argument that the pending measure is a giveaway bill are urging what I believe to be an unsound and unjustified view of the constitutional history of our Nation. I do not agree with their constitutional views. Therefore, I find myself reaching a different conclusion. If they are right, of course this measure would then be a giveaway measure. However, if it is wrong to give away something, it is undoubtedly a greater evil for one to do wrong knowingly. Those of us supporting Senate Joint Resolution 13, believing that we are restoring to the States property which we felt they rightfully owned, are convinced that we are doing justice and fairness.

Can those who are supporting the Anderson amendment and those who have supported the Hill amendment and the other Federal ownership measures say as much? They have told us it is wrong to give away anything. Yet while claiming that the States have no rights to submerged lands seaward of the low-water mark, they have proposed to give away all sand, gravel, oysters, kelp, reclaimed land, and almost half of all the oil to be found in this area. They say it is wrong to give away such resources. Then why do they not stand on principle rather than expediency? Inasmuch as they propose to give away three-eighths of all the oil and practically everything else within the 17 million acres involved in this measure, why do they exaggerate the figures more than a thousand-fold, and thus give the impression that even they would propose to give away a thousand times as much as we recognize to be involved in the values of the submerged lands in question?

The fact is that they well realize that few Americans would be particularly concerned if the public understood the actual extent of the values in question. In that case, they know that the public would be completely content to leave the decision to the conscience of the men whom the people of our Nation have chosen to make these decisions. Oh, no. It is because those who oppose us today desire to overcome the confidence that the people of this Nation place in those chosen representatives, that the net value of the resources involved must be exaggerated a thousandfold by the CIO, the ADA, and other pressure groups which are clamoring against this measure.

Let us look at the actual resources involved. When President Truman vetoed the Holland bill during the previous Congress, he used the most reliable figures available to him to state the extent of the resources seaward of the low-water mark within the State's historic boundaries in the sea. He stated that there were perhaps 2½ billion barrels of oil to be discovered and 9 trillion cubic feet of gas. However, when one speaks of 2½ billion barrels of oil and 9 trillion cubic feet of gas, he is being badly deceived if he thinks those resources can be recovered without any expense to the man who recovers them.

Many oil men will understand what I am saying when I say that, many times, the cost of production has been found to so far exceed the value of the resources to be recovered that such operations were regarded as uneconomical. It is for this reason that the Senator from Illinois [Mr. DOUGLAS] in opposing us makes the optimistic estimate that the State or Federal Government, as the case may be, might recover as much as 20 percent of the gross value of the resources. Why does the Senator use the figure 20 percent? With some pride, I say he uses that figure because my native State of Louisiana has succeeded in achieving such a net return, that being the highest

return based on gross value that any State has achieved, and that figure being almost 50 percent more than the Federal Government has thus far succeeded in realizing on the average Federal lease.

So, let us relate this optimistic estimate to the most reliable figures available to the former President of the United States. Based on current market prices, we would find that the gross value of the resources would be $7,360,500,000. When we multiply by 20 percent, the most optimistic net recovery to the Federal or State Government, it would then be about $1.5 billions. But remember, such resources are not recovered in a day. It takes many years to find them, and many additional years to produce such resources. A fair estimate would be that if such resources are to be recovered, it would take a period of 50 years to discover and produce these potential deposits of oil and gas. Thus, in all the submerged lands involved in this measure along the shores of 21 States, we would find that there would be an annual revenue of approximately $30 millions.

But again let me point out that this figure is probably double what could be actually expected on an annual basis because, as the Geological Survey pointed out, the cost of producing oil in the sea is far greater than the cost of producing oil on dry land. The principal difference, of course, lies in the fact that prior to commencing drilling operations it is necessary to construct in the open sea huge steel platforms from which drilling operations can be undertaken. In 40 feet of water, such a platform could cost around $300,000. In 100 feet of water, such a platform could cost perhaps a million dollars. Compare that cost to the cost of perhaps $15,000 for an oil well drilled to a shallow depth when located on dry land.

We well realize that many of the operations at sea will not be economical. In many instances it would be cheaper to produce oil from the shale that lies in Western States, which already is sufficient to produce trillions of barrels of oil at a cost well in line with the current cost of oil production. Then, too, we all know that there is enough coal in presently known reserves of the United States to supply all the fuel needs of this Nation for more than a thousand years. It would be cheaper to make oil from the coal than it would be to obtain it from the less economic deposits in the marginal belt seaward of Louisiana and Texas.

Thus, the actual figure of revenue to be expected within the submerged lands along the shores of the coastal States within their boundaries would be more nearly $20 million per year. This is not the pipe-dream figure of someone who thinks of socialistic schemes. This is the figure that a hard-headed businessman would be more likely to arrive at.

Using that figure, the amount that could be applied annually to education to every State in the Union, based upon 28 million school children, would be approximately 72 cents per child per year.

Where have all the enormous exaggerations and figures beyond the comprehension of the mind of man originated? They have originated with those who manufacture smokescreens to promote their socialistic thinking. Yet, in large measure, the $300 billion figure is based on the same fundamental data upon which my $20 million calculation is predicated. Both the CIO and I have used estimates of the Geological Survey. Why is there a difference of 15,000 to 1 between their net figures and mine? The reason, Mr. President, is that those who exaggerate the values involved never wish to talk in terms of money one can realize. But, Mr. President, let me ask this question: Is it not cruelly deceptive to send to a high-school principal a pamphlet leading such a person to believe that there is in prospect the chance of obtaining 1,500 times as much money for the children in that school as one knows to be the case? After all, would not the grammar-school teacher be more interested in knowing how much revenue the Government would have available to apply to education if the aid-for-education amendment were adopted, than in being misled by some ridiculous exaggeration? Is it not cruel to mislead a parent by giving him the impression that someone is proposing to give him $10,800 a year for the education of his child, when actually the proposal is a measure which would confer less than 72 cents revenue per year upon him and at the same time would deprive him of benefits which he would be sharing from another source, namely, his own State government?

In order that there may be better understanding of the manner in which the exaggerations have occurred, let me demonstrate the way these ridiculous distortions were arrived at:

They were arrived at by taking the gross value of resources, rather than the net amount of money that could be realized by producing those resources. Then they were arrived at by a fanciful dream that because Congress restored to the States, property which in its judgment properly belongs to those States, Congress would also give in their entirety vast tracts of land which Congress does not believe to be owned by the States, and which Congress never did believe belonged to the States. Thus they have estimated the value of oil and gas on the Continental Shelf beyond State boundaries—an area not involved in this measure, and more than 10 times as large as the area actually involved in the Holland joint resolution, again using gross figures, rather than figures of net revenue to be derived. Then they have estimated the value of resources in the great Territory of Alaska—which is not involved in this measure—for use in some cases. Again they have used gross figures, rather than dividing by 5 or 3, so as to arrive at a reasonable net figure; but they never reduce any of the figures to an annual revenue basis.

Others in turn have proceeded under the assumption that all the public lands in the Western States, whether interior or coastal, presently owned by the Federal Government, would be given to the States or to some selfish interest. They have referred to the gross value of such resources, although many of those resources even today cannot be economically produced. In doing this, their pipe-dream has been spiked with the most refined opiate. As I have sat here and listened to figures of $50 billion, $100 billion, $300 billion called out, I have day by day waited for these opponents to reach the trillion mark. Today I heard it reached.

These tactics explode the weakness of the case of our opponents. They dare not stick to the actual facts of an issue. Thus we see that they have relied upon distortions of history, dangerous theories of government, and exaggerations of figures ad infinitum, in an attempt to confuse the public.

I say it is a tribute to the sound nature of our government that even when the people do not have the exact figures, even when they do not know both sides of an argument, they instinctively understand when an argument makes sense or when it exceeds the bounds of reason. Yes, the people are wise. They are even wiser than some of our Democratic opponents realize. Even today, after all the newspaper advertisements purchased by the CIO and after all the propaganda campaign to break down figures exaggerated more than a thousandfold, in an effort to indicate to each American that a minority of this body is trying to hand him vast wealth for which he has done little, if anything, to merit, the nationwide polls taken by Dr. Gallup show that the public nevertheless favors the passage of the Holland joint resolution.

I believe the history of this Nation will show the submerged-land issue to have been the high-water mark of the strange theories advanced to justify additional powers and functions in the hands of the Federal Government. From a historic point of view, it will complete the cycle. The Executive in 1933 began, and Congress quickly implemented, decisions to assert vast new powers for the Federal Government. The Court in the first few years checked such theories by striking down legislation which it deemed to conflict with the fundamentals of the American form of government. Then an effort was made to "pack" the Court. When this effort failed, any need for it soon passed, as the Executive acquired more and more appointments on the Court. It then became the Court's turn to advance new theories of undreamed-of Federal power. Now it is the turn of Congress to check the Court. I have no doubt the Executive will do his part.

The PRESIDING OFFICER. The Senator from Florida has 1 minute remaining.

Mr. HOLLAND. Mr. President, I yield the time remaining to me to the distinguished junior Senator from Nebraska [Mr. GRISWOLD].

Mr. GRISWOLD. Mr. President, my senior colleague from Nebraska [Mr. BUTLER], chairman of the Committee on Interior and Insular Affairs, expected to be here today to speak on the pending question. I ask unanimous consent to have printed at this point in the RECORD the statement he had prepared in connection with the debate on this measure.

There being no objection, the statement of Mr. BUTLER of Nebraska was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BUTLER OF NEBRASKA

As chairman of the Senate Interior and Insular Affairs Committee, the committee that in February and March held such exhaustive

hearings on the various submerged lands measures, and which then, after painstaking consideration, reported out the pending measure, Senate Joint Resolution 13, as amended, I feel that I should make a brief statement to the Senate as to my position with respect to the proposed legislation.

Although Senate Joint Resolution 13 has been under consideration for a full month today, I have not spoken before, Mr. President, because I did not want to delay action on the measure in any way. Action, not more words, is long overdue on this issue, Mr. President, which has been before successive Congresses since the 75th Congress in 1937.

However, now that at long last a time certain has been set for an end to the seemingly endless words and for the too long delayed vote to take place, I will very briefly state my own views.

But first, I wish to express my own appreciation and that of other Senators directly interested in submerged lands legislation to the distinguished senior Senator from Oregon [Mr. CORDON] who so ably conducted the hearings and who presided over the lengthy executive sessions and finally reported the measure, presenting it, section by section, to the Senate. I am a businessman, not a lawyer; and although I have followed this legislation with interest during the 12 years I have had the honor to represent Nebraska in the Senate, I realized at the outset that the problem presented by the submerged lands issue involves many intricate legal matters. The very legality of quitclaim legislation, so-called, had been challenged by the Solicitor General of a previous administration.

Therefore, in order to be certain that every legal aspect of the proposed legislation was thoroughly explored, I asked the senior Senator from Oregon, who has one of the best legal minds in the Senate and who has had long and wide experience as a public-law officer in his home State of Oregon, to act as chairman for consideration of the submerged-lands measures. Anyone who attended the hearings, or who reads the printed record of the executive sessions, knows how ably he discharged the assignment I asked him to take. He has earned the appreciation of the Members of the Senate on each side of the controversy for his fairness and for the painstaking care with which he explored every aspect of the situation.

In this connection, I would also like to pay tribute to the Senators on both sides of the aisle who participated in the hearings and executive sessions. Although differences of opinion were sharp, they were honest, and founded upon honest conviction. Each member approached the problem with a determination to work out the best possible solution for what he deemed to be the public good. Discussions and actions unvaryingly were on a high plane of statesmanship.

As to the hearings themselves, I would like to say a word. Fourteen hearings already had been held on the submerged-lands problem and three Supreme Court cases decided at the time the issue came before the Interior and Insular Affairs Committee at the opening of the 83d Congress. Eleven of these hearings had been held since the beginning of my service in the Senate. In addition, the basic issue of State ownership versus Federal Government paramount rights, which apparently excluded State ownership—although such ownership had existed in fact, if not in law, ever since the founding of our Nation—had been a campaign issue in the presidential election of 1952 and had been thoroughly decided by the highest judge in our democracy—the people of the United States. The printed record of the congressional hearings prior to this congress totaled nearly 6,000 pages; in addition other additional hundreds of pages were in the committee files as exhibits.

Therefore, I had hoped that the hearings on Senate Joint Resolution 13 and related measures could be restricted to technical discussions of the provisions and to new evidence or information supplemental to that already before the committee, if any there could be. The hearings were no sooner underway than it became apparent that proponents on each side of the controversy felt they should be allowed to make a complete presentation of their respective cases all over again. In accordance with the Senate's great principle of perfect freedom of debate, full and complete latitude was allowed each and every witness to present to the committee any arguments or views he saw fit to present. As a result, this year's hearings cover more than 1,200 printed pages, and dozens of other memorandums, charts, maps, and exhibits were considered by the committee and are in the committee files.

Again, when the measure reached the Senate floor, I once more had hopes that, with such a full and complete record before it, the Senate could impose upon itself the self-discipline of succinct and pertinent debate, and then proceed to vote. After all, the matter had been presented on this floor some 16 years ago, in 1937. It had been thoroughly thrashed out in 1946, and again only last spring, in full debate. On both occasions, measures virtually identical in spirit and effect were passed by overwhelming majorities. These facts, coupled with the election returns, had led me to hope that the Senate could dispose of the matter in an efficient and statesmanlike manner.

But the happenings of the past few weeks show I was too optimistic. The debate that opened on the first day of April is still going on. A week or more ago the distinguished majority leader stated that more than a half-million words had been spoken on this floor in this Congress on the subject. Since then we have had day and night sessions, and I venture to say that the total now would be well over a million words.

I wonder if any Member of this body, on either side of the aisle, honestly thinks that a single vote has been changed by all this torrent of words.

In view of my remarks, it would scarcely be appropriate for me to make a long speech in support of this resolution which was reported favorably by the committee of which I have the honor to be chairman. I have no intention of doing so. I further realize that, as the distinguished majority leader has stated, nothing new can be said at this stage of the debate.

However, a number of Senators have professed to be at a loss to explain how anyone from an inland State could be supporting this resolution. As a Senator from the inland State of Nebraska, a State that has no coastal lands, I thought that I might explain my reasons for supporting the resolution.

The short answer is that it is a matter of principle.

It is a matter of principle that the States should own all the lands beneath navigable waters within their boundaries. This principle applies to the inland States as well as the coastal States.

It is a matter of principle that the States should not be deprived of lands which they have used and dealt with as their own since they formed or entered the Union. This principle applies to all the States alike, whether inland or coastal.

It is a matter of principle that a rule of property which had been relied upon for a century or more should not be overturned merely because a valuable mineral is discovered beneath certain navigable waters. All 48 States have a stake in this principle.

It is a matter of principle that the Federal Government does not have inherent power to take over State property without payment of compensation. This principle is vital to everyone, everywhere in the United States.

Although I am not a lawyer, I have a deep respect for the distinguished groups of lawyers who have urged that the rights of ownership in lands beneath navigable waters within State boundaries must be restored to the States. Attorney General Fatzer, of Kansas, who is president of the National Association of Attorneys General, told our committee that officials of 47 of the 48 States have appeared and testified in favor of such a resolution as is now before the Senate. General Fatzer presented to us the resolution adopted last December at the annual meeting of the association. It reads as follows:

"*Resolved by the 46th annual meeting of the National Association of Attorneys General,* That the association and its submerged lands committee continue efforts in support of congressional action confirming and restoring State ownership of lands beneath navigable waters within the boundaries of the respective States in accordance with the terms of the resolution on this subject heretofore adopted by the 44th annual meeting of the association on December 12, 1950, and as recommended in the report of the submerged lands committee presented at this conference."

I understand that all but three States supported this resolution passed by the National Association of Attorneys General.

The American Bar Association is another of the distinguished legal groups which have urged the restoration of the rights of ownership in these lands to the States. After careful consideration of the problem, the association expressed the following conclusion as to the dangerous implications of the Supreme Court decisions:

"The new concept that the Federal Government has the paramount right to take property without compensation because it may need that property in discharging its duty to defend the country and conduct its foreign relations can have no logical end except that the Federal Government may take over all property, public and private, and under this theory the Federal Government could nationalize all of the natural resources of the country without paying the owners therefor, wholly in disregard of the fifth amendment."

The Municipal Law Officers Association presented a resolution of their body to our committee which also is in support of this resolution. It said:

"Whereas the control of lands lying beneath tidal and navigable waters has been resolved against the States and political subdivisions thereof by the Supreme Court decision in the case of *United States* v. *California;* and

"Whereas Federal legislative action appears to be the sole remedy which States and cities have to secure title to these tidelands upon which billions of dollars have been expended by such State and local governments: Now, therefore, be it

"*Resolved,* That the National Institute of Municipal Law Officers urge the Congress of the United States to adopt legislation which will confirm the title to such lands in the States and their political subdivisions."

The present Attorney General of the United States, Hon. Herbert Brownell, also told the committee that the States should possess rights of ownership in the natural resources within their historic boundaries, as did the Secretary of the Interior, Hon. Douglas McKay.

Despite these eminent legal opinions, it has been urged here that offshore waters within State boundaries are in a special category and that the States should not have the rights of ownership in them that they exercised for a century and a half and under which such great developments have taken place. Some have argued that passage of this resolution will weaken our national security. In this connection, these people have claimed that the Federal Government's responsibilities for national defense require that it have paramount rights in the oil and other resources of the marginal belt.

Speaking as a businessman and not as a lawyer, I simply cannot follow these arguments. Of course, the oil and other resources under navigable waters are important to our national defense. But so are the uranium, copper, iron, oil, and other resources which lie on private land or State-owned land which is not beneath navigable waters.

It has not yet been suggested that the Federal Government can take those resources without paying compensation, and I hope it never will be.

Yet there is no more reason why the Federal Government should be able to take the resources in the offshore waters within State boundaries. The possible need of the Federal Government for these resources in time of emergency is fully safeguarded by section 6 (b) of the resolution which gives the Federal Government first-purchase rights.

I am also mystified by the arguments that the Federal Government is entitled to some special right in the offshore area within State boundaries because it is required to defend that area. The Federal Government is charged with the defense of Nebraska, too. Yet, as far as I know, that fact has never been thought to confer any property rights on the Federal Government in Nebraska.

These arguments that this resolution will weaken our security are certainly not supported by the statements of Federal officials charged with responsibility for our defense. President Eisenhower has spent all of his mature life in distinguished service in our highest defense posts. It is inconceivable to me that he would have urged the restoration of the lands to State ownership if it would in any way weaken our security. Yet, on October 13, 1952, General Eisenhower said in New Orleans:

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

"This has been my position since 1948, long before I was persuaded to go into politics.

"State titles in these so-called tidelands areas stand clouded today.

"The Supreme Court has declared in very recent years that there are certain paramount Federal rights in these areas. But the Court expressly recognized the right of Congress to deal with the matters of ownership and title.

"Twice by substantial majorities, both Houses of Congress have voted to recognize the traditional concept of State ownership of these submerged areas. Twice these acts of Congress have been vetoed by the President.

"I would approve such acts of Congress."

Moreover, after taking office, President Eisenhower made the restoration of the offshore lands to the States 1 of the 11 points of his legislative program, and very recently restated his views in as straightforward and as clear a letter as it has been my privilege to read.

I commend the President's letter on submerged lands to the attention of each Member of the Senate. It was read into the CONGRESSIONAL RECORD by the distinguished majority leader and can be found on page 3865 of the RECORD for Saturday, April 25.

Secretary of the Navy Anderson appeared before our committee and he gave no support to the charge that passage of this resolution would weaken our security. On the contrary he said that ownership of the offshore lands is a "matter of broad national policy which can rightly and properly be determined only by congressional decision."

As is indisputably clear, whether the Federal Government or the State governments control these lands, they will be developed by private oil companies. That is the way it should be. There is no reason to think that more oil would be produced under Federal control than under State management. Even the opponents of this resolution have conceded that State management in the past has been exemplary. If this was not so, I am sure that the Secretary of the Interior, Mr. McKay, would not have recommended a restoration to the States of the rights of control within State boundaries as he did in the following statement:

"I do believe that the national interest would be best served by restoring to the various States the coastal offshore lands to the limits of the line marked by the historical boundaries of each of the respective States."

Another objection which has been raised to this resolution is that it will embarrass the United States in the conduct of its foreign relations. The best answer to that is found in the statements by Jack B. Tate, the Deputy Solicitor of the Department of State, who testified as follows:

"The Department believes that the grant by the Federal Government of rights to explore and develop the mineral resources of the Continental Shelf off the coasts of the United States can be achieved within the framework of its traditional international position.

"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 of the Continental Shelf as set forth in the 1945 proclamation."

In light of these views by the responsible officers of our Government, it appears to me that we should not be deterred in our purpose to restore these lands to the States.

In concluding this brief statement, I would like to read the conclusion of the report of the Senate Interior and Insular Affairs Committee, which sums up my views on the matter as follows. I quote:

"The committee submits that the enactment of Senate Joint Resolution 13, as amended, is an act of simple justice to each of the 48 States in that it reestablishes in them as a matter of law that possession and control of the lands beneath navigable waters inside their boundaries which have existed in fact since the beginning of our Nation. It is not a gift; it is a restitution. By this joint resolution the Federal Government is itself doing the equity it expects of its citizens.

"The committee recommends enactment of Senate Joint Resolution 13."

I stand with my committee and urge that the joint resolution do pass.

The PRESIDING OFFICER. The Senator from Montana has 26 minutes remaining.

Mr. MURRAY. Mr. President, I yield 5 minutes to the distinguished junior Senator from Oregon [Mr. MORSE].

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I had but one question which I had hoped to ask my good friend, the Senator from Louisiana [Mr. LONG], after I listened to his argument about the independence of the States, and that was whether in his opinion the War Between the States did or did not settle the question of the superior sovereignty of the United States as a nation, and did or did not settle the dispute over the great tenet of Lincoln; namely, that the sovereignty of the several States when added together does not equal the sovereignty of the National Government.

Mr. LONG. Mr. President, will the Senator from Oregon yield for an answer?

Mr. MORSE. Oh, I shall be very glad to yield for an answer.

Mr. LONG. The answer is very simple: I do not believe the War Between the States at all settled as a fact that this is a government with powers beyond those given in the Constitution of the United States. Regardless of the outcome of the Civil War, the only power the Federal Government has is derived from the Constitution.

If the Senator from Oregon believes what I regard to be a distortion of history, he can go alone with it, but I do not believe he does.

Mr. MORSE. If it is the answer of the Senator from Louisiana that the powers of the Federal Government stem from the Constitution I say he is correct. The sovereignty of the United States depends upon the Constitution. When this giveaway measure comes before the Supreme Court of the United States, it is my prediction that the Senator from Louisiana will receive a good lesson in constitutional law, for I believe the Supreme Court is going to reaffirm the Lincoln doctrine, namely, that Louisiana, Texas, Florida, and California do not have in respect to their boundaries or in respect to the offshore lands a sovereignty greater than the sovereignty of the United States.

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

Mr. MORSE. I think I have answered the question for the time being, Mr. President.

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

Mr. MORSE. Mr. President, I should like to engage in a long discussion, but I have pinned the point I want to pin on the Senator from Louisiana, because the essence of the argument he has made this afternoon is an argument which takes us back to Calhoun; and we settled the Calhoun argument with the blood of thousands of the Blue and thousands of the Gray during the War Between the States. The Senator argued this afternoon as though there had been no War Between the States.

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

Mr. MORSE. I say to the Senator from Louisiana, Mr. President, that the opponents of the pending measure take the position that in the War Between the States, the question of sovereignty was settled. I am glad that I am a member of the little band of liberals in the Senate that refuses to give to a few States what belongs to the Nation as a whole. This sad day for the American people, for the Congress to give away to the people of a few States billions and billions of dollars of wealth in the natural resources which belong to all the people of the Nation.

Mr. LONG. Mr. President, will the Senator from Oregon yield to me at this point?

Mr. MORSE. I decline to yield, Mr. President, until I finish.

In the closing minutes of this debate, I wish to reinforce the great argument made by the Senator from West Virginia [Mr. NEELY] in support of the amendment he submitted. The most important principle in this representative form of Government of ours is that our forefathers bound us together, in a Government of a self-governing people, to promote the general welfare. Our forefathers recognized that the great wealth of America is to be found in her people. Our forefathers recognized that what we do to promote the general welfare of the people is in keeping with the principles of the Declaration of Independence, from which the Senator from Louisiana quoted, and is in keeping with the great Preamble of the Constitution of the United States, which recognized the importance of promoting the general welfare of our people.

Yet today, Mr. President, in the Senate of the United States, the American people are about to see the spectacle of a revival of the outworn and repudiated doctrine of Calhoun—a revival, Mr. President, of States rights, in the sense that the sovereignty of the States is alleged to be greater than the sovereignty of the Federal Government.

Mr. President, we are about to see given away, by the action taken on this sad day by the Senate of the United States, precious natural resources in an oil reserve which should be left under the jurisdiction of the Navy, where Harry Truman put it in one of his last acts as President, for the protection of the security of the Nation. American boys and girls in generations ahead may need the oil, which this measure will now submit to exploitation by the oil interests of the country, at a time when that reserve should not be exploited. It should be stockpiled, under a sound conservation program, such as the one the little band of liberals that is fighting against this measure sought to have established for the protection of future generations of American boys and girls.

Mr. President, I shall be interested in listening to the arguments Senators who will vote for the joint resolution this afternoon will make on the political platforms in 1954, because we are going to take the fight to them in 1954. I am going to be interested in the arguments they advance in opposition, for example, to the Neely amendment, which proposes to guarantee the use of the income from this reserve of oil for great public causes so essential to promoting the general welfare.

Mr. President, I close by saying that I shall be proud to leave behind me the record jointly made by me and the other members of the little band of liberals that is devoted to the general welfare in opposition to this nefarious bill. We recognize that, after all, the great wealth of the United States is to be found in promoting its human resources, and that to do that we had better conserve our natural resources.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MURRAY. Mr. President, I yield 5 minutes to the junior Senator from Minnesota [Mr. HUMPHREY].

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. HUMPHREY. Mr. President, first of all, let me pay tribute to the Senator from Oregon [Mr. MORSE] for what I consider to be a concise and pointed analysis of the subject matter before the Senate. Such an analysis could not be made better or with more persuasiveness or logic.

I shall do what I can merely to fill in the details of the general outline the Senator from Oregon has stated.

First, let me say that in the course of the debate we have cleared away a certain amount of fuzzy thinking and a certain amount of propaganda. We have found, first, that we are not talking about tidelands. The use of the term "tidelands" was a matter of propaganda which for several years was foisted upon the American people.

Second, Mr. President, we have cleared away the misconception that we have been considering proposed legislation which would in any way injure or jeopardize the rights of the several States insofar as the lands under inland waters are concerned. Let the record be perfectly clear that, insofar as lands under inland waters are concerned, that is not a subject of debate or even a subject of discussion. It has been confirmed by many Supreme Court decisions that the States have general jurisdiction, control, and ownership of lands under inland waters. We cite as classic cases, for example, the Illinois Central case and the Pollard case; and there are other cases too numerous to mention. So what are we really talking about? We are talking, Mr. President, about the bottom of the ocean. We are talking about the bed of the sea. We are talking about the mud, the gravel, and the grime at the bottom of the sea, and the resources to be found under that floor of the ocean. We are talking about the ownership and control of the land, the wet, submerged land under the open sea.

It is nothing short of preposterous for anyone to come before a legislative body, or before the public in general, and say that a particular State has control and ownership over the bottom of the ocean. For better than 175 years the Government of the United States has stood steadfastly behind the principle of freedom of the seas. The doctine of the open seas is an American doctrine. The doctrine of a 3-mile territorial limit, or belt, around the coastline of the United States is an American doctrine, proclaimed by Thomas Jefferson. Earlier, the doctrine of sovereignty over the 3-mile belt around the coastline of the United States was proclaimed by the Continental Congress. It is nothing short of fantastic, Mr. President, that we should be arguing here as to whether a State has control of land under the open seas, which are international waters, and of the land within the belt of 3 miles around the coast, which is national, and which has been proclaimed as national since the beginning of the Republic.

What else are we talking about? We are talking about whether Texas and Florida have special rights in the Union. Mr. President, one of the purposes of the Constitution was to accord equal rights to the States, and to solve disputes arising between and among the States. Another purpose was to prevent the application of the law of the jungle, the law of the powerful over the weak, the law of large States over small. This is a part of the great constitutional history of the United States of America.

Yet, Mr. President, we are now hearing representatives of certain States in the Congress saying that Texas has a larger belt extending into the sea than any other State, that she has special rights, and that Florida has special rights. Yet the record reveals that every State that came into the Union came into it on the basis of an equal footing, with no more privileges than any other State, no more rights than any other. No Senator can prove to the contrary, because the resolution of admission in the case of every State of the Union proclaims the principle of equal footing.

Let me cite, Mr. President, the Articles of Confederation, to which my friend from Louisiana referred. Under article IX of the Articles of Confederation there is a provision which reads:

> The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever.

Mr. President, article IX of the Articles of Confederation placed in the Congress the right to settle boundaries. But the Articles of Confederation were repudiated and were succeeded by the Constitution of the United States of America, which removed from the Congress the right to settle boundary disputes, and placed it in the courts under article III, section 2.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. HUMPHREY. Mr. President, will the Senator from Montana yield me 2 minutes more?

Mr. MURRAY. I yield a minute to the Senator from Minnesota.

Mr. HUMPHREY. A minute? Mr. President, the Articles of Confederation is ancient history, buried history, and I submit that article IX, by the fact that it was superseded by the Constitution of the United States of America, as adopted in 1789, makes it perfectly clear that what is being attempted in the Congress at this time is to go back to what the Senator from Oregon referred to as the old doctrine of Calhoun, the doctrine of the "tariff of abominations," the doctrine of the Calhoun philosophy of divided sovereignty. This, Mr. President, has been settled by two great events—the adoption of the Constitution of the United States of America, and the War Between the States.

Finally, Mr. President, I call upon the present crusading administration to crusade for the public interest. I call upon that administration to give equal rights to all the States of America, and I warn every Member of this body that if this incredible gift to and this incredible grab by certain coastal States, namely, Texas, Louisiana, and California, is consummated, the effect will be to prejudice the

economic development of every other State in the Union. It will make it possible for those three States to reduce taxes in order to entice industries to locate within their borders, to the disadvantage of the State of Minnesota, to the disadvantage of the State of Oregon, the State of New Jersey, and of the other 45 States of the Union. I submit that it is a preposterous proposal. It should be defeated; and, if it is not defeated, there will be a day of reckoning, when the American people will know that we have only legalized the scandal of Teapot Dome on the floors of the Congress.

Mr. MURRAY. Mr. President, I yield 5 minutes to the Senator from Arkansas.

The VICE PRESIDENT. The Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, I do not intend to discuss the merits or demerits of the pending measure at any length at this time. I still think it a thoroughly unjustified measure, a measure which is not only bad in itself, but which will undoubtedly be used as a precedent for further raids upon the natural resources belonging to the Nation.

But the aspect of the consideration of the pending measure which depresses me most of all is the defeat of the Hill amendment. It is very discouraging to see a great democratic people, a great Nation such as ours, with an opportunity to lead the world such as no other country has had, certainly in modern times—to see such a Nation permit its educational system gradually to deteriorate so that its future generations will have no understanding of the world in which they live, and no idea as to how to adapt themselves to the demands of modern times.

As the able historian Toynbee has so clearly shown, the great nations of the world in the past have been destroyed primarily by internal decay, rather than by external aggression. I can think of no better way to promote the internal decay of a democracy than to neglect the education of its people. There is no excuse for our shortsightedness in that regard. Both Thomas Jefferson and George Washington very strongly emphasized the necessity of education, if we are to continue as a free, self-governing people. In these days one has only to read any newspaper to see how great is the need of better education in our country—or, for that matter, one has only to sit in the Senate.

Mr. President, before the vote is taken on the pending measure, I commend the Members of the opposition to it for their great contribution to a better understanding of the subject of this proposed legislation. All those who have spoken so well and so forcefully in an effort to defeat Senate Joint Resolution 13 deserve the gratitude and thanks of the American people. The Senator from Oregon [Mr. MORSE], the Senator from Illinois [Mr. DOUGLAS] the Senator from Minnesota [Mr. HUMPHREY], the Senator from Montana [Mr. MURRAY], and all other Senators who have given so much of their time and energy in opposing this measure, deserve our fervent thanks.

In delaying action upon the pending measure, the Senators to whom I have referred have in large measure performed the function which the Founding Fathers intended the Senate should serve in our constitutional system. I only regret that we were not able to force a postponement until the next session, when I feel sure a great many more Members of the Senate will understand the true character of the proposed legislation.

Mr. President, I wish especially to compliment and to commend the great work done by the Senator from New Mexico [Mr. ANDERSON] and the Senator from Alabama [Mr. HILL], in leading and organizing the opposition to the pending joint resolution. They have given of their time and energy unstintingly and with rare devotion to the public welfare. As the proposed legislation is better understood by the American people, they will appreciate the true worth of these fine Senators.

Mr. MURRAY. Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator from Montana has 10 minutes.

Mr. MURRAY. Mr. President, I yield 4 minutes to the Senator from New Mexico [Mr. ANDERSON].

The VICE PRESIDENT. The Senator from New Mexico is recognized for 4 minutes.

Mr. ANDERSON. Mr. President, I recognize that I sometimes get more anxious about these things than the circumstances should warrant. Nevertheless, when suggestions were made a few minutes ago with reference to a rehearing of the California case, I could not avoid getting a little bit disturbed, because the United States Government was the winner, and not the individual States. If any request for a rehearing was to be made, it would have come from the losers, not from the winners.

The facts as revealed by the records of the Court will verify this, that the decree proposed by the administration included the term "owner of and possessed of paramount rights in."

The Supreme Court drew a line through "owner of," and, subsequently, in the Texas case and the Louisiana case the Government of the United States did not ask to be granted the actual title or ownership of these areas.

I noticed a few days ago, Mr. President, comments in a newspaper as to why the question of ownership had been so lightly passed over by the group of liberals. What do the court decisions say? Do they include greater ownership in the States than in the Federal Government? If they do not expressly state that the lands are owned by the Federal Government, is that because there was a question in the minds of the Supreme Court as to who had the greatest right of ownership, or does it show that the problem of title is so complicated with international affairs, so involved with the intricacies of our membership in the family of nations, that it is hard to define a mere property title in the sense that we use it for individually owned pieces of land?

Mr. President, I have selected a few words from a long line of decisions of the Supreme Court, but these few words dispose of any possibility that the States have any title to these areas lying seaward of the ordinary low-water mark or have any property interest in them.

In the case of the United States against California the Court said:

> 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 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. * * * 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. * * * And insofar as a 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. * * * 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. * * * 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 coasts, 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, inculding oil. * * * 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.

It is important to remember that regardless of the majority opinions and the dissenting opinions and all the thousands of words involved in them, there is straightforward, simple language carried in the decree, and in the California case the order and decree points out "that the United States of America is 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 and outside of inland waters. The State of California has no title thereto or property interest therein."

Here is the language in the Louisiana case:

> California, like the Thirteen Original Colonies, never acquired ownership in the marginal sea. The claim to a 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. * * * The matter of State boundaries has no bearing on the present problem. * * * So far as the issues presented here are concerned, Louisiana's enlargement of her boundary emphasizes the strength of the claim of the United States

to this part of the ocean and the resources of the soil under that area, including oil.

When the Court came to the Texas case (339 U. S. 707), it dealt with dominium and imperium, which terms involve both political and property rights, and pointed out that they are united in this instance and that property interests are so subordinated to the rights of sovereignty as to follow sovereignty. Where do they follow sovereignty? Into the hands of the sovereign, of course, not into the hands of one of the individual States. Property rights and political rights coalesce, which means to grow together into one body and having grown together into one body, to unite in the national sovereign. Is not that pretty stern language on the question of where property rights have gone and where ownership must never lie?

Here are excerpts from the Texas case:

> And so although dominium and imperium are normally separable and separate, this is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty. * * * Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign. Today the controversy is over oil, tomorrow it may be over some other substance or mineral or perhaps the bed of the ocean itself. If the property, whatever it may be, lies seaward of low-water mark, its use, disposition, management, and control involve national interests and national responsibilities.

The decree in the Texas case also declares that the paramount rights and full dominion and power over the lands, minerals, and other things in the Gulf of Mexico seaward of the ordinary low-water mark on the coast of Texas is vested in the United States and that the State of Texas has no title thereto or property interest therein.

Mr. President, when we were discussing this question the other day and someone suggested that Senate Joint Resolution 13 was a giveaway measure, it was pointed out that the grant to the States involved only one-tenth of the Continental Shelf, not the nine-tenths remaining to the Federal Government. But if we look at page 577 of the hearings, the true situation is there shown. It will be seen that in the estimated proved reserves landward of the traditional boundaries there may be millions of barrels of oil, but in the fields seaward of traditional State boundaries it is estimated that Louisiana has 335 million barrels of oil and 2 trillion cubic feet of gas. When we look at the number of proven fields and the oil proved therein, the word "none" is carried for the State of Texas, and for the State of California.

Where is the oil? That is the important thing. The Pacific coast breaks sharply to the west. There may be 2,000 miles of ocean lying out there, but within the 3-mile belt are all the reserves.

I was a little disturbed, Mr. President, that in the discussion there had been a steady reference to "historic boundaries." I tried to find that term in the pending measure, but was unable to do so. Is it because the proponents do not want to be confined to the historic boundaries, or do they want to redefine them to reach out into the ocean far to sea?

Mr. President, I hope the pending measure will be defeated. I hope we shall not give away to three States the property which belongs to all the people.

Mr. MURRAY. Mr. President, I yield the remaining time to the Senator from Illinois [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. President, the issues have been pretty well cleared up in this debate. They involve the question of the ownership and the paramount rights in the submerged lands seaward from the low-water mark and outside of inland waters. This question was first passed upon by the Supreme Court in the California case in 1947.

Prior to that time, in some 50 cases, the Court had dealt either with tidelands proper or with submerged lands under navigable inland waters, such as lakes, bays, ports, and rivers. The Supreme Court had held, I think properly, that the ownership of those submerged lands resided in the States. Even though legislation is not essential to the security of such State titles, those of us who have been opposing the present measure wish to confirm that by statute.

But, in 1947, the Court, for the first time, passed on the question of ownership of the paramount rights in the submerged lands seaward from the low-water mark and outside of inland waters, and in the only three cases which have been decided on this point the Court has held, and, I believe, properly so, that the Federal Government has paramount rights in those lands.

There are tremendous amounts which are involved in the resources of oil, gas, and mineral rights in these lands. We have not conjured up out of our minds the estimates of oil and gas. The United States Geological Survey estimates that the potential reserve on the Continental Shelf off the coasts of California, Texas, and Louisiana amounts to 15 billion barrels. Two eminent geologists of the Standard Oil Company have fixed the potential reserves of our entire Continental Shelf at 40 billion barrels and 100 billion barrels, respectively. This would mean capital values ranging from $50 billion to $300 billion, and, on the basis of royalties ranging between one-eighth and one-fifth, amounts ranging from 6 billion to 60 billions of dollars. These are very large sums.

While it is true that the pending measure has been changed from the form in which it was reported out of committee so as to make it less bad than it was when we started, and to leave with the Federal Government certain rights in the submerged lands seaward from the 3-mile or the 9-mile limit, it is still a tremendous giveaway.

Mr. President, the Supreme Court has said that these properties and potential royalities belong to all the 159 million people in the United States. The measure before us would transfer these sums from all the people of the United States and give them to the people of 3, or at the most, 4 States.

We hear talk about States rights. But, this is a "States wrongs" measure, because it takes property from the people of 45 States and transfers it to 3 States.

Furthermore, Mr. President, there is a question of the proper leasing of the lands as well as of the ownership of them. The leasing issue has not been sufficiently touched upon in this debate, but I shall like to ask this question? Which agency would give greater equity as between applicants for leasing, the United States Geological Survey, which is largely protected by civil service, in a nation where differing and conflicting interests permit of at least some impartiality, or State authorities, where the oil groups are predominant and where they exercise tremendous political influence?

So, Mr. President, we who are urging that controls should remain in the hands of the Federal Government, want to have the leasing conducted by a body which can preserve equity and justice as between different applicants and which will not give chunks of our natural wealth to insiders and those with powerful influence.

I urge every Senator to consult his conscience as he votes on the pending measure. Do we wish to transfer the property of all the people to a few people? Do we wish to provide political leasing or nonpartisan leasing? If we ask ourselves that question, our votes will be against the pending measure.

The VICE PRESIDENT. The time of the Senator from Illinois has expired. All time has expired.

Mr. TAFT. 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	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
Byrd	Humphrey	Potter
Case	Hunt	Purtell
Chavez	Ives	Robertson
Clements	Jackson	Russell
Cooper	Jenner	Saltonstall
Cordon	Johnson, Colo.	Schoeppel
Daniel	Johnson, Tex.	Smathers
Dirksen	Johnston, S. C.	Smith, Maine
Douglas	Kennedy	Smith, N. J.
Duff	Kilgore	Smith, N. C.
Dworshak	Kuchel	Sparkman
Eastland	Langer	Stennis
Ellender	Lehman	Symington
Ferguson	Long	Taft
Flanders	Magnuson	Thye
Frear	Malone	Tobey
Fulbright	Mansfield	Watkins
George	Martin	Welker
Gillette	Maybank	Wiley
Goldwater	McCarran	Williams
Gore	McCarthy	Young

Mr. SALTONSTALL. I announce that the Senator from Nebraska [Mr. BUTLER] and the Senator from California [Mr. KNOWLAND] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] and the Senator from Kansas [Mr. CARLSON] are absent on official business.

Mr. CLEMENTS. I announce that the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Oklahoma [Mr. KERR] are absent on official business.

The VICE PRESIDENT. A quorum is present.

Mr. MAGNUSON. Mr. President, I have two amendments to Senate Joint Resolution 13 which have been printed

and are lying on the table. I ask that they be called up at this time.

Mr. TAFT. Mr. President, a point of order. It seems to me that amendments which have been discussed, and on which voting was postponed by unanimous consent, should be called up first, before other amendments are offered.

Mr. MAGNUSON. I thought I would save time by placing in the RECORD a statement with reference to the amendments, in order to have them out of the way.

Mr. TAFT. That would be satisfactory and I would have no objection to the Senator's doing that. However, I think the order in which amendments are to be called up should be as I have stated. Of course, if the Senator does not desire a vote on his amendments——

Mr. MAGNUSON. I desire a vote on them, but only a voice vote.

Mr. TAFT. Then I suggest that the Senator wait until other amendments are disposed of.

Mr. MAGNUSON. Very well.

The VICE PRESIDENT. The first amendment in order is the amendment offered by the Senator from Tennessee [Mr. KEFAUVER] for himself and other Senators, designated "4-28-53-B."

Mr. ANDERSON. Mr. President, I wish to ask the majority leader if he would not be inclined to put over this amendment until the Senator from Tennessee returns to the Chamber. He is traveling by plane and is somewhat delayed. Would the Senator from Ohio be agreeable to deferring action on this amendment?

Mr. TAFT. Would the Senator's request apply also to the amendment designated "4-28-53-C"?

Mr. ANDERSON. I had intended to make the same request with respect to that amendment.

Mr. TAFT. Mr. President, I ask that those two amendments be passed over until they are officially offered.

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

The next amendment, in the order in which amendments were presented, is the amendment offered by the Senator from Nevada [Mr. MALONE], designated "4-13-53-A."

SENATE JOINT RESOLUTION 13—PUBLIC LANDS BILL—PROTECT PUBLIC RECLAMATION FUND—TREAT PUBLIC LAND STATES ALIKE—SENATE JOINT RESOLUTION 13 IS A PUBLIC-LANDS BILL

Mr. MALONE. Mr. President, every State in the Union has public lands within its borders. My State of Nevada has the largest amount of public land, but all public-land States are vitally interested in any congressional act bearing upon a long-range policy of dealing with public lands.

HOLDING LANDS IN TRUST FOR THE STATES

Since 1841 public-land laws have been passed as the public need developed and over the years a pattern developed of holding such lands in trust for the States until such time as a Federal act can be developed and passed providing for private ownership and through individuals placed on the tax rolls of the States.

The Preemption Act of 1841 marked the real beginning of such legislation. The Homestead Act of 1862 providing for a family unit of 160 acres; and the mining statute of 1872, providing for the location of mining claims, 1,500 by 600 feet, all point to putting the land in the hands of the individuals and on the tax rolls, emphasizing that the Federal Government was holding such lands in trust for the States.

WITHHOLDING KNOWN MINERAL LANDS

For almost a century the policy has been to withhold mineral rights in known mineral lands when transferred to the States. I now say to the Senate that this policy would be changed through Senate Joint Resolution 13, deeding outright public lands to the States.

PARAMOUNT RIGHTS

Mr. President, these are public lands in which the Supreme Court has said the United States has paramount rights. In so many words the Court said that the State of California did not own the lands. According to Webster's dictionary, "paramount rights" means the highest title.

So if the century-old policy of deeding mineral rights outright to the States is to be changed, we should treat all public-land States alike, and my amendment simply would do that.

It would place every public-land State in the same category.

THE RECLAMATION FUND

Further, I would say that revenue from the oil and gas lands of public-land States—and these are public-land States according to the Supreme Court decision—should continue to be divided according to the Mineral Leasing Act of 1920.

It is now 34 years that they have been dividing the revenue, 37½ percent to the States wherein such petroleum and gas are located, 10 percent to the Federal Government, presumably for supervision, and 52½ percent to the reclamation fund, from which money is available to build reclamation projects in the reclamation States.

There are 17 Western States, including Texas, Oklahoma, Kansas, Nebraska, North Dakota, and South Dakota, which benefit by this fund, and the money is repaid without interest. Practically the only new money accruing to the reclamation fund in the last 25 years has come from the 52½ percent from the Mineral Leasing Act of 1920. So the 17 Western States producing practically all the oil and gas in public-land States are receiving funds which are expended in those States for the development of the arid areas.

REVIEW OF PUBLIC-LAND LEGISLATION OVERDUE

Mr. President, a review of the public-land legislation and a reorganization thereof is long overdue. The 160-acre Homestead Act is no longer effective, generally speaking, in the public-land States.

There is no existing law under which the public lands can pass into private ownership for agricultural purposes. The overhauling is long overdue. If we are to start now, let us treat the States alike.

The VICE PRESIDENT. The time of the Senator from Nevada has expired.

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

The VICE PRESIDENT. The time of the Senator from Nevada has expired.

Mr. HOLLAND. Mr. President, I yield 1 minute of my time to the Senator from Wyoming.

Mr. HUNT. Mr. President, I should like to ask the distinguished Senator from Nevada if his amendment is identical with my bill, S. 807. I ask the question because it was impossible for me to be on the floor yesterday.

Mr. MALONE. It is almost identical. It provides, as an amendment to Senate Joint Resolution 13, that mineral rights within the public-land States shall be transferred to the States themselves.

Mr. HUNT. Let me ask one further question. I should like to ask the Senator from Nevada if this proposal would not do for the western public-land States exactly what their respective acts of admission in each instance provide should be done, namely, that they should come into the Union of States on an equal footing with the original States in all respects whatsoever?

Mr. MALONE. That is absolutely true. The mineral rights would go to the respective States.

The VICE PRESIDENT. The Senator from Florida.

Mr. HOLLAND. Mr. President, speaking briefly on this matter, I should like to say that I am not at all out of sympathy with the view that in some instances the Western States are in difficulties. I stated at some length yesterday in the RECORD that I should like to see the subject investigated through hearings, before action is taken.

To try to deal with this situation, involving 200 million acres of land which was specifically reserved to the United States, the revenues from which now already go largely to the States where the land lies—37½ percent directly and 52½ percent under a reclamation fund, which must be spent in those States, in a measure dealing with 17 million acres off the shores of 21 States, which land was never regarded as Federal land, but instead, for 150 years, was regarded, used, occupied, and developed at State land, and has always equitably been so held, up until the California decision, would, I think, be most unwise. I am perfectly willing that hearings be held on this subject. I want them to be held.

The distinguished Senator from Wyoming has already stated that he has a bill on this subject. Other Senators have bills on the same subject. To befog the issue in this manner by loading the joint resolution down with something on which there have been no hearings, and which in so many ways greatly surpasses in size and importance to the Nation the relatively unimportant matter involved within State boundaries off the shores of the several States, would be a very great mistake.

I hope that this amendment will be defeated, and that the Congress will be allowed to have the benefit of a mature consideration by the committees of the Congress after full hearings have been held on this very important subject. It ought not to be dealt with in a form which one Senator may prefer, no matter how wise and well informed he may

be, when the proposal has not been subjected to the careful scrutiny of any committee or of the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. MALONE].

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

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. MALONE].

The amendment was rejected.

The VICE PRESIDENT. The next amendment in order is the amendment offered by the Senator from New York [Mr. LEHMAN], designated "4-29-53-E," as modified by amendment designated "5-1-53-C."

Without objection, the amendment will be printed in the RECORD at this point.

Mr. LEHMAN's amendment, as modified, is as follows:

Strike out all after the resolving clause and insert the following:

"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 act, 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 act 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 act, 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 act 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 act;

"(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 act 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 act.

"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 act, 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 act. Payments made pursuant to such agreement, or pursuant to any stipulation between the United States and a State, shall be considered as compliance with section 1 (a) (4) hereof. Upon the termination of such agreement or stipulation by reason of the final settlement or adjudication of such controversy, if the lands subject to any mineral lease are determined to be in whole or in part submerged land of the Continental Shelf, the lessee, if he has not already done so, shall comply with the requirements of section 1 (a), and thereupon the provisions of section 1 (b) shall govern such lease. The following stipulations and authorizations are hereby approved and confirmed: (i) The stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the attorney general of California, dated July 26, 1947, relating to certain bays and harbors in the State of California; (ii) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the attorney general of California, dated July 26, 1947, relating to the continuance of oil and gas operations in the submerged lands within the boundaries of the State of California and herein referred to as the operating stipulation; (iii) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the attorney general of California, dated July 28, 1948, extending the term of said operating stipulation; (iv) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the attorney general of California, dated August 2, 1949, further extending the term of said operating stipulation; (v) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the attorney general of California, dated August 21, 1950, further extending and revising said operating stipulation; (vi) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the attorney general of California, dated September 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 [illegible], 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 act.

"(b) A lease issued by the Secretary pursuant to this section shall cover an area of such size and dimensions as the Secretary may determine, shall be for a period of 5 years and as long thereafter as oil or gas may be produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon, shall require the payment of a royalty of not less than 12½ percent, and shall contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe in advance of offering the area for lease.

"(c) All moneys paid to the Secretary for or under leases granted pursuant to this section shall be deposited in a special fund in the Treasury to be disposed of as hereinafter provided.

"(d) The issuance of any lease by the Secretary pursuant to this section 4 of this act, 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 act, 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) all moneys received under the provisions of this act shall be held in a special account in the Treasury and shall be used exclusively as grants-in-aid of primary, secondary, and higher education as Congress may determine; and

"(2) 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 act pending the settlement or adjudication of the controversy.

"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 act.

"(c) All leases issued under this act, and leases, the maintenance and operation of which are authorized under this act, 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 act, 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 act 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 act 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 act 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 act shall not apply to water power, or to the use of water for the production of power, or to any right to develop water power which has been or may be expressly reserved by the United States for its own benefit or for the benefit of its licensees or permittees under any law of the United States.

"SEC. 11. (a) Any right granted prior to the enactment of this act 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 act.

"(b) The right, title, and interest of any State, political subdivision thereof, municipality, public agency, or person, 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, public agency, or person, holding thereunder for public or private purpose is hereby recognized and confirmed by the United States.

"SEC. 12. Nothing in section 11 of this act 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 act 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 numerated in section 11 of this act, shall apply therefor to the Chief of Engineers, Department of the Army, who shall have authority to issue such authorization, upon such terms and conditions as in his discretion may seem appropriate.

"SEC. 16. Within 2 years of the date of the enactment of this act, the Chief of Engineers shall submit to the Congress his recommendations with respect to the use and occupancy of submerged lands of the Continental Shelf for installations of the type enumerated in section 11 of this act.

"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 act.

"SEC. 18. When used in this act, (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."

Mr. LEHMAN. Mr. President, my amendment is a very simple one. It includes the provisions which are contained in the Anderson amendment, but it would devote all the revenues which may come from the sale of oil and other

minerals under the sea to the cause of education. It is just as simple as that.

I know of no function of government that is more important than that of education.

I think there are four great rights which are paramount, although, of course, I realize that the rights of all citizens in all matters must be safeguarded.

The four rights which I consider paramount are:

First, the protection of the health of all the people of the United States;

Second, the protection of the civil rights and liberties of all the people of the United States;

Third, the equal right to employment opportunities for all the people of the United States, regardless of race, creed, color, or national origin;

Finally, the development and improvement of our educational system throughout the Nation, from the Atlantic to the Pacific, from Canada to the gulf.

I think we can all agree, and will agree, that certainly the United States has no greater asset than its young people, and that the young people, if they are to be properly prepared for citizenship, in order to take their places as good citizens and as leaders of our country, need the best educational opportunities that we can furnish them.

I look on teaching as one of the noblest of all professions. It should be fostered and encouraged in every way. Even in my own State of New York, where salaries of teachers are probably higher than in any other State, salaries are completely inadequate, on the average. Many of the teachers of New York receive lower pay than dogcatchers, garbage collectors, vermin exterminators, and unskilled domestics. Yet they can teach only after a training which occupies many, many years.

The situation is far worse in many other States than it is in New York. In many other States teachers receive salaries which are so low that they can barely keep body and soul together. In many States schoolhouses are overcrowded and inadequate. Classes are far too large, and teachers are insufficiently trained.

Mr. President, in my opinion there is no greater need than that we devote these great revenues from the submerged lands which the United States Supreme Court has three times ruled belonging to the Nation to the education of all children, the young men and women, and the high-school and elementary-school pupils of this country.

We want nothing in New York that we do not want for Mississippi, Arizona, Louisiana, New Mexico, or California, and all other States. We in New York are just as much interested in the education of a child in Mississippi or Arizona as we are in the education of our own young people. They and we are all part of our great Nation.

My amendment, if adopted, would provide for the improvement and development of our educational system, not in 3 or 4 States, but in 48 States and the Territories. It would provide that education which is the right of every child in this country would be advanced. Education is the right of every one of the 159 million people of the country. It should be good on a nationwide basis. I know of nothing more important.

Mr. President, I very much hope that this amendment, which I have offered in the form of a substitute, will prevail, because it would benefit every family in the country, every child in the country, every pupil in the elementary schools, the high schools, colleges, and the universities. I think it would do much to insure continuity of prosperous and happy living, of intelligent living, of useful living throughout the entire country.

Mr. President, I ask for the adoption of my amendment.

The VICE PRESIDENT. The time of the Senator from New York has expired. The Senator from Florida.

Mr. TOBEY. Mr. President, I ask for the yeas and nays on the amendment of the Senator from New York.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, replying briefly, I wish to say that I think this amendment gives us the crystal-clear opportunity to express ourselves on the basic philosophy which ought to be applied to the solution of this question.

The amendment offered and so ably debated by the junior Senator from New York is a 100-percent federalization amendment, and a 100-percent nationalization amendment. The distinguished Senator from New York does not believe that any of the coastal States have any proper interest whatsoever directly in any of the revenue to be derived from resources or other properties located within the coastal belt which lies between their low-water mark and their coastal borders.

Mr. President, the amendment of the junior Senator from New York in so many words says that this is a completely Federal asset and ought to be completely nationalized and ought to be completely used for development by the Federal Government and the Federal agencies, which would mean, of course, a large additional bureau to be added to those already in existence.

The distinguished junior Senator from New York goes still further and comes out in his amendment for what amounts to a climax of paternalism, because he said, once having made the asset an exclusively Federal asset, and having it developed as an exclusively Federal asset, he proposes to use the proceeds 100 percent by way of grants, under some scheme to be worked out, to the various States for the support of education.

Mr. President, I am strongly opposed to the amendment because it is the very climax of federalization, and because it is the very essence of paternalism. I hope the amendment will be rejected.

Mr. IVES. Mr. President, I send to the desk amendments to the Lehman amendment in the nature of a substitute for the amendment, as modified, and ask that they be considered immediately.

The VICE PRESIDENT. The clerk will state the amendments.

The CHIEF CLERK. On page 14, line 4 of the amendment as modified, it is proposed to strike out "become" and insert in lieu thereof "are."

On page 14, line 5 of the amendment, as modified, to strike out "lands as a result of authorized action taken."

On page 14, after line 20, add to section 11:

(c) The right, title, and interest of any State, political subdivision thereof, municipality, or other authorized agent holding thereunder to docks, piers, wharves, jetties, or other structures on submerged lands of the Continental Shelf which in the future are constructed by any such State, political subdivision therof, municipality, or authorized agent is hereby recognized and confirmed by the United States.

On page 15, line 20, to strike out all beginning with "SEC. 15" through "appropriate" on page 16, line 2.

On page 16, line 3, to strike out all beginning with "SEC. 16" through "act" on line 7.

The VICE PRESIDENT. Without objection, the amendments will be considered en bloc.

Mr. IVES. Mr. President, the amendments would amend section 11 of the Lehman substitute. They would also delete entirely sections 15 and 16 of the Lehman substitute.

The purpose of the amendments I offer is to permit the States, their political subdivisions or authorized individuals, to continue building, maintaining, using, and occupying docks, piers, wharves, jetties, and other structures, and the States or their political subdivisions to continue filling in and reclaiming submerged lands for recreation and other public purposes without prior authorization from the Federal Government.

While section 11 of the Lehman substitute, in its present form, appears to acknowledge a former right of the States or their authorized agents to construct, maintain, use or occupy docks, piers, wharves, jetties, and other such structures in their ports and harbors and to fill in, make or reclaim lands adjacent to their shores, sections 15 and 16 thereof require that any such future development of submerged lands by the States first must be authorized by the Chief of Army Engineers. In effect, this would mean that all future development of ports and harbors by the coastal States, as well as the extension of all shoreline boundaries in such States, must be approved by the Federal Government. I firmly believe that this requirement would curtail such development by the States, and my proposed amendments would delete sections 15 and 16 of the Lehman substitute.

I would point out that nothing in my proposed amendments would interfere with the constitutional control of the United States over navigation. Moreover, section 14 of the Lehman substitute clearly states that no other provision thereof shall be construed to repeal, limit or affect in any way any provision of law relating to the national defense, control of navigation, or interstate and foreign commerce.

In the State of New York hundreds of acres of new lands for parks and other projects have been developed by filling in submerged land along the shores of Long Island and New York City, and I understand that further development of such land is contemplated.

I therefore submit that New York State, as well as other coastal States, should be permitted to continue to extend their coastlines by the development of submerged lands adjacent to their shores without being required to obtain prior authorization from the Federal Government.

Mr. President, I have stated the purpose and intent of the amendments. I hope they will be adopted.

Mr. LEHMAN. Mr. President, I know the purposes of the amendments of my distinguished colleague from New York are of the highest. However, I doubt the wisdom of the amendments.

We have had a law on the statute books since 1890, I believe, which requires prior authorization by the Corps of Army engineers for any structures to be erected in the inland waters or harbors, and in the seaward waters adjacent to our coast. It seems to me some authority must be established to pass on whether proposed structures which are sought to be erected will interfere with the navigation features of the rivers, harbors, and other waters of the State.

I can perfectly well conceive that at one time or another the city of New York, which I mention because it is my home city, and also the greatest city in the country may wish to extend its piers in the Hudson River or in the East River, or in other waters and a very serious menace may arise to the navigation of those rivers or to navigation in the coastal waters.

I can conceive that application might be made to fill in lands which would seriously interfere with navigation.

I am reluctant to differ with my distinguished colleague. However, in my opinion, I say there is no doubt that there must be some authority which can pass on questions affecting navigation, in which the entire Nation is so greatly interested.

I may say that, so far as I know, there have been no cases in which the Corps of Engineers has refused permission to build structures or to fill in land, when applications which were made by the State of New York or by the city of New York or by other municipalities.

Mr. IVES. Mr. President, will my colleague yield to me?

Mr. LEHMAN. Very gladly.

Mr. IVES. I shall not debate at this time the question of whether or not it would be possible to do the things my distinguished colleague says could be done under the terms of the amendments I am proposing. Let us assume for the sake of argument that they could be done. The fact remains that the city of New York would be doing almost the worst thing it could possibly do, considering its own interest, if it were to do the very things my colleague points out. Most assuredly those things would never be done.

The VICE PRESIDENT. The question is on agreeing to the amendments offered by the senior Senator from New York [Mr. IVES] to the amendment, as modified, offered by the junior Senator from New York [Mr. LEHMAN]. Without objection, the amendments will be considered en bloc.

The amendments to the amendment were rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment, in the nature of a substitute, as modified, offered by the Senator from New York [Mr. LEHMAN]. On this question the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. YOUNG (when his name was called). On this vote I have a pair with the senior Senator from California [Mr. KNOWLAND], who is absent. If present and voting, the Senator from California would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. SALTONSTALL. I announce that the Senator from Nebraska [Mr. BUTLER] and the Senator from California [Mr. KNOWLAND] are necessarily absent.

If present and voting, the Senator from Nebraska [Mr. BUTLER] would vote "nay."

I also announce that the Senator from Kansas [Mr. CARLSON] and the Senator from Indiana [Mr. CAPEHART] are absent on official business.

If present and voting the Senator from Kansas [Mr. CARLSON] would vote "nay."

Mr. CLEMENTS. I announce that the Senator from Oklahoma [Mr. KERR] is absent on official business.

The result was announced—yeas 30, nays, 60, as follows:

YEAS—30		
Aiken	Hennings	Lehman
Anderson	Hill	Magnuson
Case	Humphrey	Mansfield
Chavez	Hunt	Monroney
Cooper	Jackson	Morse
Douglas	Johnson, Colo.	Murray
Fulbright	Kefauver	Neely
Gore	Kennedy	Pastore
Green	Kilgore	Symington
Hayden	Langer	Tobey

NAYS—60		
Barrett	Gillette	Mundt
Beall	Goldwater	Payne
Bennett	Griswold	Potter
Bricker	Hendrickson	Purtell
Bridges	Hickenlooper	Robertson
Bush	Hoey	Russell
Butler, Md.	Holland	Saltonstall
Byrd	Ives	Schoeppel
Clements	Jenner	Smathers
Cordon	Johnson, Tex.	Smith, Maine
Daniel	Johnston, S. C.	Smith, N. J.
Dirksen	Kuchel	Smith, N. C.
Duff	Long	Sparkman
Dworshak	Malone	Stennis
Eastland	Martin	Taft
Ellender	Maybank	Thye
Ferguson	McCarran	Watkins
Flanders	McCarthy	Welker
Frear	McClellan	Wiley
George	Millikin	Williams

NOT VOTING—6		
Butler, Nebr.	Carlson	Knowland
Capehart	Kerr	Young

So Mr. LEHMAN's amendment, as modified, was rejected.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. TAFT. As I understand, from this time on the amendments will be taken up in the order in which they are offered. Is that correct?

The VICE PRESIDENT. The Senator from Tennessee [Mr. KEFAUVER], who has an amendment, is now present.

Mr. TAFT. Yes, but I understand that by the unanimous-consent agreement he would be relegated to the same position in which other Senators find themselves. He may offer his amendment now, as I understand, but he has to offer it if he wishes to have it voted on.

Mr. KEFAUVER. Mr. President, I offer amendment designated as "4-28-53-B," and ask that it be stated.

The VICE PRESIDENT. The clerk will state the amendment.

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, to strike out "(i)."

On page 15, beginning with the semicolon in line 20, to strike out all to the semicolon in line 6 on page 16.

The VICE PRESIDENT. The Senator from Tennessee is recognized for 5 minutes.

Mr. KEFAUVER. Mr. President, the purpose of this amendment is to have re-declared to be Federal property money which was collected from royalties on oil wells under a stipulation which was entered into shortly after the decision of the Supreme Court in the three cases to which reference has been made. This money amounts to approximately $70,000,000, which was collected largely from royalties on oil wells in California and Louisiana.

The situation is that after the decisions of the Supreme Court in the three cases, the States gave notice that they were going to file petitions and that, also, bills would be introduced in Congress to reverse the Supreme Court and to transfer the property to the States. The stipulations which have been entered into refer both to the decree of the Supreme Court and to the enactment of further legislation by Congress.

So we now have before us the question of what will be done with the $70 million which was collected from royalties on these wells when undoubtedly the property belonged to the United States.

I wish to call attention to one paragraph of the decree of the Supreme Court in the Texas case:

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 States 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.

So in all three cases the Supreme Court has held that the money collected from the wells after the time of the decision of the Court belonged to the Federal Government.

This amendment would take this amount and would apply it to a reduction of the national debt.

Mr. FERGUSON. Mr. President, may we have order? Senators are unable to hear what is being said.

The VICE PRESIDENT. The Senator from Tennessee will suspend. The business of the Senate will be expedited if Members of the Senate, as well as others who are on the Senate floor, and also our guests in the galleries, will be in order. The Senator from Tennessee may proceed.

Mr. KEFAUVER. Mr. President, the Supreme Court has held in its decrees that the money collected while the cases were being considered on petitions for rehearing, or while the matter was being considered in Congress, belongs to the Federal Government. This amendment would apply the $70,000,000 toward reduction of the national debt. It would not, of course, reduce the national debt to any great amount, but it would at least be a good beginning. It might at least be something to which we could point with pride.

Mr. President, this property will belong to the Federal Government until the measure now under consideration by the Senate, if it shall be passed, is signed by the President. I have always understood it to be a sound principle of law that, if something is earned from property belonging to Mr. Smith, Mr. Smith ought to receive the earnings. The situation here is similar to that. Unquestionably the property is now Federal property. The money in question was earned while the property belonged to the Federal Government. It will not belong to the States until and unless the joint resolution is signed by the President. So that, Mr. President, in fairness and equity, I think the Federal Government should be permitted to have the royalties which have accrued.

The proponents of the Holland joint resolution should feel amply satisfied that they are, by action of the Congress, about to be given something which the Supreme Court has said belongs to all the people. The people of the other States of the United States are getting nothing. So, certainly as a very minor concession, representing, so to speak, but a drop in the bucket, I have submitted the amendment to provide that the money now being held in escrow under the stipulation shall be applied to a reduction of the Federal debt.

The VICE PRESIDENT. The time of the Senator from Tennessee has expired.

Mr. HOLLAND. Mr. President, I yield 3 minutes to myself.

This matter was debated at great length the other day, and I cannot go through all that debate now. Suffice it to say that the funds which have accumulated have accumulated under stipulations. The distinguished Senator from Tennessee referred the other day repeatedly to the funds as "escrow" funds; and they are just that. They were created to abide the result of the final settlement of the submerged lands question. Every time a stipulation was entered into, the jurisdiction of the Congress to dispose of the money was very carefully safeguarded. Beginning with 1947, for example, in the first stipulation, we find the words:

The above provisions of this paragraph are not intended to preclude any other proper disposition by reason of any order of the Supreme Court of the United States or an act of the Congress.

In the next stipulation we find the words:

This stipulation shall remain in effect until pertinent legislation is enacted by the Congress.

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

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Michigan?

Mr. HOLLAND. I have but 3 minutes.

Mr. FERGUSON. Will the Senator yield for a question only?

Mr. HOLLAND. I yield.

Mr. FERGUSON. Would the measure which the Senator from Florida is sponsoring pass to the States title to the escrow funds?

Mr. HOLLAND. Only to a part of those funds. If the Senator will look at page 570 of the record of the hearings on the subject of the submerged lands, he will find that part of the funds are to go to the Federal Government. The total amount of the funds there stated that are to go to the Federal Government is $11,190,797.43, and to the three States, $24 million plus. Care was taken in the preparation of the table to note the source from which the funds came.

Mr. FERGUSON. Mr. President, will the Senator yield for one further short question?

Mr. HOLLAND. I yield.

Mr. FERGUSON. Under the amendment of the Senator from Tennessee, would all of the money be transferred to the Federal Treasury?

Mr. HOLLAND. The Senator is correct.

Mr. FERGUSON. I thank the Senator.

Mr. HOLLAND. Mr. President, I hope the amendment will be rejected, because it seems to me that it would absolutely defeat the purpose of the escrow arrangements which were necessary if production was to continue.

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

Mr. HOLLAND. I yield, if I may, without using the remainder of my time.

Mr. KEFAUVER. Is it not stated in the stipulation that the fact of entering into the stipulation is in order not to prejudice the claim of the United States Government, and is it not correct to say, therefore, that the Congress is now at liberty to dispose of the funds in one way or another, as it may please?

Mr. HOLLAND. Mr. President, of course the Congress can dispose of the money as it thinks it should, in equity and justice. It is perfectly clear that there was an escrow arrangement, which was necessary if production were to continue. Had not the two parties, the States, on the one hand, and the Federal Government, on the other, entered into the escrow arrangement, production would have had to stop at the time the stipulation was made, to the prejudice of everyone concerned. The pending amendment would violate the terms of the escrow agreement. It would not require the money to follow the land as it will be disposed of under the pending measure, some of the land going to the Federal Government, some of it going to the State governments, the moneys being divided accordingly.

Mr. President, I yield the remainder of my time to the Senator from California [Mr. KUCHEL].

Mr. KUCHEL. Mr. President, I have but 2 minutes in which to urge Senators to vote against the amendment offered by the Senator from Tennessee [Mr. KEFAUVER]. The State of California has proceeded in good faith for a period of almost 7 years, under the stipulations entered into with the Federal Government, to encourage the production of oil from its offshore lands. Adoption of this amendment would completely disregard this good faith and effort on the part of California. The amendment would provide that the royalties which have come into the State treasuries and the Federal Treasury, and which have been held in escrow, pass to the Federal Government. It should be pointed out that had the State of California refused to continue the production of oil offshore, after the United States Supreme Court decision in 1947, there would now be no question before the Senate; there would be no necessity for offering an amendment dealing with the impounded royalties.

But instead California proceeded in good faith. California agreed with the Federal Government, under a stipulation entered into pursuant to the 1947 Supreme Court decision, that in the absence of any statutory authority, and solely because the Federal Government requested it, she would continue operating and continue to produce oil from her submerged lands. The State of California, acting in good faith, has so acted. The Senator from Tennessee now suggests that the moneys so derived be transferred to the Federal Government, as a condition precedent to the taking effect of Senate Joint Resolution 13, as to the State of California.

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

Mr. KUCHEL. I yield to the distinguished Senator.

Mr. HOLLAND. Do not the moneys in hand represent and stand in the place of the oil which would have been left in the ground had not the State of California and the Federal Government, through the stipulation, agreed that production should continue?

Mr. KUCHEL. The Senator is entirely correct. The funds are exactly the same as oil in the ground, or, for that matter, the same as any other

resources in the ground which have not been mined.

The VICE PRESIDENT. The time of the Senator from California has expired. The question is on the amendment of the Senator from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

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

The VICE PRESIDENT. 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	Morse
Beall	Hennings	Mundt
Bennett	Hickenlooper	Murray
Bricker	Hill	Neely
Bridges	Hoey	Pastore
Bush	Holland	Payne
Butler, Md.	Humphrey	Potter
Byrd	Hunt	Purtell
Case	Ives	Robertson
Chavez	Jackson	Russell
Clements	Jenner	Saltonstall
Cooper	Johnson, Colo.	Schoeppel
Cordon	Johnson, Tex.	Smathers
Daniel	Johnston, S. C.	Smith, Maine
Dirksen	Kefauver	Smith, N. J.
Douglas	Kennedy	Smith, N. C.
Duff	Kilgore	Sparkman
Dworshak	Kuchel	Stennis
Eastland	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	
Green	McClellan	

The VICE PRESIDENT. A quorum is present.

Mr. LANGER and other Senators asked for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Tennessee designated "4-28-53-B."

The amendment was rejected.

Mr. KEFAUVER. Mr. President, I call up my amendment designated "C."

The VICE PRESIDENT. The amendment of the Senator from Tennessee will be stated.

The CHIEF CLERK. It is proposed to strike out all after the resolving clause and insert the following:

That for the purpose of assisting in making a proper and equitable settlement of problems and claims arising out of the recent decisions of the Supreme Court to the effect that the paramount right to the submerged lands (including the resources therein) off the coasts of the United States is in the Federal Government as against the coastal States (outside of the inland waters and harbors, the jurisdiction over which is recognized to be in the States) there is hereby established a temporary commission to be known as the Commission on Submerged Lands (hereinafter referred to as the "Commission"), which shall be composed of 9 members to be appointed by the President by and with the advice and consent of the Senate, 3 to be appointed to represent the general public, 3 to be appointed to represent the Federal Government, and 3 to be appointed to represent the coastal States and their interests. Of the 3 members appointed to represent the coastal States, 1 shall be a resident of the State of California, 1 a resident of the State of Louisiana, and 1 a resident of the State of Texas. Any vacancy in the Commission occurring after all the original appointments are made shall not affect the power of the remaining members to execute the functions of the Commission and shall be filled in the same manner as the original selection. The Commission shall select a chairman from among its members.

SEC. 2. It shall be the duty of the Commission to make a full and complete investigation and study for the purpose of determining (1) an economically sound and equitable program for the management by the United States of the resources in the submerged lands off the coasts of the United States and outside of the inland waters, and for the disposition of revenues from such sources, including a study of the feasibility of utilizing such revenues for improvement of the educational system and/or for a reduction of the national debt; (2) the amount of losses to private citizens, States, and communities resulting from a dependence on the belief that the coastal States have the paramount rights to such lands and the resources therein; (3) which of such losses should be compensated by the United States; (4) for the purpose of establishing boundaries and lines of jurisdiction between the States and Federal Government; (5) the effect of this legislation upon experimentation now being conducted under congressional act to make potable water out of sea water; (6) the international effects of the extension of our boundaries and its effect upon treaties; (7) the effect on public power developments and flood control of the language in section 6 of Senate Joint Resolution 13, granting the States "proprietary rights of ownership, or the rights of management, leasing, use, and development of the lands" under navigable waters; (8) the relationship of the proposed policy toward the seaward submerged lands and the policy toward public lands within the United States and possessions; (9) such other related matters as the Commission deems wise to report upon. The Commission shall complete its investigation and study and make a report of its findings and recommendations to the President and the Congress not later than 6 months after the date on which the last of the original appointments to the Commission is confirmed by the Senate.

SEC. 3. Members of the Commission who are appointed from private life shall receive compensation at the rate of $50 per diem when engaged in the performance of the duties of the Commission. Officers or employees of the Government who are appointed to the Commission shall not receive additional compensation for their work on the Commission; but all members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as such members. The Commission may appoint in accordance with the provisions of the civil-service laws and the Classification Act of 1949 such personnel as it deems necessary to carry out its duties.

SEC. 4. The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality any information, suggestions, estimates, and statistics which the Commission shall deem necessary for the purposes of this joint resolution; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman. The Commission is also authorized to secure from any special master appointed by the Supreme Court, with the consent of the Court, any such information, suggestions, estimates, and statistics.

SEC. 5. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum, not exceeding $100,000, to carry out the provisions of this joint resolution.

Mr. KEFAUVER. Mr. President, I yield myself 3 minutes.

The VICE PRESIDENT. The Senator from Tennessee is recognized for 3 minutes.

Mr. KEFAUVER. Mr. President, the purpose of my amendment, which is offered as a substitute for the Holland joint resolution, is to establish a commission, composed of 9 members, to be appointed by the President, 3 to represent the viewpoint of the Federal Government, 3 to represent the States involved, and 3 to represent the general public, to study the many problems in connection with this question, particularly the many problems which have not been fully considered by the committee which has considered the pending measure, and which the discussion on the floor indicates are necessary to be resolved.

The commission would report in 6 months. I think that by that time we could legislate with more light and less confusion on this very important subject matter.

The members of the commission would be appointed by the President, with the advice and consent of the Senate.

It seems to me, Mr. President, that before we pass this very important and far-reaching joint resolution, giving away values estimated to be above $50 billion, which the Supreme Court says belong to all the people of the United States, we should very carefully consider what effect it will have upon proposals to give away other great national resources, such as the public domain, minerals under public lands, and the national forests.

We should also consider what effect it will have on the treaties which have been entered into on the basis of the 3-mile limit, which has been a cardinal principle of the Government of the United States. We should consider what it will do to the experimentation now going on to make potable water out of sea water, because, under the Holland joint resolution, the water will belong to the States, and they would be entitled to charge a severance tax if any water were taken from the sea to irrigate arid lands. We should consider what effect it will have upon the industry engaged in recovering magnesium from the sea. Is that going to be curtailed? Will the States be able to impose a severance tax in connection with magnesium taken from sea water?

Furthermore, it has been pointed out that the boundaries of States have changed very frequently. To what time are we referring when we talk about the low-water mark? As it is now, or at the time when the Republic of Texas was formed?

Mr. President, I think we should also consider what the joint resolution will do in the way of bringing about retaliatory action on the part of other nations with respect to our fisheries.

I think the commission could make local adjustments and decide whether 37½ percent was the proper amount to

be devoted to public schools, or to harbor districts, and also whether the Federal Leasing Act should be applied to the property involved.

Mr. President, the Washington Post this morning published a very good editorial entitled "Time To Think." I believe it is time to stop, look, and listen before we take one of the most far-reaching and, I am afraid, one of the most harmful actions which has been taken by the Congress in a long time. I ask unanimous consent that the editorial from the Washington Post be printed in the RECORD at this point.

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

TIME TO THINK

When one considers the incorrigible character of the act and the magnitude of the treasure to be given away in the so-called tidelands bill to be brought up for a vote in the Senate today, the 6-month postponement suggested by Senator KEFAUVER seems sensible and reasonable. The Senator would have the 6-month respite used by a presidential commission for the purpose of studying the offshore oil problem and recommending an equitable solution.

The 6-month postponement of a decision on the tangled issue would be a boon for three reasons. First, it would make it possible for the public to learn what is involved in the giveaway legislation—something that has been wholly obscure until lately even to most of the senatorial supporters of the bill. Second, it would afford a chance to look thoughtfully at some of the implications of the bill which have been examined so far only in the most casual and cavalier manner—its disastrous impact, for example, on the traditional American insistence that national sovereignty extends only 3 miles out from shore into the open sea. Third, it would give President Eisenhower's administration a face-saving chance to escape, in the national interest, from a campaign pledge apparently made without full knowledge of its meaning.

A rich treasure belonging to all the people of the United States is at stake in the tidelands controversy. So is a vital principle of international law. It would be an act of statesmanship if the Senate were to decide at this eleventh hour to settle the question on the basis of reasoned consideration instead of on the basis of political passion.

Mr. KEFAUVER. Mr. President, I was about to yield myself 3 minutes, but I am afraid I would not be acting fairly toward my friend, the Senator from Minnesota, so I yield 2 minutes to him.

The VICE PRESIDENT. The Senator from Minnesota is recognized for 2 minutes.

Mr. HUMPHREY. Mr. President, I wish only to say that I am proud to be a cosponsor of the amendment, in the nature of a substitute, proposed by the Senator from Tennessee [Mr. KEFAUVER]. It appears to me to contain one particular provision of great significance. The commission as outlined by the Senator from Tennessee would give an objective study to the international effects of the extension of our own boundaries, particularly the effect upon treaties.

Very frankly, whenever we are engaged in a subject matter so controversial as this, it is not uncommon for the executive department or for Congress to establish what may be called an impartial commission. In the British Parliament such an organization is called a royal commission. In the United States we called it an executive commission or a congressional commission. Such a procedure was followed years ago in the creation of the Wickersham Commission, which made the famous Wickersham report. Likewise, it was done in many instances in the administration of Theodore Roosevelt in connection with matters affecting the public lands.

What we are seeking to have done under this proposal is to take this highly explosive, controversial measure out of the arena of political activity, where it now finds itself, and have it placed in the arena, or I should say area, of objective investigation and study. I think there is much to be said for such action.

In all candor, I might just as well say that I understand those who have this gift almost in the palm of their hand, ready to be put into their back pocket and take it out the door, are not going to be willing to be very, should I say, helpful in agreeing to the amendment offered by the distinguished Senator from Tennessee.

Mr. President, since in this country we are now engaged in a great crusade, I submit that the best way to proceed is to get the honest facts and to obtain the material which will acquaint us with all the causes of our sin. Then we shall be able to lead ourselves into paths of righteousness. I regret to say that now that is not what is happening in the Congress of the United States vis-a-vis our support of the pending proposal.

The Senator from Tennessee by his proposal is offering a method by which disputes between the States and the Federal Government may be adjusted, and I submit that he proposes fair representation for the coastal States when he provides that there shall be three representatives of those States on the Commission. He would also give the President of the United States a glorious opportunity to be relieved of a commitment. He would give the President of the United States a chance to appoint a commission to make an objective, honorable study of the problem of the submerged lands, and later when the Commission submits its report to base a judgment on its findings. At any rate, let me say that an administration committed to a study of a situation such as this should embrace this opportunity gladly.

The VICE PRESIDENT. The time of the Senator from Tennessee has expired.

The Chair recognizes the Senator from Florida [Mr. HOLLAND].

Mr. HOLLAND. I am glad this amendment has come up. The question of the submerged lands in the Continental Shelf has been studied for nearly 16 years. The first study began in 1937, when the question was before the Senate. The subject has been studied sufficiently, as disclosed by the fact that in 1946, and again last year, 1952, the Congress passed, by impressive majorities, proposed legislation which was almost exactly like the joint resolution which is pending before the Senate today. Legislation of this character has been subjected to the most careful scrutiny. I submit that in the many years of my membership in the Senate no measure that has come before a Senate committee has been subjected to such intensive hearings and testimony, and then to such long consideration in the deliberations of the committee, as has Senate Joint Resolution 13, under the direction of the distinguished senior Senator from Oregon [Mr. CORDON].

Furthermore, the Senate has debated this measure for 5 full weeks upon the floor of the Senate, not only in the daytime but frequently in the nighttime, and, at least, on one occasion, throughout the night.

Members of the Senate who feel that 5 weeks of debate, following 16 years of study, is not sufficient, and who would desire another such experience of 5 more weeks next fall, following 6 months' study, are, of course, free to vote for this particular amendment. But it seems to me that it is almost the height of absurdity for the Senate to take action which in effect would be a recommittal of the joint resolution, after 5 weeks of debate, and after the Senate has shown so clearly that it is following the views of the great majority of the people of the Nation, to whom this particular issue was submitted in an important way during the last presidential campaign.

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

Mr. HOLLAND. I yield to the Senator from South Dakota, if I have time to do so.

Mr. CASE. Does the Senator from Florida feel that the proposed Commission would be any more competent than was the Supreme Court to give a final decision in the matter?

Mr. HOLLAND. I think the proposed Commission probably would not be more competent than the committee which has considered and reported the resolution. I have very great confidence in their ability. I believe they have made a correct report.

Since the Senator from South Dakota is from one of the reclamation States, I desire to call attention to another item in connection with the benefits it is alleged this amendment would afford. The proposed commission would be comprised, in addition to its other members, of three members representing the States, to pass upon, among other things, the relationship of this proposed policy to the entire public lands policy within the United States and its possessions. The three representatives of the States would all come from States most affected by the joint resolution, California, Texas, and Louisiana. So the public-land States would be asked, under this disingenuous proposal, to trust their confidence in full to the representatives of the three coastal States which are affected without any direct representation of their own.

I hope the Senate will reject this motion to recommit, because that is exactly what this amendment really is. It is a motion for an additional half year of study after 16 years of study. It is a motion to render naught the 5 weeks of intensive debate and would prevent Congress from going ahead and doing the things that are needed to be done for the good of the Nation as a whole.

Incidentally I doubt that we will do anything that is more to the good of the Nation as a whole during this session than the passage of this particular joint resolution, by which we will get rid of

one trend, at least, toward an ever swollen, greater bureaucracy in Washington, and turn back to the States the handling of local problems which are intimately related to the welfare of countless millions of people, and, incidentally, which represent the investments of a lifetime for many tens of thousands of citizens of the Nation.

The VICE PRESIDENT. The time of the Senator from Florida has expired.

Mr. HOLLAND. I hope the Senate strikes a note for a return to sanity in government by rejecting this amendment and passing the joint resolution.

The VICE PRESIDENT. The question is on the amendment of the Senator from Tennessee [Mr. KEFAUVER] in the nature of a substitute for the committee amendment, as amended.

Mr. MORSE. Mr. President, on the amendment of the Senator from Tennessee I ask for the yeas and nays, and I urge my colleagues to keep their hands up until the clerk has finished counting.

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

Mr. SALTONSTALL. I announce that the Senator from Nebraska [Mr. BUTLER] and the Senator from California [Mr. KNOWLAND] are necessarily absent. If present and voting, the Senator from Nebraska [Mr. BUTLER] and the Senator from California [Mr. KNOWLAND] would each vote "nay."

I also announce that the Senator from Indiana [Mr. CAPEHART] and the Senator from Kansas [Mr. CARLSON] are absent on official business. If present and voting, the Senator from Kansas [Mr. CARLSON] would vote "nay."

Mr. CLEMENTS. I announce that the Senator from Oklahoma [Mr. KERR] is absent on official business.

The result was announced—yeas 32, nays 59, as follows:

YEAS—32

Aiken	Hennings	Mansfield
Anderson	Hill	Monroney
Chavez	Humphrey	Morse
Cooper	Jackson	Murray
Douglas	Johnson, Colo.	Neely
Ferguson	Kefauver	Pastore
Fulbright	Kennedy	Sparkman
Gillette	Kilgore	Symington
Gore	Langer	Tobey
Green	Lehman	Wiley
Hayden	Magnuson	

NAYS—59

Barrett	Goldwater	Mundt
Beall	Griswold	Payne
Bennett	Hendrickson	Potter
Bricker	Hickenlooper	Purtell
Bridges	Hoey	Robertson
Bush	Holland	Russell
Butler, Md.	Hunt	Saltonstall
Byrd	Ives	Schoeppel
Case	Jenner	Smathers
Clements	Johnson, Tex.	Smith, Maine
Cordon	Johnston, S. C.	Smith, N. J.
Daniel	Kuchel	Smith, N. C.
Dirksen	Long	Stennis
Duff	Malone	Taft
Dworshak	Martin	Thye
Eastland	Maybank	Watkins
Ellender	McCarran	Welker
Flanders	McCarthy	Williams
Frear	McClellan	Young
George	Millikin	

NOT VOTING—5

Butler, Nebr.	Carlson	Knowland
Capehart	Kerr	

So Mr. KEFAUVER's amendment in the nature of a substitute was rejected.

Mr. MAGNUSON. Mr. President, I call up two amendments which I have on the desk, amendments designated "4-23-53-A," and "4-23-53-B." I ask unanimous consent that the reading of the amendments be dispensed with, and that the amendments be considered en bloc.

The VICE PRESIDENT. Without objection, it is so ordered. Without objection, the amendments will be printed in the RECORD at this point.

Mr. MAGNUSON's amendments are as follows:

On page 10, line 5, title I, strike out all down through and including line 12, page 11, and insert in lieu thereof the following:

"TITLE I

"DEFINITION

"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 are navigable under the laws of the United States, up to the ordinary high-water mark as heretofore or hereafter modified by accretion, erosion, and reliction;

"(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.

"(3) all filled in, made, or reclaimed lands which formerly were lands beneath navigable waters, as hereinabove defined.

"(b) The term 'boundaries' include 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, but not to exceed a line 3 geographical miles distant from the coastline of each such State, or as extended or confirmed pursuant to section 4 hereof."

On page 17, line 12, beginning with the word "Nothing", strike down through and including line 18.

Mr. MAGNUSON. Mr. President, the amendments relate to two different portions of the joint resolution, but they are complementary. I ask unanimous consent, because there are two amendments, that 10 minutes to a side be allowed.

The VICE PRESIDENT. Without objection, the amendments will be considered en bloc, and 10 minutes to each side will be allowed.

Mr. MAGNUSON. Mr. President, I do not wish to take up much of the time of the Senate on the question involved in the two amendments. It was discussed at great length during the general debate.

In effect, the two amendments limit the so-called Holland joint resolution to the 3-mile limit. In other words, they invalidate the portion of the joint resolution which would allow Texas and Florida to go beyond the historic 3-mile limit.

My main reason for the restriction to the 3-mile limit is, first, that historically, since the days of Washington and Jefferson, when Thomas Jefferson was Secretary of State, and laid down the 3-mile limit as a basis for our describing and creating what we call international waters, all our treaties, whether they relate to fisheries, navigation, or anything else dealing with the high seas, have been predicated upon the 3-mile limit.

If the Holland joint resolution should pass without this amendment, we would find that we had violated that historic precedent of the 3-mile limit and gone beyond it.

As I pointed out the other day, I see no reason whatsoever, if we go beyond the 3-mile limit, why the Dominion of Canada should not do likewise. Its Parliament has already threatened to do so. It might very well extend its territorial waters 10 miles, 20 miles, or 30 miles.

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

Mr. MAGNUSON. I shall be glad to yield in a moment.

Such an enactment would invalidate all our fishing treaties. There would be no reason why the Government of Mexico should not go beyond the 3-mile limit into the Gulf of Mexico for a distance of 10, 20, or 30 miles. Mexico could say to us, "You have done it. Why can we not do it?" There would be no end to the extension of national boundaries by other countries.

Such a law would seriously affect our fishing treaties with Canada with respect to the Pacific Coast. The extension to a 20-mile line north of Puget Sound, in some of the fishing waters with respect to which we have international agreements with Canada, establishing them as Canadian waters, would mean that American fishermen or fishermen from any other nation would have to go through an entirely new procedure in order to fish in those waters.

The same situation would apply to the Gulf of Mexico. It would apply to the Bering Sea. It could apply to many other waters. All my amendments would do would be to limit the Holland joint resolution to the 3-mile limit, which historically has been the basis of all our treaties and all our international agreements with respect to fisheries, navigation, and everything involved in free international movement on the so-called high seas.

I now yield to my friend from Michigan.

Mr. POTTER. Is it not true that the Senator's amendments would limit to 3 miles the boundaries of such States as Michigan in the Great Lakes?

Mr. MAGNUSON. No; the amendments would apply only to international waters and only to coastal waters.

Mr. POTTER. It would not apply to the Great Lakes?

Mr. MAGNUSON. No; because the Holland joint resolution basically does not apply to the Great Lakes. Therefore, the limitation on the Holland joint resolution would apply only to the scope of the Holland joint resolution, which applies only to coastal waters.

Mr. KENNEDY. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield to my colleague.

Mr. KENNEDY. I think the Senator's amendment is an excellent one. He knows that most of the fishing banks, such as the Grand Banks, are a part of the Continental Shelf. His amendments would do much to prevent the fishing fleets from being driven off their traditional fishing grounds.

Mr. MAGNUSON. Yes. Other countries could justifiably do what we would be doing. Only the other day in the Canadian Parliament a member of that

body suggested, that if we go beyond the 3-mile limit Canada would have the right to extend its historic boundaries. There could develop a continuing procedure. One country would say 10 miles; another country would say 20 miles; and very soon some countries would be claiming boundaries into the ocean.

Mr. CHAVEZ. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield to my colleague from New Mexico.

Mr. CHAVEZ. What the Senator from Washington has stated about the gulf coast is correct. Only within the past 2 or 3 weeks some shrimpers from the Gulf States were detained at certain places in Mexico because it was charged they went farther into the gulf toward the Mexican shore than they were supposed to go. The same thing could happen to the international tuna fishing industry in the waters of Peru.

Mr. MAGNUSON. Yes, and in the waters of Costa Rica and southern California.

Mr. CHAVEZ. They would all be in the same category.

Mr. MAGNUSON. Certainly. There is no reason why the tuna industry would not also be affected. All international agreements of all countries would be affected. I can foresee very serious complications arising. The Committee on Foreign Relations has not studied the subject, as I believe it should, because it involves international boundaries.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks an explanation of my amendments.

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

STATEMENT BY SENATOR MAGNUSON

On last Thursday I introduced two amendments to Senate Joint Resolution 13. They were printed and are lying on the table. I ask to call them up at this time.

Although the two amendments deal with separate sections of the bill, I ask that they be considered together—ask that they be voted on en bloc.

On Thursday, April 23, I gave the Senate a brief explanation of the intent and origin of these amendments. First, let me explain their intent—and here I repeat a portion of my previous remarks:

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 coast 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 the Foreign Affairs Committee of the House, this entire question of extending seaward boundaries beyond the 3-mile limit.

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.

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.

The second of these amendments deletes from section 4 of the bill the following language, which appears on page 17, beginning at line 12:

"Nothing in this section is to be construed as questioning or in any manner prejudicing, the existence of any State's seaward boundaries 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 hereafter approved by the Congress."

The language I have just cited is particularly objectionable because it clearly hints that some of the supporters of Senate Joint Resolution 13 have in mind coming here to the Congress at some later date to ask for approval of boundaries extending seaward 5, 10½, or 15 miles—or any other distance that may be required to encompass submerged oil-bearing lands.

I realize that one Congress cannot bind another—that a subsequent Congress can reconsider the boundaries of respective States. It seems to me a mistake, however, to issue a printed invitation to that effect at this time.

To restate the intent of these amendments—if adopted the application of Senate Joint Resolution 13 will be restricted, so far as territorial waters are concerned, to a uniform pattern on all coasts—namely, 3 miles seaward from the coastline—and, in title I, section 2 (a), the term "coastline" means the "ordinary low-water mark along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters."

I now want to refresh the minds of Senators as to the origin of these amendments. Mr. John J. Real, manager and attorney for the Fishermen's Cooperative Association of San Pedro, Calif., appeared before the Senate Interior Committee and spoke eloquently on the great danger to the fishing industry contained in Senate Joint Resolution 13. The following organizations joined Mr. Real in presenting his statement:

Boatowners' associations: American Tunaboat Association, San Diego, Calif.; Southern California Commercial Fishing Boatowners' Cooperative, Inc., Long Beach, Calif.; San Diego Commercial Fishing Boatowners, Inc., San Diego, Calif. (The foregoing organizations represent the owners of approximately 600 tuna clippers, purse seiners, and albacore vessels who fish for mackerel and sardines in California and for tuna off the shores of Latin America.)

Labor unions: Seine and Line Fishermen's Union (AFL), San Pedro, Calif.; Cannery Workers and Fishermen's Union (AFL), San Diego; Cannery Workers Union of the Pacific (AFL), San Pedro. (The foregoing three unions are affiliated with the Seafarers International Union of North America, AFL.) Fishermen's Union (local 33, ILMU), San Pedro, Calif. (The foregoing unions represent approximately 14,600 California fishermen and cannery workers.)

Canners' organizations: California Fish Canners' Association, Terminal Island, Calif.; Tuna Research Foundation, Long Beach, Calif. (The foregoing organizations represent 15 canners of tuna, mackerel, and sardines in California.)

At the conclusion of his remarks, Mr. Real suggested that the bill be amended substantially in accord with the amendments I have offered.

On Thursday, April 23, I dwelt at some length on the grave implications involved in extending seaward boundaries 10½ miles off the coasts of Texas and Florida, as Senate Joint Resolution 13 proposes to do.

Mr. MAGNUSON. Mr. President, I ask unanimous consent also to have printed in the RECORD a copy of the remarks I made last week specifically regarding the fishing industry.

There being no objection, a copy of Mr. MAGNUSON's remarks was ordered to be printed in the RECORD, as follows:

Mr. President, 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 and Insular Affairs Committee.

According to Mr. Real, 4 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 bill.

The bill 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 as—I may add—it stands today becomes a matter of international concern because "it represents a change in United States policy toward the principle of the freedom of the seas."

Elsewhere Mr. Real stated:

"Before pointing out specifically wherein the pending tidelands bill creates the situa-

tion 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 three mile wide territorial sea measured from lines which, except in the case of bays and certain other coastal indentations, closely hugged its beaches."

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 aquatic 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."

And 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 further seaward."

As I stated earlier, Mr. Real suggested certain amendments which the committee did not choose to incorporate in its pending bill.

Later on 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 this legislation are agreeable to changes in the pending bill that, 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.

I assure the Senate that by doing so 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.

The commercial value of our American fisheries is too great, in my opinion, 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 $37½ million, a decline, I am sorry to say, of almost $10 million from the 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 the Senator from Washington is going afield from the State he represents, let me say that important tuna fisheries are being developed by the companies of his 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.

The importance of these fishing grounds to Seattle and other of our fishery ports on Puget Sound can be illustrated, I think, by the fact that the annual catch by our fishing fleets in and around the banks there amounts to approximately $2,500,000 a year of all species.

We take from the area approximately 13 million 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.

They have been deterred, I think, by our adherence in the past to the traditional 3-mile limit in our own waters.

The threat to our Pacific Northwest fisheries would be augmented, and seriously augmented in my opinion, by enactment of Senate Joint Resolution 13.

For the tuna industry to the south the enactment of the pending bill 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:

"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:

"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 recognizes a power in Congress to extend a State boundary further 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."

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"—please note this—"or if it has been heretofore or is hereafter approved by Congress."

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 and I quote:

"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 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 you 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.

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, 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 processers	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 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 hearings on the pending legislation, 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 legislation.

That passage of any legislation which would permit extension of traditionally accepted boundaries does 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 fishery industry.

It, of all our economic interests, is most dependent on the preservation of historically accepted seaward boundaries and freedom of the seas.

For that reason I wish at this time to submit the first of several amendments to the pending legislation which were proposed by the spokesman for a large and important segment of our Pacific Coast fishery industry.

Mr. JACKSON. Mr. President, will the senior Senator from Washington yield?

Mr. MAGNUSON. I yield to my colleague from Washington.

Mr. JACKSON. Is it not a fact that half of the American fishing industry's production comes from the high seas contiguous to foreign nations?

Mr. MAGNUSON. That is correct.

Mr. JACKSON. So what we are doing here is jeopardizing half of the actual production of fish which is made available in the American market today. Is that correct?

Mr. MAGNUSON. Yes. Not only that, but the future of our fishing agreements is based upon the fact that we will not extend our boundaries farther into the ocean.

I wish it to be clearly understood that I am against extending State boundaries even out to the 3-mile limit, but if we are to turn the lands within that limit back to the States, at least we should not go beyond that limit, because on the basis of legal, ethical, international, and moral obligations which we owe to other nations, we have never gone beyond our 3-mile limit.

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

Mr. MAGNUSON. I yield to my colleague from New Mexico.

Mr. ANDERSON. I am disturbed by what the Senator from Washington said in answer to the question of the junior Senator from Michigan [Mr. POTTER]. As I read his amendments, they would apply also to the Great Lakes. Perhaps he should add a provision limiting the application of his amendments to the Pacific, Gulf, and Atlantic coasts, so as not to include the Great Lakes.

Mr. MAGNUSON. If the Senator from New Mexico will look at page 2 of my amendment 4/23/53–A, he will find that a paragraph has been added, which reads:

(b) The term "boundaries" include 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, but not to exceed a line 3 geographical miles distant from the coastline of each such State, or as extended or confirmed pursuant to section 4 hereof.

The "section 4 hereof" refers to the Holland joint resolution.

The VICE PRESIDENT. The Senator from Washington has 1 minute remaining.

Mr. MAGNUSON. I ask for the yeas and nays on my amendments.

The yeas and nays were not ordered.

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

The VICE PRESIDENT. 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	Morse
Beall	Hennings	Mundt
Bennett	Hickenlooper	Murray
Bricker	Hill	Neely
Bridges	Hoey	Pastore
Bush	Holland	Payne
Butler, Md.	Humphrey	Potter
Byrd	Hunt	Purtell
Case	Ives	Robertson
Chavez	Jackson	Russell
Clements	Jenner	Saltonstall
Cooper	Johnson, Colo.	Schoeppel
Cordon	Johnson, Tex.	Smathers
Daniel	Johnston, S. C.	Smith, Maine
Dirksen	Kefauver	Smith, N. J.
Douglas	Kennedy	Smith, N. C.
Duff	Kilgore	Sparkman
Dworshak	Knowland	Stennis
Eastland	Kuchel	Symington
Ellender	Langer	Taft
Ferguson	Lehman	Thye
Flanders	Long	Tobey
Frear	Magnuson	Watkins
Fulbright	Mansfield	Welker
George	Martin	Wiley
Gillette	Maybank	Williams
Goldwater	McCarran	Young
Gore	McCarthy	
Green	McClellan	

Mr. SALTONSTALL. I announce that the Senator from Nevada [Mr. MALONE] is absent on official business.

The VICE PRESIDENT. A quorum is present.

Mr. MAGNUSON. Mr. President, I understand that I have 1 minute remaining.

The VICE PRESIDENT. The Senator from Washington is correct.

Mr. MAGNUSON. Mr. President, the suggestion has been made that my amendments might apply to the Great Lakes. However, subsection (b) of my first amendment provides that the boundaries shall be consistent with or pursuant to section 4 of the original joint resolution, and section 4 of the original Holland joint resolution makes a very clear-cut distinction, for on page 17, in line 5, it is provided that "or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries."

In other words, the boundaries are confirmed by the joint resolution itself, and my amendments would apply only to the boundaries which are not confirmed by the joint resolution.

Therefore, Mr. President, in my opinion it is clear that the amendments would exclude the Great Lakes.

Mr. HOLLAND. Mr. President, I yield to the Senator from Texas [Mr. DANIEL] the time available to me.

The VICE PRESIDENT. The Senator from Texas is recognized for 10 minutes.

Mr. DANIEL. Mr. President, I believe that the amendment of the senior Senator from Washington would do two things which he has not mentioned:

First, by the first paragraph of his amendment, which calls for a rewording of section 2, subsection (a) (1), the Senator from Washington would delete the words "at the time such State became a member of the Union, or acquired sovereignty over such lands and waters"

referring to nontidal waters or inland streams.

The way the Holland joint resolution is now drawn, State ownership is confirmed not only to the beds of navigable streams at the present time, but also to the beds of streams which were navigable at the time when the State entered the Union.

I do not believe any Senator from an inland State would wish to adopt such an amendment.

In the second place, I believe it is clear that the Great Lakes are included in the last paragraph of the amendment, for in reading paragraph (b), on the second page of the proposed amendment of the Senator from Washington, we find the following statement:

(b) The term "boundaries" include 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, but not to exceed a line 3 geographical miles distant from the coastline of each such State, or as extended or confirmed pursuant to section 4 hereof.

Then, when we read section 4, we find that this proposed new paragraph would take precedence or at least would constitute a conflict.

Mr. President, today the boundary of Minnesota extends from the coastline 32 miles out into the Great Lakes—to the international boundary. The boundary of Michigan extends from the coastline 85 miles into the Great Lakes, which have been held to be open seas.

The boundary of Wisconsin extends from the coastline 40 miles into the Great Lakes; the boundary of Ohio, 28 miles; the boundary of New York, 26 miles. Of course, the gulfward boundary of the State of Texas extends 3 leagues, or 10½ miles; and the boundary of the State of Florida, on its west coast along the Gulf of Mexico, extends 10½ miles.

Mr. President, some Senators talk about a "giveaway." Let me say that I think the Congress of the United States would really be giving some property away—to the family of nations, any time 7½ miles are cut off the coast of Florida and 7½ miles off the coast of Texas. That would be releasing to the international domain a vast area which Florida and Texas brought into the United States. It is now part of the States, and therefore it is part of the Nation. The same is true in the case of the Great Lakes States.

If we pass this joint resolution leaving the States with what they have always had within their boundaries at the time they entered the Union, or as heretofore approved by Congress, we are at least keeping all that property within our Nation. There is no property or wealth belonging to a State that is not also a part of the Nation.

Those who believe that every piece of property or every right has to be held in Washington, in order to belong to the people of the United States and in order to be enjoyed by the people of the United States, are thinking directly contrary to the principles followed by those who established our system of government.

In the case of Texas, there has been a treaty in regard to its boundaries which would be ignored by this proposed amendment. Mr. President, Texas entered the Union with boundaries which were fixed 3 leagues from shore in the Gulf of Mexico. Texas had maintained those boundaries as an independent republic for 9 years. I do not ask Senators to take my word about this matter. I have before me a book published by the State Department, Miller, "Treaties and Other International Agreements of the United States of America," giving the boundaries of Texas as they existed at the time when Texas entered the Union. The 3-league boundary is set out exactly as fixed by the Congress of Texas in 1836. In this book we find that the State Department has set out the Annexation Agreement with Texas, including that agreement among the other treaties and international agreements of the United States. In that Annexation Agreement we find the following:

That Congress doth consent that the territory properly included within, and rightfully belonging to the Republic of Texas, may be erected into a new State, to be called the State of Texas.

The United States took in all of Texas, all of the 3 leagues extending into the Gulf of Mexico, not just 3 miles.

Furthermore, we find that when President Andrew Jackson recommended that Congress recognize Texas as an independent nation, he said to Congress, in a special message:

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

Later, in 1845 while the annexation proposal was being considered in Texas there was insistence on the defense of Texas' original boundaries. Sam Houston asked for specific assurances that Texas' boundary would be maintained. President Polk, speaking for the United States, replied:

Of course, I would maintain the Texan title to the extent which she claims it to be.

Mr. President, the Holland joint resolution does not fix any boundaries or change any boundaries; it simply follows the boundaries that have been in existence since the States entered the Union, or the boundaries that heretofore have been approved by the Congress.

On the other hand, the amendments of the Senator from Washington would change the boundaries. A similar amendment was offered in the House of Representatives this year, and received only 17 votes.

I ask even those Senators who are opposed to the joint resolution not to vote for the amendments of the Senator from Washington, which would lessen the boundaries of the Nation and surrender part of the lands within those established boundaries to future claims of other nations.

The United States kept its bargain with Texas when it came time to fix the boundary between the United States and Mexico, after the war with that country. In 1848 in the Treaty of Guadalupe-Hidalgo, between the United States and Mexico, we find that the boundary was fixed 3 leagues from land in the Gulf of Mexico.

If Senators will turn to page 411 of the printed hearings before the Senate Interior and Insular Affairs Committee on Senate Joint Resolution 13, the green volume on each desk, they will find opposite that page a State Department map showing the survey of this boundary in the Gulf of Mexico. Does that survey show that the boundary of Texas was 3 miles from shore? No, Mr. President; the survey shows that the boundary of Texas is 3 leagues from shore. My colleagues will find that this map refers to that boundary, which is the present boundary in the gulf between the United States and Mexico, as shown by a red line running into the gulf. On that red line are the following words:

International boundary begins 3 leagues from land.

That map is a State Department map of the actual survey made in 1911.

Mr. President, the Senate of the United States has approved the 3-league boundary of Texas and the 3-league boundary between the Republic of Mexico and the United States in the Gulf of Mexico. That was done when the Senate approved the Treaty of Guadalupe-Hidalgo in 1848 and the Gadsden Purchase Treaty in 1853, and again in connection with a dispute between the United States and Texas over the northwestern limits of the State of Texas, after New Mexico had been ceded by Mexico to the United States. The Texas Boundary Act of 1836 was recognized and followed. At that time, after several months of debate on the question, Senator Foote, of Mississippi, when speaking in the Senate on January 16, 1850, said of Texas:

Title to all the territory claimed for her 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 no 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 after 103 years the prophecy of Senator Foote has been broken and Texas' boundaries have been disputed by a Member of the Congress. Those who would change the Texas boundaries after all these years would violate the promise of the President of the United States in 1845 and the treaties approved by the United States Senate. Those who take that position say, "Oh, our Nation follows the 3-mile limit." Yet the very books they cite show that certain exceptions have been made, and that Texas is one of the exceptions, that Florida is another, and that the Great Lakes States are exceptions because their seaward boundaries extend clear out to the international boundary, much farther than 3 miles from shore.

Mr. President, Senate Joint Resolution 13 would not give anything special to the State of Texas. It would simply follow what previous Congresses have done with reference to recognition of boundaries, confirming to Texas and to every State all lands beneath navigable waters within State boundaries as they existed at the time each State entered the Union, or as heretofore approved by the Congress.

Mr. President, I hope that the Senate will not challenge those boundaries, thus throwing the area beyond 3 miles into the jurisdiction of international law and the family of nations, giving it away and saying that it does not form any part or parcel of this country.

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

Mr. DANIEL. I yield.

Mr. MAYBANK. Is it not correct to say that the same thing applies with regard to what were the Original Thirteen States? In other words, it would not be giving anything to the States other than what was recognized by the Constitution and the Bill of Rights as belonging to the States?

Mr. DANIEL. The Senator is correct. The pending measure has been amended. The amendment was offered by the Senator from Florida, limiting the overall extent of Senate Joint Resolution 13 to 3 miles in the Atlantic and Pacific and 3 leagues in the Gulf of Mexico.

Mr. President, let me urge that, regardless of what may be done about the ownership of the lands; we should not do anything that would challenge or lessen the seaward boundaries of the States, because they are also the boundaries of the Nation. Just as established State boundaries inure to the benefit of the Nation, so does the wealth owned and developed by the States within those boundaries. In our country there is no State wealth or individual wealth which does not form a part of the total wealth of the Nation, and that does not mean that the Federal Government must own or control everything. The only way in which we may have a strong Nation is to have strong States, efficient local governments and strong individual citizens. Our country was not built from the top down, and we cannot successfully maintain it if we follow those who would ignore the States and rob them of their rights and revenues in order to centralize everything in Washington, farther and farther away from the observation and control of the people.

I hope the amendments will be rejected.

Mr. MAGNUSON. Mr. President, in order that there may be no misunderstanding, I desire to modify my amendments, on page 2, line 16, by adding the words "or the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries." That would exempt the Great Lakes.

The VICE PRESIDENT. The Senator from Washington modifies his amendments accordingly. The question is on agreeing, en bloc, to the amendments of the Senator from Washington, as modified.

The amendments as modified, were rejected.

Mr. GREEN. Mr. President, I desire to call up the amendment which I submitted, and which is now at the desk.

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. At the proper place in the joint resolution it is proposed to insert the following new section:

SEC. —. Each coastal State receiving any income from oil, gas, or other minerals in submerged lands, which are covered by tidal waters and are outside of inland waters and the ordinary low-water line of such tidal waters, shall report at the end of each 6-month period in each fiscal year beginning after June 30, 1953, the gross amount of such income received (including amounts previously received and not reported) to the Secretary of the Treasury who shall determine the total such income received by all coastal States in such period. Within 60 days after the end of each such 6-month period the Secretary of the Treasury is authorized and directed to pay to each of the several States an amount of money which shall be equal in the case of each such State to the percentage, listed in the following table, of such total, except that amounts reported by each coastal State as required in this section shall be debited against amounts to be paid such coastal State under this section. Amounts paid to each State under this section shall be used primarily for public education to the extent deemed necessary by such State. Such table is as follows:

State:	*Percentage*
Alabama	2.52
Arizona	.56
Arkansas	1.54
California	6.33
Colorado	.88
Connecticut	1.17
Delaware	.20
District of Columbia	.37
Florida	1.77
Georgia	2.66
Idaho	.47
Illinois	5.24
Indiana	2.61
Iowa	1.80
Kansas	1.26
Kentucky	2.13
Louisiana	2.05
Maine	.64
Maryland	1.47
Massachusetts	2.79
Michigan	4.36
Minnesota	2.05
Mississippi	1.80
Missouri	2.48
Montana	.42
Nebraska	.89
Nevada	.10
New Hampshire	.35
New Jersey	2.77
New Mexico	.55
New York	8.43
North Carolina	3.22
North Dakota	.48
Ohio	5.04
Oklahoma	1.68
Oregon	1.00
Pennsylvania	6.79
Rhode Island	.45
South Carolina	1.77
South Dakota	.47
Tennessee	2.44
Texas	5.20
Utah	.57
Vermont	.27
Virginia	2.30
Washington	1.49
West Virginia	1.60
Wisconsin	2.33
Wyoming	.24

Mr. GREEN. Mr. President, I desire to suggest a modification of my amendment, on page 2, lines 9 and 10, by striking out the words "primarily for public education to the extent deemed necessary by such State," and inserting the words, "for education, in the manner to be prescribed by such State."

Mr. President, the purpose of my amendment is to let all the States share in this grand giveaway scheme. I am opposed to this giveaway because I believe the United States Government needs the natural resources within its lands and waters, for the benefit of all the United States, and not only of the coastal States. I believe our Government needs these natural resources, especially now in preparation for the defense of all the United States and not only of the coastal States.

However, I fear that most of my colleagues do not share this belief and so will vote for this giveaway. The Senate joint resolution, provided it is held constitutional by the courts, will effect this giveaway by giving coastal States certain lands and natural resources, and the other States will get nothing.

The objection to this discrimination and special privilege will be to a considerable extent overcome if a gift of corresponding value be made to the other States, so that they all will share alike.

This cannot be done by giving all the States rights to lands beneath navigable waters within their boundaries, because there may be no such navigable waters there. It might be done, and possibly will be done later, if the giveaway policy continues by giving some of the States rights to oil, gas or other minerals beneath their lands. However, all of the States do not have such natural resources, and those that do, have them in differing amounts and kinds. So the only fair and just provision is to give the States not sharing in this giveaway a proportional amount of money corresponding as nearly as may be with that which they would respectively benefit by if this giveaway were not made.

It would not be feasible to fix such an amount now, since the value of the submerged lands has not been ascertained. On the other hand, the value of the natural resources actually obtained from time to time can be ascertained. So this value is taken as the basis for payment to all the States proportionately, the amount already received by each coastal State being taken into account. These sums are authorized to be paid at regular intervals as the resources are developed.

If national resources are to be disposed of, it is desirable that the States receiving them, or their equivalent, use such proceeds for a national purpose. Education is regarded as such a purpose, since all of us are citizens of one Nation and are free to come and go anywhere in it. So I have added the provisions that such proceeds shall be used by each State for education. The percentage each State has in the development of these resources is based on its percentage of enrolled schoolchildren aged 5 to 17.

I trust that in the interest of fairness and justice between the States the amendment will be adopted.

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

Mr. GREEN. I yield.

Mr. FERGUSON. By what method is the percentage which each State is to receive determined?

Mr. GREEN. It is ascertained by finding the total number of schoolchildren within the State between the ages of 5 and 17. The percentage of each State is shown in the table annexed to the amendment.

Mr. HOLLAND. Mr. President, I have given considerable study to the amendment submitted by the distinguished Senator from Rhode Island.

think I understand its meaning. I hope the Senator will follow me closely to see whether I am in error. As I understand the situation, the distinguished Senator would require, not that any funds shall be paid over by the coastal States, but that a report shall be made periodically, and that, computing from that report, the Secretary of the Treasury is required to pay certain amounts, out of an amount equal to the total reported, to the several States, which in effect would double the amount of the giveaway.

It seems to me very clear that the Senator has taken very kindly to the idea of the giveaway about which Senators have been talking so long, because he now really proposes to give something away. He proposes to augment the receipts and set up another fund equal to that and require that the funds be distributed among the States which do not participate in the products of the submerged lands.

I shall be glad to yield to the Senator from Rhode Island if I am mistaken in my interpretation of his amendment.

Mr. GREEN. Mr. President, the Senator has asked a question, so I suppose he is willing to yield to me.

The Senator from Florida is exactly right, as he usually is. I am opposed to giveaways of this kind, but I am more opposed to giving away to the coastal States than I am to giving to all the States. I propose giving to all the other States.

Mr. HOLLAND. I thought I understood the Senator's suggestion, and now I am sure of it. He says he wants the Nation to grant an additional sum of money equal to that which may be produced by the submerged lands, to be given away to other States, meaning that he doubles the size of the operation, or whatever name he calls it, but he has not explained how he arrived at his figures.

Mr. President, I hope the amendment of the distinguished Senator from Rhode Island will be rejected.

Mr. GREEN. Mr. President, if the Senator from Florida had been paying attention to me when I had the floor, he would have found that I did explain, in answer to a question by the Senator from Michigan [Mr. FERGUSON], how the sums were arrived at.

Mr. HOLLAND. I did pay attention to the Senator's statement.

Mr. GREEN. If the Senator paid attention, I do not think he shows much comprehension of it.

Mr. HOLLAND. Mr. President, I regret that my intelligence is so limited, but I am satisfied with the one admission which was made by my distinguished friend, to the effect that he proposes an additional grant, equal to the total revenues from the submerged lands, to be given by the United States to other States in accordance with the rather arbitrary figures which he states in his amendment.

Mr. President, I hope the Senator's amendment will be rejected.

Mr. GREEN. Mr. President, my heart is large. I love not only 3 or 4 States; I love 48 States.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Rhode Island, as modified.

The amendment as modified was rejected.

Mr. WATKINS. Mr. President, I ask unanimous consent to place in the RECORD at this point in my remarks my reasons for supporting Senate Joint Resolution 13.

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

STATEMENT BY SENATOR WATKINS

I am voting for Senate Joint Resolution 13 because I believe it to be in the public interest.

It is the responsibility of the Congress to settle once and for all the long-standing controversy between the seaboard States and the Federal Government as to who owns offshore underwater lands within State boundaries. It is the responsibility of Congress to legislate who has the right to control the extraction of the minerals and other things of value which lie in these submerged lands.

From the earliest days of our Republic it was considered the settled law of the land that the various States had title to the land under the navigable waters within their territorial limits. In the case of most of the coastal States, the territorial limits of the States were generally conceded to extend seaward from the low-water mark to the 3-mile limit. In the case of Texas and the gulf coast of Florida, the traditional boundary extended 10½ miles seaward. In the 1930's, as a consequence of agitation generated by the New Deal, disputes were raised between the States and the Federal Government, with the Federal Government asserting a proprietary right and interest in the submerged lands. These disputes eventually reached the courts and in 1947 the Supreme Court handed down a ruling in the so-called California case which had the effect of reversing what had heretofore been considered the law of the land. The Supreme Court upheld the contention of Federal paramount rights which had been raised by the New Deal and Fair Deal administrations. The Congress on several occasions has enacted legislation to define and restate the law. This legislation was fought and opposed at every turn by the New Deal and the Fair Deal. In 1946, and again in 1952, a Fair Deal President vetoed bills which had been passed by Congress confirming the States claims to their submerged coastal lands.

From the very beginning I have felt that lands beneath navigable water within State boundaries, whether they are beneath inland lakes and rivers or beneath the ocean, rightfully belong to the States. The States, not the Federal Government, should have the power to control the development of such lands. On every occasion when this matter has come before me in my capacity as a United States Senator I have endeavored to vote in a manner which would fulfill this basic belief.

In 1952 the issue finally was taken directly to the people and was put to popular vote. The Republican Party, through its 1952 platform and through the statements of its candidates, took the position in favor of confirming in the coastal States their title to the undersea lands lying within their historic boundaries. The Democratic Party, through its platform and through the statements of its candidates, pledged itself to sustain the New Deal-Fair Deal action which had culminated in the assertion of Federal ownership.

Senate Joint Resolution 13 and H. R. 4198, which has already passed the House, fulfill one of the 1952 campaign pledges of the Republican Party. They confirm and return to the States concerned the rights of title to the submerged lands which was theirs in fact prior to the ruling of the Supreme Court in the case of *United States v. California*. This ruling which was handed down on June 23, 1947, held that the lands which comprise the bed of the marginal sea off the coast of California were subject to the paramount rights of the Federal Government and not the State of California as had theretofore been the law.

Senate Joint Resolution 13 and H. R. 4198 also clarify and make it plain once and for all that the Government of the United States has primary right in the submerged lands extending from the historic boundaries of the States seaward to the edge of the Continental Shelf. Thus the Congress, by clear-cut legislative action, will put to rest the vexing dispute which was deliberately generated by those who sought to take from the States the lands which had uniformly been considered to be the property of the States before the advent of the New Deal.

The Holland substitute for Senate Joint Resolution 20 of the 82d Congress was similar in intent and purpose to the Holland bill, Senate Joint Resolution 13 of the 83d Congress. I favored and would have voted for the Holland substitute, but it was evident and in fact had been announced that the President would veto the bill if it were passed by the Congress. As a consequence of this practical political situation and because of the urgent need for development of the oil resources in the submerged lands, I believed it to be in the public interest to vote for the so-called interim bill. Acceptance of the interim bill idea had the purpose of postponing the final decision as to ownership and title of the submerged lands. It sought to clear the way, however, for production of oil in this area until such time as the political stalemate, which was blocking enactment of quitclaim legislation, could be resolved.

In the 82d Congress those who opposed confirming title to the coastal States of the lands within their historic borders sought to further complicate the question by injecting Federal aid to education. This action took the form of the Hill amendment which proposed to earmark a percentage of the Federal Government's tidelands oil receipts for Federal aid to education in the various States. This legislative maneuver was designed to bring those who favored Federal aid to education on the side of those who opposed returning offshore lands to the States.

On two separate occasions I voted for Federal aid to education when that question was before Congress on its own merit. My vote against the Hill amendment to the tidelands oil bill in the 82d Congress was not a vote against Federal aid to education. At the time I cast that vote, I made the following statement which appears in the CONGRESSIONAL RECORD, volume 98, part 3, at page 3355:

"I voted against the Hill amendment because I believed it to be contrary to sound financial policy to earmark Federal income for special purposes or groups. I have heretofore voted for Federal aid to education each time it has been before the Senate.

"The adoption of the Hill amendment would complicate an already complex situation without giving any really dependable help to education. The vote on the motion to table the Hill amendment should demonstrate conclusively that there are not sufficient number of votes in the Senate to override a Presidential veto, which is sure to come in the event of the enactment of the Holland substitute.

"That being the case, it seems to me that the only practical thing to do to get oil developed in the tidelands area is to vote for the so-called interim bill.

"In view of the critical world situation, it seems to me that everything that can possibly be done to increase our oil supply

should be done. The interim bill would permit full development of those resources and leave to the future the settlement of the problem of final ownership of tidelands oil."

The opponents of this legislation have used every device from propaganda through filibuster in their fight to block its passage. They have labeled it a "giveaway" and a "raid on the Nation's public-land wealth." They have sought to scare the public by spreading the fear that passage of this bill will be followed by a general giveaway of the timber, mineral, water and waterpower, and the grazing rights in Federal lands in the interior of the United States. The President, who twice vetoed the so-called quitclaim bill, went so far as to call this proposed legislation robbery in broad daylight.

As a matter of actual fact Senate Joint Resolution 13 is a forthright and specific piece of legislation designed to effect a fair and honest settlement of a dispute over offshore gas and oil deposits. It does not deal with national forests or grazing rights or mineral rights in the inland States.

The Federal Government, on behalf of all of the States, continues to be the owner and controller of all the resources in the Continental Shelf seaward of the historic boundaries of the coastal States as defined in the bill. Senate Joint Resolution 13 does not rob anyone of anything. It does not plunder the public domain nor does it give anything away. It simply concedes that the coastal States have in law title to that which they had in fact prior to 1947.

The State of Utah is a public-land State. It was created out of the public domain of the United States, and to this day 71 percent, or approximately 40 million acres of the land area of Utah, is still under Federal ownership and control. Included in this vast area of Federal land within the State of Utah is: 7,870,185 acres of national forests, 286,447 acres of national parks and monuments, 39,019 acres of Federal Soil Conservation Service land-utilization projects, 24,476,743 acres of Bureau of Land Management Federal grazing land, 2,533,527 acres of Indian lands, 74,381 acres of Federal wildlife reserves, 455,540 acres of reclamation land withdrawals, 2,082,307 acres of Army and Air Force military withdrawals, 92,314 acres of naval reserve, and 8,262 acres of land for other miscellaneous Federal uses. These lands are held by the United States in trust to a large extent for the people of the State of Utah. Other public-land States are in a comparable situation.

Senate Joint Resolution 13 in no way concerns itself with these lands. It does not divest the Federal Government of a single acre of this vast area, nor does it give away any of the Federal Government's income derived from the use and development of this land.

The State of Utah has an estimated inland water area of 1,644,800 acres. That means that within the historic and commonly accepted boundaries of the State of Utah there are no less than 1,644,800 acres of submerged land. That vast area lies under Utah's lakes, ponds, reservoirs of 40 or more acres in area, and streams and canals one-eighth of a statute mile or more in width. Senate Joint Resolution 13 confirms Utah's ownership of this large acreage underlying the navigable lakes and streams located within its borders.

The oil and gas and various other minerals which lie in the offshore submerged lands are not worth a single dollar to anyone until they are extracted and put to use. They will produce no income for the Federal Government nor for any State or local government until they are extracted and marketed. Those who want to produce and market these resources are prepared to do so in a private capacity with private risk. They are prepared to pay for that privilege and they have little concern whether they shall make such payment to the Federal Government or to a State government. All they ask is that the question of ownership be settled so that they will know whom to deal with and to whom to make payment.

In conclusion, let me refer to the argument that these submerged lands belong to all the people of the United States and make this comment: These lands should belong to the peoples of the States where the divine providence placed them. The older States have had full use of their resources over the years. It is just and equitable that the younger States should have the same use of whatever resources God gave them.

Mr. MORSE. Mr. President, the only 1 of my 3 brief amendments that I intend to call up is that designated "5/1/53-D." It is a clarifying and perfecting amendment.

I wish to address a question to the Senator from Florida [Mr. HOLLAND], because, as I understood the Senator from Florida and the Senator from Texas [Mr. DANIEL], they were going to consider the amendment overnight and then advise me, when I brought it up, whether they had any objections to it. It seeks to carry out what the proponents have stated, that they have no intention of modifying or repealing existing law pertaining to commerce and navigation, rivers and harbors, reclamation and irrigation, national defense, and international affairs.

It only adds to the list of statutes by specification now in the joint resolution the law of 1899 and the law of 1920 and makes clear that no statute pertaining to the subjects enumerated is in any way repealed, amended, or modified by this resolution.

The VICE PRESIDENT. The amendment offered by the Senator from Oregon will be stated.

The CHIEF CLERK. It is proposed to amend section 7 so as to read as follows:

SEC. 7. Nothing in this joint resolution shall be deemed to amend, modify, or repeal existing law pertaining to commerce and navigation, rivers and harbors, reclamation and irrigation, national defense and international affairs, including but not limited to the acts of July 26, 1866 (14 Stat. 251), July 9, 1870 (16 Stat. 217), March 3, 1877 (19 Stat. 377), March 3, 1899, chapter 425, section 10 (30 Stat. 1151), June 17, 1902 (32 Stat. 388), Federal Water Power Act of June 10, 1920, chapter 285, section 39 (41 Stat. 1077), as amended, and December 22, 1944 (58 Stat. 887), and acts amendatory thereof or supplementary thereto.

Mr. MORSE. Mr. President, I ask the Senator from Florida and the Senator from Texas if they have decided that they have no objections to my amendment.

Mr. HOLLAND. Mr. President, I regret to advise the Senator from Oregon that we do very strongly object to the amendment. If the Senator from Oregon has completed his argument, I will yield for discussion.

Mr. MORSE. Mr. President, I make only one additional point. I think my amendment makes very clear the intent of the proponents. We have been trying to find out whether there is any intention of modifying existing law in regard to commerce and navigation, rivers and harbors, reclamation and irrigation, national defense and international affairs. I think, from the standpoint of the legislative history of the pending joint resolution, it is very important that the Senate take a definite stand.

Mr. HOLLAND. Mr. President, I yield to the distinguished senior Senator from Oregon [Mr. CORDON].

Mr. CORDON. Mr. President, while on its face this proposed amendment would appear to be only further explanatory of Senate Joint Resolution 13, I have three specific objections to the proposal from the point of view of those who have had the obligation of investigating and considering the terms of Senate Joint Resolution 13 and presenting it to the Senate.

I am making this statement in my capacity as acting chairman of the Senate Committee on Interior and Insular Affairs, the committee that had responsibility for Senate Joint Resolution 13, and I am making it because I deem it proper that the RECORD should indicate the reason why there occurs in the measure the section which my colleague seeks to amend, namely, section 7.

SPECIFIC RESERVATIONS NOT NEEDED

Mr. President, first, let me say that under the philosophy of the pending measure there is no need to specify any particular statute as being unaffected by the terms of Senate Joint Resolution 13. The joint resolution itself changes the status of property, nothing more. It expressly reserves from its effects all the constitutional powers of the Government under the commerce clause, under the obligations for national defense, and under paramount rights to conduct international affairs. They are all expressly reserved, except from the application of Senate Joint Resolution 13. Consequently, there is no need expressly to exempt any statute. So, Mr. President, the question would naturally arise, why is section 7 in the joint resolution? That section, as it appears in the joint resolution, is as follows:

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

It is because those acts are expressly mentioned in this section that I am making this explanation. The acts in question have to do entirely with uses of water in the United States under acts and authority not included within the commerce cause. The only act which could possibly be construed to be within the commerce clause is the act of December 22, 1944. That was a rivers and harbors and a flood-control act. If one will take the time to read it, it will be found that there is expressed in it certain restrictions placed by Congress upon the Corps of Engineers in the field of flood control and rivers and harbors in the portion of the United States west of the 97th meridian.

WATER RIGHTS OF STATES PROTECTED

Certain requirements are there as conditions precedent to improvements of the waterways in anywise, and creating obstructions within flowing streams. That protection is there in order to protect the vital water rights of the Western States. It is because of those provisions

and those only, that the act of 1944 is included as one of those specifically mentioned as being unaffected by Senate Joint Resolution 13.

The remaining acts have to do with reclamation and with mining on the public domain. They could actually have been eliminated without any danger whatsoever; but out of an abundance of caution, and at the request of attorneys general from the Western land States and of the National Reclamation Association, they were originally included in the measure because they happened to refer to the uses of water in an area where water is vital to the economy and life of the people. Otherwise, there is no reference to any statute that would come within the purview of the commerce clause, of national defense, or of international affairs. The reason for that is that there is already in the joint resolution an express reservation with reference to those matters.

One thing more. The Senator has offered certain language, in addition to a reference to the 2 sections in 2 other acts. One of those sections is section 10 in the act of 1899. That is one section out of more than 900 sections that appear in the "Navigation and Navigable Waters" title of the United States Code. That is title 33, and the Senator's amendment singles out only 1 section of the 900 or more sections in the navigation law.

The VICE PRESIDENT. The time of the senior Senator from Oregon has expired.

Mr. CORDON. I do not desire further to transgress. We have had some experiences along that line, and I do not wish to continue them.

Mr. MORSE. Mr. President, my senior colleague has helped clarify the legislative history of section 7, which is all to the good. Most of his remarks have been directed to constitutional powers rather than to legislative powers. I think he has made the situation very clear with regard to constitutional powers, but there is still on the books the whole body of legislation providing for exercising those powers, about which there can be a great deal of litigation and many disputes.

The amendment preserving that body of statutes and the specific addition of the two statutes already mentioned would be of great aid in setting forth the legislative history, so far as existing legislation is concerned.

In my judgment, we have in the statement of my senior colleague a clearer legislative history than we had before he spoke, but I am still going to offer my amendment, because I think it would clarify the legislative history that much more.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oregon [Mr. MORSE].

The amendment was rejected.

Mr. NEELY. Mr. President, I call up the amendment which I offered and in behalf of which I briefly addressed the Senate earlier today.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. In lieu of the language proposed to be inserted by the committee amendment it is proposed to insert the following:

That (a) the provisions of this section shall apply to all mineral leases covering submerged lands of the Continental Shelf issued by any State or political subdivision or grantee thereof (including any extension, renewal, or replacement thereof heretofore granted pursuant to such lease or under the laws of such State): *Provided*—

(1) That such lease, or a true copy thereof, shall have been filed with the Secretary by the lessee or his duly authorized agent within 90 days from the effective date of this joint resolution, or within such further period or periods as may be fixed from time to time by the Secretary;

(2) That such lease was issued (i) prior to December 21, 1948, and was on June 5, 1950, in force and effect in accordance with its terms and provisions and the law of the State issuing it, or (ii) with the approval of the Secretary and was on the effective date of this joint resolution in force and effect in accordance with its terms and provisions and the law of the State issuing it;

(3) That within the time specified in paragraph (1) of this subsection there shall have been filed with the Secretary (i) a certificate issued by the State official or agency having jurisdiction and stating that the lease was in force and effect as required by the provisions of paragraph (2) of this subsection or (ii) in the absence of such certificate, evidence in the form of affidavits, receipts, canceled checks, or other documents, and the Secretary shall determine whether such lease was so in force and effect;

(4) That except as otherwise provided in section 3 hereof, all rents, royalties, and other sums payable under such a lease between June 5, 1950, and the effective date of this joint resolution, which have not been paid in accordance with the provisions thereof, and all rents, royalties, and other sums payable under such a lease after the effective date of this 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 State of California, between the Attorney General of the United States and the Attorney General of California, dated July 28, 1948, extending the term of said operating stipulation; (iv) the stipulation entered into in the case of United States against State of California, between the Attorney General of the United States and the Attorney General of California, dated August 2, 1949, further extending the term of said operating stipulation; (v) the stipulation entered into 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 Secretary may determine, shall be for a period of 5 years and as long thereafter as oil or gas may be produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon, shall require the payment of a royalty of not less than 12½ percent, and shall contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe in advance of offering the area for lease.

(c) All moneys paid to the Secretary for or under leases granted pursuant to this section shall be deposited in a special fund in the Treasury to be disposed of as hereinafter provided.

(d) The issuance of any lease by the Secretary pursuant to this section 4 of this joint resolution, or the refusal of the Secretary to certify that the United States does not claim any interest in any submerged lands pursuant to section 2 of this joint resolution, shall not prejudice the ultimate settlement or adjudication of the question as to whether or not the area involved is submerged land beneath navigable inland waters.

SEC. 5. (a) Except as provided in subsection (b) of this section, the money received under the provisions of this joint resolution shall be used, in accordance with such provisions of law as may be later enacted by the Congress, for the following purposes:

(1) Ten percent to reduce the national debt;

(2) Ten percent for education;

(3) Ten percent for research in the prevention and extermination of cancer;

(4) Ten percent for research in the prevention and extermination of heart disease;

(5) Ten percent for research in the prevention and extermination of muscular dystrophy;

(6) Ten percent for research in the prevention and extermination of multiple sclerosis;

(7) Ten percent for research in the prevention and extermination of infantile paralysis;

(8) Ten percent for aid to the blind;

(9) Ten percent for aid to disabled veterans; and

(10) Ten percent to the American National Red Cross to be used for the alleviation of human suffering.

(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 per cent 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 water power, or to the use of water for the production of power, or to any right to develop water power which has been or may be expressly reserved by the United States for its own benefit or for the benefit of its licensees or permittees under any law of the United States.

SEC. 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 result of authorized action taken by any such State, political subdivision thereof, municipality, or public agency holding thereunder for recreation or other public purposes 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 ot

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 three 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.

Amend the title so as to read: "Joint resolution to provide for the development of the oil and gas reserves of the Continental Shelf adjacent to the shores of the United States, to protect certain equities therein, to confirm the titles of the several States to lands underlying inland navigable waters within State boundaries, and for other purposes."

Mr. NEELY. Mr. President, instead of abusing the patience of the Senate by prolonging the debate on the pending amendment, I simply state its purpose in order that all concerned may thoroughly understand the important matter on which they are about to vote.

The amendment provides that the income derived from the oil, gas, and other valuable resources under the submerged lands lying off the coasts of California, Louisiana, and Texas be used for the following purposes: 10 percent to reduce the national debt, 10 percent for education, 10 percent for research in the prevention and extermination of cancer; 10 percent for research in the prevention and extermination of heart disease; 10 percent for research in the prevention and extermination of muscular dystrophy; 10 percent for research in the prevention and extermination of multiple sclerosis; 10 percent for research in the prevention and extermination of infantile paralysis; 10 percent for aid to the blind; 10 percent for aid to disabled veterans; and 10 percent to the American National Red Cross, to be used for the alleviation of human suffering.

In the economy of time, I simply urge my colleagues on both sides of the aisle to respond to the admonition of the prophet:

> Choose you this day whom ye will serve.

Will you serve God, or Baal? If you are going to serve humanity, and thereby serve humanity's God, vote for this amendment. If you are going to serve Baal, vote against it.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, I do not think it will be necessary to reply at great length. I should like to ask the distinguished Senator to correct me if I have misunderstood his amendment, because it has come in only since the beginning of the session today.

As I understand, it is supposedly the same as the Lehman amendment, which was rejected earlier, with the single exception that this amendment proposes that 100 percent of the revenue shall go to the Federal Government and shall be divided among the 10 fine objectives, with 10 percent being devoted to each objective, rather than to go to schools exclusively, as provided by the distinguished Senator from New York in his amendment. If that be not a correct understanding, I shall be glad to be corrected.

Mr. NEELY. The Senator from Florida is correct.

Mr. HOLLAND. Without further laboring the matter, I should like to call the attention of the Senate to the fact that this amendment would propose to use 100 percent of the revenue from the whole belt for the 10 fine objectives stated in the amendment of the distinguished Senator from West Virginia, all to be operated as a Federal proposition. The States would have no part in the income, because the States would be entirely excluded.

This is another proposal for federalization, nationalization, and paternalism, and I hope the amendment will be rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from West Virginia [Mr. NEELY], in the nature of a substitute for the committee amendment. On this amendment 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 Nebraska [Mr. BUTLER] is necessarily absent.

If present and voting the Senator from Nebraska [Mr. BUTLER] would vote "nay."

I also announce that the Senator from Indiana [Mr. CAPEHART] and the Senator from Kansas [Mr. CARLSON] and the Senator from Nevada [Mr. MALONE] are absent on official business.

If present and voting the Senator from Kansas [Mr. CARLSON] would vote "nay."

Mr. CLEMENTS. I announce that the Senator from Oklahoma [Mr. KERR] is absent on official business.

The result was announced—yeas 27, nays 64, as follows:

YEAS—27

Chavez	Hunt	Mansfield
Douglas	Jackson	Monroney
Fulbright	Johnson, Colo.	Morse
Gore	Kefauver	Murray
Green	Kennedy	Neely
Hayden	Kilgore	Pastore
Hennings	Langer	Sparkman
Hill	Lehman	Symington
Humphrey	Magnuson	Tobey

NAYS—64

Aiken	Frear	Mundt
Anderson	George	Payne
Barrett	Gillette	Potter
Beall	Goldwater	Purtell
Bennett	Griswold	Robertson
Bricker	Hendrickson	Russell
Bridges	Hickenlooper	Saltonstall
Bush	Hoey	Schoeppel
Butler, Md.	Holland	Smathers
Byrd	Ives	Smith, Maine
Case	Jenner	Smith, N. J.
Clements	Johnson, Tex.	Smith, N. C.
Cooper	Johnston, S. C.	Stennis
Cordon	Knowland	Taft
Daniel	Kuchel	Thye
Dirksen	Long	Watkins
Duff	Martin	Welker
Dworshak	Maybank	Wiley
Eastland	McCarran	Williams
Ellender	McCarthy	Young
Ferguson	McClellan	
Flanders	Millikin	

NOT VOTING—5

Butler, Nebr.	Carlson	Malone
Capehart	Kerr	

So Mr. NEELY's amendment in the nature of a substitute was rejected.

Mr. ANDERSON. Mr. President, I call up my amendment designated "4-15-53-A." I offer the amendment.

The VICE PRESIDENT. Does the Senator wish to have the amendment read at this time?

Mr. ANDERSON. Mr. President, I can save time by making a brief statement and dispensing with the reading of the amendment.

The VICE PRESIDENT. Without objection, the amendment will be printed in the RECORD at this point.

Mr. ANDERSON's amendment is as follows:

On page 19, line 14, insert "titles I and II of" after "Nothing in."

At the end of such joint resolution insert the following new title:

"TITLE III

"REVENUES FROM PUBLIC LANDS

"SEC. 12. Notwithstanding any provisions of law other than those contained in this joint resolution—

"(a) 90 percent of all revenues received after the date of the enactment of this joint resolution from any public land of the United States, including revenues from the sale, lease, or use of such lands or the products thereof, bonuses, rentals, royalties, permits, licenses, or any other source, shall be paid by the Secretary of the Treasury at the end of the fiscal year in which received to the State or Territory in which such land is situated to be used by such State or Territory for any purposes it may deem proper; and

"(b) 10 percent of all such revenues shall be covered into the Treasury of the United States as miscellaneous receipts."

Amend the title so as to read: "Joint resolution to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters; to provide for the use and control of said lands and resources; to confirm the jurisdiction and control of the United States over the natural resources of the seabed of the Continental Shelf seaward of State boundaries; and for other purposes."

Mr. ANDERSON. Mr. President, this is an amendment which would provide that, with respect to the public lands, 90 percent of the revenues, instead of going partly to the States and partly to the reclamation fund, should go directly to the States.

This amendment arose partly from discussions which were had in the committee when we were holding hearings on the joint resolution. It grows somewhat out of the discussion which took place when the distinguished Senator from Wyoming [Mr. HUNT] was presenting his bill. It also arose partly from questions asked by the junior Senator from Wyoming [Mr. BARRETT].

As a matter of fact, at the present time the money going into the reclamation fund comes largely from 4 States, namely, California, Colorado, Wyoming, and New Mexico. Eighty-five percent of all the money going into this fund comes from those States. I have voted in favor of legislation which would devote all the revenues derived from lands seaward from the coast to the purposes of education. I have voted for legislation which would give three-eighths of the revenues to the States and devote the remainder to education.

If we are to have a policy of permitting certain States to take all the revenue from lands lying offshore, I say that it is manifestly unfair to depend upon the States of California, Colorado, New Mexico, and Wyoming to provide the money for the reclamation fund.

Furthermore, there is an application to forest lands in the State of Idaho, represented by the distinguished Senator from Idaho [Mr. DWORSHAK], who discussed the question before the committee. Money coming from the forests goes into the National Treasury. If the forest lands were privately owned they would be subject to taxation.

I do not propose to change in the slightest the pattern of ownership. I am not trying to start a raid on the Federal Treasury. I do not believe that the four States to which I have referred should be depended upon to provide money for the Bureau of Reclamation. I do not believe that the money to provide for the activities under the reclamation fund should come solely from Wyoming, Colorado, California, and New Mexico. It so happens that they are States which own oil. God planted oil beneath the lands of those States, just as he planted it offshore. If we are going to give these resources to States which have rights to oil offshore, then I think the inland States should have the right to have the revenue from their oil areas placed not in the treasury of the reclamation fund, but in their own treasuries.

Mr. President, I yield 2 minutes to the senior Senator from Wyoming [Mr. HUNT].

Mr. HUNT. Mr. President, I think this is an excellent amendment. It attempts to accomplish an objective which we of the Western States have been trying to achieve since 1916, when I first went to Wyoming. At that time one of the Senators from Utah introduced a bill providing for approximately the same things the Senator from New Mexico is now seeking to accomplish.

There is behind this amendment a fundamental principle to which I think it is time the United States as a whole should begin to give serious consideration.

Speaking of my own State, Wyoming has been a State for 63 years. As yet we have not been given those things which our act of admission said we were entitled to, on an equality with all other States of the Union. As I look through the record I find that the States of Ohio, Louisiana, Florida, Illinois, Utah, Minnesota, and many other States, with the exception of the 11 Western public-land States, obtained all their mineral rights within a few years after their admission. It is about time, I think, that the rest of the United States should give to us of the public-land States the same fair treatment which has been given down through the years to all the other States in the Union.

Mr. President, we in the 11 public-land States are becoming a little weary of being treated as though we were colonies of the United States. We are long overdue in having given to us those things which are ours. As our natural resources are depleted they are depleted forever and a day. There is no way of ever replacing or giving back to the 11 public-land States their natural resources which are now being depleted, and the revenue which they provide being turned into the Public Treasury. At some future date perhaps the lands may be turned back to the States, but then it will be too late. That will be after the natural resources will be gone forever, so far as my State is concerned.

I should like to say to you, Mr. President, and to the Members of the Senate, that this amendment is not a giveaway with respect to the public-land States, but is rather a takeaway. To my way of thinking it is a partial reparation for the action of the rest of the United States in sticking its hand into the pockets of the 11 Western States and taking from them coin of the realm in the form of assets of theirs which can never be replaced.

The VICE PRESIDENT. The time of the senior Senator from Wyoming has expired.

Mr. ANDERSON. I yield the remaining time to the junior Senator from Wyoming [Mr. BARRETT].

The VICE PRESIDENT. The junior Senator from Wyoming is recognized for 1 minute.

Mr. BARRETT. Mr. President, when Congress enacted the reclamation law more than a half century ago it provided that the income from the public domain of the West should be set aside for reclamation projects.

When the Oil and Gas Leasing Act was enacted 33 years ago it provided that the Western States should get 37½ percent of the income from the proceeds from the natural resources derived from the public lands within their borders and that the reclamation fund should get 52½ percent of the income from the public domain of the West.

The theory that impelled the Congress in both cases was simply this and when the coal, the oil and gas and other minerals are extracted of course the resources of the States are being depleted. The Congress recognized that fact and provided that a major part of the income should be used to replace that loss with another resource in the form of reclamation projects. The principle behind that theory is sound. The principle is that in the main the income from the soil of these Western States belongs to the people of those States. The income to the Federal treasury from the public lands in Wyoming during the past 50 years totals $146 million. That portion of the income set over to the reclamation fund from public lands in Wyoming and the amount repaid by the settlers on reclamation projects in our State have repaid the entire investment in water projects in Wyoming. That being the case, Mr. President, it is only fair and just that the income from the public lands of the State should now be used for the exclusive benefit of the people of Wyoming.

That is the only way in which the Western States can take their rightful place among the Union of States. We need those funds for our schools and for our university.

I submit that the proposal of the Senator from New Mexico is fair and reasonable.

The VICE PRESIDENT. The time of the Senator from Wyoming has expired.

Mr. HOLLAND. Mr. President, I regret greatly to have to oppose the amendment offered by the distinguished Senator from New Mexico [Mr. ANDERSON]. It is even more far reaching in its effect than was the amendment of the Senator from Nevada [Mr. MALONE], which the Senate rejected earlier today.

The pending amendment applies not only to the mineral and oil recovered from the public lands, but also applies—and I call the attention of Senators to lines 4 and 5 on page 2 of the amendment—to "revenues from the sale, lease, or use of such lands or the products thereof, bonuses, rentals, royalties, permits, licenses, or any other source."

In effect, it provides that all the revenues from either sale or operation, with respect to all of the public lands of the Nation—whether they be mineral lands, oil lands, forest lands, grazing lands, or regardless of what type of lands they may be—shall be disposed of under the terms of the amendment, which would be 90 percent to the State in which the land from which the revenues would come is situated, and 10 percent to be retained by the Federal Government.

Mr. President, the amendment is so far reaching in its effect that I am sure the Senate will not want to take a step of such magnitude without benefit of hearings and without understanding exactly what its effect is and what is involved. Certainly we know that many hundreds of billions of dollars of actual value are involved. As to the exact amount, I can only guess or estimate. Certainly it is close to $100 billion.

I feel sure that the amendment is even more objectionable, projected, as it is, upon the Senate without study and without report and without the facts being available, than the amendment offered by the distinguished Senator from Nevada [Mr. MALONE], which amendment was rejected by the Senate.

I yield to the Senator from Colorado [Mr. MILLIKIN].

Mr. MILLIKIN. Mr. President, it is with great reluctance that I shall vote against the amendment, and I assign as my reason for voting against it the statement which I made yesterday on the Malone amendment:

> Mr. President, I shall vote against the Malone amendment, because I think it a mistake to raise and submit to decision the matters involved in that amendment, while deciding the matters involved in the Holland joint resolution. The questions involved in the Holland resolution will turn, in my mind, on claims of right. The matters covered by the Malone amendment will turn on questions of policy. The decision on one does not compel the same decision on the other. I fear that premature consideration of the matters covered by the Malone amendment will prejudice their consideration when they are brought before the Senate on their own separate merits.

Mr. HOLLAND. Mr. President, I appreciate greatly the comment of the distinguished Senator from Colorado. His position has been the same as mine. I hope the Senate will reject the amendment.

I yield to the Senator from Oregon [Mr. CORDON].

Mr. CORDON. Mr. President, I desire to adopt as my own the reasoning just stated so clearly by the Senator from Colorado, and I shall follow him in voting against the proposed amendment.

Mr. HOLLAND. Mr. President, I ask that the Senate reject the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Mexico [Mr. ANDERSON].

The amendment was rejected.

Mr. DOUGLAS. Mr. President, I call up my amendment 4/28/53-D, as modified. It is in mimeographed form and is now at the desk. I ask that it be read.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 13, line 12, after "subject to the", insert "reservation to the United States of the oil, gas, and other mineral rights in such lands seaward from the line of ordinary low water and outside of inland waters and the other."

On page 13, beginning with line 18, strike out all through line 6 on page 16, and insert in lieu thereof the following:

> (b) The United States hereby releases and relinquishes unto said States and persons aforesaid all right, title, and interest (except the oil, gas, and other mineral rights in such lands seaward from the line of ordinary low water and outside of inland waters and any other rights reserved herein) of the United States in and to all such lands, improvements, and natural resources.

On page 16, lines 7 and 16, strike out "(d)" and "(e)", respectively, and insert in lieu thereof "(e)" and "(d)", respectively.

> 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 certain natural resources within such lands and waters, and to provide for the use and control of said lands and resources."

Mr. DOUGLAS. Mr. President, this amendment reserves to the Federal Government the oil, gas, and mineral rights now owned by the Federal Government under the submerged lands seaward from the low-water mark, but does not otherwise interfere with the transfer of ownership to the States or with their rights to the fish, oysters, kelp, shrimp, clams, crabs, lobsters, sponges, and other marine animal and plant life.

The very able Senator from Florida [Mr. HOLLAND], in his main speech, said that oil and gas really were not greatly involved in his measure, and that the other rights and values infinitely outweighed the oil and gas.

At page 2879 of the RECORD for April 9 he said that the vast majority of the values involved in this measure had to do with values other than oil. If this oil is such a minor matter and the measure is not primarily concerned with it, why not let the Federal Government have it?

In fact, the argument has been made that the amount of oil involved is very slight indeed, and that only a little oil is being given away by the resolution under consideration. Furthermore, it has been argued that the revenue involved amounts to only 41 cents per student per year. If these resources are as inconsequential as asserted, why not let the Nation keep that part of what now belongs to the Nation?

I would call my amendment the "turpentine and gasoline amendment," because I have noticed that the sponsors of the Holland measure are like Lady Macbeth. They rub their hands together and try to get the oil spots off their hands, while denying that there is any oil on their hands at all.

This amendment is a marvelous cleanser. It will leave the oil and the gas in the hands of the Federal Government and enable the hands of the coastal States to be cleaned with a good dose of turpentine, and at the same time it will permit the States to have their long-sought legal titles and the fish, oysters, and other forms of marine life. [Laughter.]

Mr. HOLLAND. Mr. President, I think the Senator from Illinois has not drawn with complete accuracy upon his memory with reference to the statements made by me during the debate. I have said, and I now repeat, that the question of oil and gas is secondary in value and secondary in importance as compared with the value of the developments already existing, and the need for a continuation of those developments, along the shoreline of the 5,000 miles of coasts of our Nation.

There are a few places where oil and gas have been found, and, of course, in those places the question presented by the oil and gas is a substantial one; I have never denied that. I placed in the RECORD yesterday—I tried to do so in a way the Senate could understand—a statement, which I believe to be correct, to the effect that about $575 million of royalties throughout the life of production will be taken from the oil and gas to be found within the submerged shelf from mean low water up to the State boundaries. That compares with billions of dollars of values already existing in such places as Boston, the shores of Staten Island, the shores of Long Island, almost the entire coast of New Jersey, the Virginia coast, the Florida coast, and places on the Gulf of Mexico; and, of course, along the coast of California there are other great and additional values.

The real sum and substance of the amendment of the Senator from Illinois is that by means of it he wishes to give to the Great Lakes States and to the Atlantic Coast States and to all the Pacific Coast States except California, and to the Gulf of Mexico States which do not have oil in their coastal lands, a complete assurance that all the substantial values which they have—and they are many and very great—can be given to them freely by the Federal Government under the situation we are now considering.

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

Mr. HOLLAND. I do not yield at the moment, Mr. President, if the Senator from New York does not mind.

In other words, the Senator from Illinois finds it possible in this amendment to make a very great departure from what he has been claiming so assiduously throughout the debate, namely, his claim to the effect that there was no right to grant title to anyone in the lands off the shores of the 21 coastal States. To the contrary, however, the Senator from Illinois now proposes that all values in these areas be granted to the States, except he wishes to have the Federal Government hold on to the oil and the gas.

Mr. President, if that be consistency, then I am not able to understand it. If it be fairness to grant to many States every value they could get out of these lands—and that is exactly what would happen under the amendment—but to withhold from some States which are not in a position similar to that of other

States, the only values they could get from these lands—and those values are substantial—then I do not understand what fairness would be.

It happens that Florida has about 1,200 miles of coastline, most of which is susceptible to a high state of development, and much of which has already been developed, as my colleagues know. The values there are very great, and they would be much greater if the development had not been stymied since 1947 by the assertion that the Federal Government owns these areas. Of course, Mr. President, in the case of Florida, there is no known oil or gas in these lands, although we hope some will be found there, although millions of dollars have already been spent in efforts, up to now, to discover oil and gas there.

However, Mr. President, shall we discriminate against such States as Louisiana, which as a matter of fact, will receive precious little as a result of the enactment of this joint resolution because of the 3-mile limitation, because the nature of their coastlines is such and the nature of what is under their submerged lands is such that they must turn to the development of oil and gas if they expect to move ahead and to fulfill their destiny, just as we in Florida wish to fulfill ours, and just as we hope every other State will have a chance to fulfill its destiny?

Mr. President, this amendment is, on its face, discriminatory and inconsistent with the positions repeatedly taken by the opponents of the joint resolution.

Therefore, Mr. President, I hope the Senate will reject the amendment of the Senator from Illinois.

Mr. DOUGLAS. Mr. President, how much time remains to me?

The VICE PRESIDENT. The Senator from Illinois has 3 minutes remaining.

Mr. DOUGLAS. Mr. President, the Senator from Illinois is not proposing any grant of lands in the marginal sea to coastal States, as apparently claimed by the Senator from Florida [Mr. HOLLAND]. But having been defeated in all our efforts to stop the grant or transfer of such lands made by this resolution, I am proposing the next best thing, to save the oil and gas for the Nation.

I myself think these oil and gas resources are much more valuable than the Senator from Florida does. I think the amount on the entire Continental Shelf to from $50 billion to $300 billion. That is what we are in danger of giving to a few coastal States. And most of the other values to which he refers are ones which the States already own under prior court decisions.

The Senator from Florida and the other eminent Senators whose experience in this body is much greater than mine, however, have recently been saying that the value of the oil and gas resources involved in this measure is much smaller than the amounts I have stated. So now I propose that we take them at their own word. In other words, if the amount of the value of the oil and gas involved in this joint resolution is much smaller than the amount of the other values, then why not let the Federal Government have the gas and oil?

I think the motto of my dear friend, the Senator from Florida, seems to be:

> Man wants but little here below,
> But wants that little long and hard.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was rejected.

Mr. DOUGLAS. Mr. President, I now call up my amendment identified as "4-27-53-E," and ask that it be stated.

The VICE PRESIDENT. The amendment to the committee amendment will be read.

The CHIEF CLERK. In the committee amendment on page 13, in line 22, it is proposed to insert, before the semicolon after "natural resources", the following: "on the condition, in the case of each such State which is a coastal State, that such State shall execute an agreement with the Secretary of the Interior on behalf of the Federal Government to reimburse such Government for all costs incurred by it after the date of the enactment of this joint resolution (A) in constructing and maintaining lighthouses and Coast Guard stations and in providing Coast Guard services within the boundaries of such State, and (B) in constructing and maintaining improvements in rivers and harbors within the boundaries of such State."

Mr. DOUGLAS. Mr. President, the purpose of this amendment is to condition the surrender and transfer of Federal rights in the submerged lands upon the assumption by the coastal States of Coast Guard, lighthouse, river and harbor construction, and maintenance costs within their boundaries. The logic of this amendment is clear.

The sponsors of the Holland joint resolution are claiming the submerged lands for the coastal States as a right. Of course, for every right there should be a corresponding duty. I think they are being given a great privilege; but for every privilege, there should be a corresponding responsibility. There must be reciprocity.

Although these States wish to take from the Federal Government properties which I think are of enormous value, or wish to seize the submerged lands or to have the submerged lands turned over to them, yet apparently the same States are still ready to have the Federal Government bear the costs of the 3-mile zone or the 9-mile zone. If they wish to take that zone for themselves, certainly they should pay for the lighthouses in that zone and for the Coast Guard vessels which protect the shores of the zone and for the harbor improvements.

I have made some rough computations. I think this amendment, if adopted, would mean that the coastal States would pay approximately $200 million a year or, in other words, that $200 million would be removed from the shoulders of the Federal Government, and that the coastal States would thus assume responsibilities, as well as receive privileges—in short, that they would have duties as well as rights.

I mean this very intensely, Mr. President. I shall also offer a little legal advice to the sponsors of the Holland joint resolution: I think their measure may very well be upset in the Supreme Court on the ground that it gives to a few States property which belongs to the people as a whole without having the Federal Government receive any consideration in return and without serving any discoverable public interest. My amendment will permit the Federal Government to receive consideration in return. It will result in some benefit to the public interest. If I were anxious to defend the constitutionality of the pending joint resolution—which I am not—I would urge its sponsors to agree to have the States which will benefit from it assume this burden of $200 million.

Mr. President, a fundamental issue is involved here. There are all too many people who do not like the Federal Government when the Federal Government has something they want; but who like the Federal Government when it makes expenditures for their benefit. The Federal Government is alternately a milk cow, when we wish to have it make expenditures for our benefit, and a tyrant, when we wish to take rights away from it.

Mr. President, we should be consistent. If we wish to go in for a thorough program of States rights and if we wish to tear the Nation apart, the separate States should agree to accept the responsibilities as well as the privileges. Those of us who come from the States of the Union which pay the majority of the taxes are going to insist, if we see the common property ravaged, that the States which take the property shall assume the duties that go with that property. The sons who seize all of their father's property should at least be willing to bear some of the taxes.

Mr. President, in order to make this amendment more palatable, I am going to modify it so as to have it provide that only half the costs incurred for the Coast Guard, and the harbor improvements, and so forth, be borne by the coastal States. The rest of the States—the interior States, which pay the majority of the taxes of the country—will assume half of those costs; but we ask that these coastal States at least assume half the attendant costs, now that they have their hands in the Federal till for resources that may ultimately aggregate somewhere between $50 billion and $300 billion.

Mr. HOLLAND. Mr. President, I yield to the junior Senator from Louisiana [Mr. LONG].

Mr. LONG. Mr. President, this amendment seems to the junior Senator from Louisiana to be in some respects very similar to an amendment which the distinguished Senator from Illinois offered a year ago, to place tolls on all the waterways, except the Great Lakes. It was a proposal to make every State pay tolls so as to pay for its waterway improvements, except the Great Lakes States, as to which the Senator from Illinois was proposing that they should continue to receive their waterway improvements at the expense of the United States. The Senator now says that if the coastal States are to own out to the 3-mile belt, they should pay for all the

navigational improvements in the rivers, and all the lighthouses within the 3-mile belt. Of course, the Great Lakes States, including the great State of Illinois, own the bed of the Great Lakes. It seems to me the Senator from Illinois should be willing also to make the Great Lakes States pay for all their river and harbor improvements, and also for their lighthouses. So I hope the Senator will accept an amendment, to include the States bordering on Lake Michigan, so that those States will also pay for the same services which he thinks the coastal States should pay for, and on the same basis.

Mr. DOUGLAS. Mr. President, I may say to my good friend from Louisiana, the Great Lakes States already own the submerged lands out to the half-way point. That is the result of court decisions. But, today, we are turning over to the three coastal States additional property that may eventually be worth from fifty to three hundred billion dollars. Some return should be made by those coastal States for such an enormous gift.

Mr. LONG. What I had in mind was that while the Great Lakes States own those waters the Federal Government maintains the lighthouses, and improves the harbors as well as the rivers. Inasmuch as the States own the land, and the Federal Government helps maintain all the navigational facilities, I hope the Senator will agree to an amendment to include the States bordering on Lake Michigan.

Mr. DOUGLAS. I am perfectly willing to accept the amendment.

Mr. LONG. Mr. President, I offer that as an amendment.

Mr. DOUGLAS. I suggest that the Senator not merely include the States on Lake Michigan, but that he also include all the States on the Great Lakes. I am perfectly willing to accept the amendment, after which I hope the Senator from Louisiana will be consistent and will vote for it.

Mr. LONG. Mr. President, I offer the amendment, after line 3, to insert "and States bordering on the Great Lakes," after the words "coastal States."

The VICE PRESIDENT. Does the Senator from Illinois so modify his amendment?

Mr. DOUGLAS. Yes, certainly. And I shall await the vote of the Senator from Louisiana with interest. [Laughter.]

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Illinois [Mr. DOUGLAS], as modified.

Mr. DOUGLAS. Mr. President, I ask for the yeas and nays, so that we may have a record of the vote.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Illinois, as modified.

The amendment was rejected.

The VICE PRESIDENT. The committee amendment is open to further amendment.

Mr. LANGER. Mr. President, I desire to call up my amendment, lettered "D," which is on the table.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 13, line 22, following the semicolon, it is proposed to strike all down to and including the semicolon on page 14, line 14.

On page 15, line 20, following the semicolon, strike all down to and including the semicolon on page 16, line 6, and insert:

(f) The rights, title, ownership, privileges, and powers conferred by this section are subject to the following conditions, viz:

(1) Of all moneys or other income derived hereafter by the respective States from the operation of this section, 87½ percent of such total of moneys or other income shall be deposited in a special account in the United States Treasury, which shall be used exclusively for the reduction of the public debt, the remainder to be retained by the States for expenses incurred in connection with the administration and operation of this section.

Mr. LANGER. Mr. President, last night I think practically every Senator on the floor heard me explain the amendment. It will be remembered that, during the past 37 years, Federal taxes have increased 5,439 percent. At the present time the wage earner must work from the 1st day of January until the 19th day of May merely to earn his tax money; and the tax of the average farmer, it will be remembered, is $1,800 a year. It will be remembered also that I went very carefully into the matter of old-age pensions and care of the aged. I said then that I was offering an amendment, which is the amendment now before the Senate, to provide that 87½ percent of the oil money would go into the Federal Treasury, to be used in reducing the national debt of $263 billion, and that 12½ percent should go to States.

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

Mr. LANGER. I yield, though I have but 5 minutes.

Mr. AIKEN. I sould like to ask the Senator from North Dakota the same question I asked the Senator from Oklahoma the other day when he offered a similar amendment. What does the Senator propose shall be done with the money after the national debt shall have been paid?

Mr. LANGER. After the national debt is paid, I think we should leave it to the Congress of the United States to take proper care of the situation.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from North Dakota [Mr. LANGER].

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

The yeas and nays were ordered, and the Chief 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 [Mr. BUTLER] would vote "nay."

I also announce that the Senator from Indiana [Mr. CAPEHART], the Senator from Kansas [Mr. CARLSON], and the Senator from Nevada [Mr. MALONE] are absent on official business.

If present and voting, the Senator from Kansas [Mr. CARLSON] would vote "nay."

Mr. CLEMENTS. I announce that the Senator from Oklahoma [Mr. KERR], and the Senator from Wyoming [Mr. HUNT] are absent on official business.

The result was announced—yeas 34, nays 56, as follows:

YEAS—34

Aiken	Hennings	Monroney
Anderson	Hill	Morse
Chavez	Humphrey	Murray
Cooper	Jackson	Neely
Douglas	Johnson, Colo.	Pastore
Ferguson	Kefauver	Sparkman
Fulbright	Kennedy	Symington
Gillette	Kilgore	Tobey
Gore	Langer	Wiley
Green	Lehman	Young
Griswold	Magnuson	
Hayden	Mansfield	

NAYS—56

Barrett	George	Mundt
Beall	Goldwater	Payne
Bennett	Hendrickson	Potter
Bricker	Hickenlooper	Purtell
Bridges	Hoey	Robertson
Bush	Holland	Russell
Butler, Md.	Ives	Saltonstall
Byrd	Jenner	Schoeppel
Case	Johnson, Tex.	Smathers
Clements	Johnston, S. C.	Smith, Maine
Cordon	Knowland	Smith, N. J.
Daniel	Kuchel	Smith, N. C.
Dirksen	Long	Stennis
Duff	Martin	Taft
Dworshak	Maybank	Thye
Eastland	McCarran	Watkins
Ellender	McCarthy	Welker
Flanders	McClellan	Williams
Frear	Millikin	

NOT VOTING—6

Butler, Nebr.	Carlson	Kerr
Capehart	Hunt	Malone

So Mr. LANGER's amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended. On this question the yeas and nays were ordered on April 25.

Mr. DOUGLAS. Mr. President, is this the vote on the final passage of the joint resolution?

The VICE PRESIDENT. From a substantive standpoint, that is correct.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. TAFT. After a yea-and-nay vote on the committee amendment, is there any necessity for an additional yea-and-nay vote on the joint resolution? It involves the same question. I would think that whatever the vote shows would determine the disposition of the joint resolution. The third paragraph of the unanimous-consent agreement, I think, covers it.

The VICE PRESIDENT. That is correct.

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 [Mr. BUTLER] would vote "yea."

I also announce that the Senator from Indiana [Mr. CAPEHART], the Senator from Kansas [Mr. CARLSON], and the Senator from Nevada [Mr. MALONE] are absent on official business.

If present and voting the Senator from Kansas [Mr. CARLSON] would vote "yea."

On this vote the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Nevada [Mr. MALONE]. If present and voting the Senator from Indiana would vote "yea" and the Senator from Nevada would vote "nay."

Mr. CLEMENTS. I announce that the Senator from Oklahoma [Mr. KERR] is absent on official business.

The result was announced—yeas 56, nays 35, as follows:

YEAS—56

Barrett	Goldwater	Mundt
Beall	Hendrickson	Payne
Bennett	Hickenlooper	Potter
Bricker	Hoey	Purtell
Bridges	Holland	Robertson
Bush	Hunt	Russell
Butler, Md.	Ives	Saltonstall
Byrd	Jenner	Schoeppel
Clements	Johnson, Tex.	Smathers
Cordon	Johnston, S. C.	Smith, Maine
Daniel	Knowland	Smith, N. J.
Dirksen	Kuchel	Smith, N. C.
Duff	Long	Stennis
Dworshak	Martin	Taft
Eastland	Maybank	Thye
Ellender	McCarran	Watkins
Flanders	McCarthy	Welker
Frear	McClellan	Williams
George	Millikin	

NAYS—35

Aiken	Hayden	Mansfield
Anderson	Hennings	Monroney
Case	Hill	Morse
Chavez	Humphrey	Murray
Cooper	Jackson	Neely
Douglas	Johnson, Colo.	Pastore
Ferguson	Kefauver	Sparkman
Fulbright	Kennedy	Symington
Gillette	Kilgore	Tobey
Gore	Langer	Wiley
Green	Lehman	Young
Griswold	Magnuson	

NOT VOTING—5

Butler, Nebr.	Carlson	Malone
Capehart	Kerr	

So the committee amendment, as amended, was agreed to.

The VICE PRESIDENT. The question is on the engrossment and third reading of the joint resolution.

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

The VICE PRESIDENT. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution (S. J. Res. 13) was passed.

The title was amended so as to read: "Joint resolution to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to confirm the jurisdiction and control of the United States over the natural resources of the seabed of the Continental Shelf seaward of State boundaries."

The VICE PRESIDENT. Pursuant to the unanimous-consent agreement, the Senate will now proceed, without debate, to the consideration of H. R. 4198, the corresponding House bill, which will 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.

The engrossment of the amendment and the third reading of the bill is hereby ordered.

The Clerk will read the bill the third time.

The bill was read the third time.

The VICE PRESIDENT. The question now is on the passage of the bill, as amended.

The bill (H. R. 4198) was passed.

The VICE PRESIDENT. The title will be amended by substituting therefor the language contained in the amendment reported by the Committee on Interior and Insular Affairs to the title to Senate Joint Resolution 13, and the vote on the passage of Senate Joint Resolution 13 will be reconsidered, and the joint resolution will be indefinitely postponed.

LEGISLATIVE PROGRAM

Mr. TAFT. It is my intention to move that the Senate adjourn until tomorrow, after individual Senators have had an opportunity to present matters for the RECORD.

Tomorrow there will be a call of the calendar. At the conclusion of the call of the calendar, a supplementary appropriation bill will be taken up. Following that, we shall take up bills which may have been objected to on the calendar, and which appear to have merit and deserve consideration by the Senate. Altogether, that procedure will probably require Wednesday and Thursday. Then probably there will be various miscellaneous matters to occupy the Senate through Friday.

I had announced that we would take up this afternoon the Executive Calendar, three treaties, and nominations of generals, for promotion. However, it is too late to do that, so probably we shall consider those matters on Friday, as soon as we conclude the general calendar business.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

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

Mr. JOHNSON of Texas. Does the distinguished majority leader plan to call up the controls bill on Monday of next week?

Mr. TAFT. I had thought that on Monday we would consider the resolution dealing with the committee assignments of the junior Senator from Oregon [Mr. MORSE], and probably begin action on the controls bill on Tuesday.

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

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

Mr. DOUGLAS. I wonder if the distinguished majority leader will tell us what is the imperative legislative program which it was said last week was being delayed by debate on the offshore oil measure.

Mr. TAFT. I can assure the Senator from Illinois that if he will examine the calendar, he will see that it contains many bills of importance. I can assure the Senator further that from now until adjournment, the Senate will be in constant session, every day, and that there will be plenty of business to occupy it.

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

Mr. TAFT. I yield.

Mr. DOUGLAS. Last week the Senator from Ohio said there was a rush of legislative business behind the offshore oil resolution, whenever discussion on that measure should cease. Now, apparently, there is to be no substantive business until perhaps the first of next week. I hope the Senator will move speedily to the consideration of the alleged important measures, and that he will not delay the program of his President, if there is any. We want to get the work done, and I do not think there should be any delay.

Mr. TAFT. A great deal of substantial business is on the Senate Calendar. If the Senator will examine the calendar, he will observe a large number of bills which have been reported by committees in the past 5 weeks and have been accumulating. Many of them are of substantial importance.

Mr. President, purely for the information of the Senate, I should like to say that the debate which began on April 1 and has now finished on May 5 has been analyzed as to the estimated word count for each side on the subject matter of the debate.

From the beginning of the debate through Friday, May 1, which does not quite complete the debate, the total number of words spoken by the proponents of the joint resolution was 270,452; the total number of words spoken by the opponents was 970,872. I thought that information might be of interest to Senators.

Although this was the longest debate with which I have been connected, I must say that the percentage of relevancy to the subject was high compared with any other filibuster which I have observed.

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

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

Mr. DOUGLAS. Would the Senator estimate the cost in dollars to the people of the United States for each word—that is, the cost in giveaway of resources for each word that has been spoken?

Mr. TAFT. I shall be glad to have that computed for the Senator.

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

Mr. TAFT. I yield.

STATEMENT BY SENATOR MAGNUSON ON SENATE JOINT RESOLUTION 13

Mr. MAGNUSON. I do not wish to add to the words already spoken, so I shall simply ask unanimous consent to have printed at this point in the body of the RECORD a statement which I have prepared on the measure which was just passed.

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

STATEMENT BY SENATOR MAGNUSON

During this debate we have heard learned discussions of the legal questions involved, listened to lengthy dissertations on technical and geographical considerations, and read the voluminous hearings and the majority and minority reports of the Senate Committee on Interior and Insular Affairs.

All of these leave unanswered one question which, in a democracy, I consider vastly important. That question is: What do the people think about it? What does the man in the street and the man on the farm, the teacher in the classroom, the workman at his bench, or the mother in her home think about this proposition, to turn our oil resources, submerged beneath the seas, over to the several States?

I shall presume, of course, to speak only for my own constituents. During my 16 years of service in the Congress I have kept close contact with these constituents. Rarely is there a controversial issue that I do not receive hundreds of letters from them expressing their views frankly, pro and con, and the present controversy is no exception.

But in no previous controversy has there been such an almost complete unanimity of opinion. Of all the telegrams and letters I have received less than 3 percent favor the Congress turning our offshore oil resources over to the States; 97 percent plus want the Federal Government to retain jurisdiction and control.

These are individual letters, most of them handwritten, and 51 percent of them from women who seem particularly concerned about the inadequacy of our schools.

I have also received numerous communications from organizations; grange organizations, labor organizations, teachers organizations, and PTA's, all opposed to any giveaway or quitclaim of our offshore oil resources, and I have received one letter from a chamber of commerce and one from a mineral association taking the position that these resources should be turned over to the States.

I can assure the Senate and my colleagues that there is great interest in this issue in my State.

There is interest not only in what happens to our oil resources beyond our shores, but in what happens to our timber resources and our power resources and our fisheries resources after that.

Here is a letter from a lady from Seattle who writes: "Please do all you can to defeat any bill giving offshore oil and lands to the States. Giving title of these resources to the States would set an unfortunate precedent: Republicans might then try to give Federal power projects that all taxpayers have financed, Federal park lands, to the States, and atomic energy rights to private business."

And here is a letter from a gentleman in Port Orchard, Wash. He writes: "Please vote against the tidelands bill. If this bill passes it will be only the first step toward eventual exploitation of all our public domain by private interests without regard for conservation or the future needs of our country."

From a gentleman in Olympia, Wash., our State capitol, comes this letter: "I am one of these people who are seriously alarmed over the tidelands oil bill which has passed the House. The oil itself, of course, is vital, but even more important is the principle—the possibility that oil today means public power tomorrow and the national forests the next day. It may take long hours and many pages of the CONGRESSIONAL RECORD to convince private interests and the uninformed public that "State rights" is not the issue, but in terms of the national interest, I am sure it is worth it."

A Seattle colonel writes: "The argument that the States are entitled to the tidelands oil loses its force when we consider our forest and mineral reserves. The huge forest and mineral reserves can be as consistently claimed by the States as the tidelands oil. That's the way a lot of us plain folks look at this matter.

A Bremerton, Wash. lady sends this letter: "I am writing to ask you to do what you can to keep control of our national forests and offshore oil lands in the Federal Government. Every day now there are attacks in the press on national control and I am frightened by the giant giveaway program planned by some Republicans. Please keep fighting for us small people who did not give the Republicans a mandate to take away our property. You have more backing than you perhaps know."

From North Bend, Wash., a gentleman writes: "Common sense tells me that the bill to turn the tidelands to the States with their oil rights is nothing more than an outright steal. After the tidelands will follow timber and grazing lands and after that will go parts of the national parks."

A lady in Bellingham, Wash. writes: "As president of the Bellingham Federation of Teachers I would like to see those billions of dollars rolling for education instead of being preempted by a few greedy States. The schools need those billions."

From a Seattle, Wash., matron comes this letter: "I am writing to urge you to protect the schools and the school children by voting "no" on giving away the rich oil wells offshore the States of California, Texas and Louisiana. The oil men, as you well know, have spent millions on the propaganda to get control of the oil-rich deposits which belong to all the people. I can't understand how anyone living outside those States would vote for it."

A gentleman from the same city writes in long-hand: "I am very disturbed in regard to our oil lands, hydroelectric power dams, and probably our atomic plants. As much as I would like to see the filibuster done away with, I think I would use it in a last resort to save the things that rightfully belong to the people."

This is only a sample of the many letters I have received from individuals. I have purposely excluded those which seemed to me critical of the motives of my colleagues who are supporting the committee bill, or which express in vigorous language the views of their senders. I have quite a few of these letters also, but I am endeavoring to present to you what might be considered the average sentiments of the constituents who have written me. I do this because I feel it is fitting that we in the Senate know what the rank and file of our constituents think.

A couple in Auburn, Wash., one of our lovely smaller cities, writes me: "We have a dire need which is constantly growing for more support for our school system. Our teachers are underpaid and our schoolrooms are overcrowded. It is not right that 'big business' should get their 'hooks' into these oil rights that could be considered part of the United States as a whole and part of every citizen's inherent property now and for posterity."

From Renton, Wash., this letter comes from another couple: "We are watching with interest the fight over the tidelands oil lands. It would be the biggest steal of them all, and would eventually lose to the American people all of the public lands in the country."

A nurse in Bremerton, Wash., sends me this: "I implore you to exert every effort to keep the offshore oil for the American people, and not for the oil lobbies."

From a school superintendent in Grays Harbor County comes this thoughtful communication: "I am writing to ask your support for the Hill amendment to the offshore oil bill. As you know, this measure will assist in providing much-needed funds for the education of the youth of this great country of ours. My school board and parent-teachers' association have asked that I write to you and request your support. We do not know of a more needy or worthy cause for the use of these funds than that of support of the public schools. The financial situation of our public schools has become particularly acute these past few years."

Mr. President, I think that this is a representative sample of what the people of my State think about the legislation before us, but I would like to cite also what some of the organizations in my State think.

The president of the North Kitsap Federation of Teachers, of Poulsbo, Wash., writes, in part: "The North Kitsap Federation of Teachers discussed the Hill amendment to the offshore oil bill in meeting last night and voted to urge that you back the amendment. We are fearful that the present Congress will vote to take the great national resource of offshore oil, an asset belonging to all of the people, and give it away to a few States."

There are similar letters from other teachers' organizations, including Bremerton and Seattle.

Labor and agriculture in the State I represent also are opposed to turning over offshore oil resources to the several States.

From the secretary of the Pierce County Pomona Grange comes this official statement: "These offshore oil lands belong to the United States and should remain as such. Any benefits derived from them should be for the Nation as a whole. We are opposed to giving these oil lands to any of the States."

Another letter informs me: "The Pe Ell Prairie Grange would like to go on record as not being in favor of the offshore tidelands being given to the States."

An official resolution from the Charter Oak Grange reads in part: "The move to place ownership of offshore oil lands in the hands of a few States adjacent to said lands is not in the best interests of the people of the United States. Therefore be it resolved by Charter Oak Grange in regular session * * * that we oppose any move to transfer ownership of offshore lands lying below mean low water to any States adjacent to these lands."

Humptulips Grange, in a similar action, reports not only their opposition to any transfer of ownership over offshore oil, but includes other natural resources in the public domain such as public power and mineral rights.

And from the Farmers Union of Clark County, Wash., comes a similar declaration.

Labor in my State appears united against the committee bill. I have received messages expressing this opposition from the Central Labor Councils of Anacortes, Bremerton, Spokane, Walla Walla and other cities.

From the evidence before me the answer to my original question, "What do the people think about this legislation?" is crystal clear. They don't want it.

They don't want our offshore oil resources given away, or other natural resources belonging to the people given away. They fear, as they state in many of their letters, that the committee bill is a prelude to other giveaways, to our power and water resources, our great Federal dams, and to our vital conservation programs.

This is not a partisan fear, I can assure you. The great preponderance of the letters and communications which came to me do not have a partisan approach. The people of my State, who express themselves are aware that the issue is one which the Congress will resolve—and regardless of the

political affiliation of Members who support the committee bill—the people of the State of Washington don't want it.

One of the most important and influential organizations in the State of Washington is the Washington State Grange, representing approximately 40,000 fine, progressive farm families.

Our State Grange has contributed national leadership as well as leadership in State and Pacific Northwest activities. The late Albert S. Goss, for many years master of the National Grange with headquarters here in the Nation's Capital, was a resident of Washington State.

Henry P. Carstensen, since 1941 the master of our State Grange, is a member of the National Grange executive committee. Mr. Carstensen also is editor in chief of the Grange News, published in Seattle, and contributes a weekly column to it.

On April 11, 1953, Mr. Carstensen devoted a good portion of his column to the offshore oil issue. He said and I quote:

"The super oil steal which makes Teapot Dome look like peanuts, according to National Grange spokesmen, is about to be consummated in Congress. In fact, the deed may have been done by the time this is read, events move so rapidly these days. We refer, of course, to the legislation deeding the Nation's offshore oil resources to the States of Louisiana, Texas, and California, for the primary benefit of the big oil interests.

"It was appropriate that the House passed a bill to this effect on April Fool's Day, by an overwhelming vote of 285 to 108. This is the same type of legislation which ex-President Truman vetoed twice, because to him, it smelled to high heaven. President Eisenhower, however, is on record as favoring transfer of title in the submerged oil to the States. His approval now is virtually a foregone conclusion.

"This leaves the Senate as a court of last resort for a public appeal, assuming that body has not yet acted. The United States Supreme Court is helpless to affect the outcome.

"Many billions of dollars are involved in this issue, which explains the pressure exerted on Congress by the oil interests. Opponents of the legislation, like the National Grange, have offered compromise proposals which would accord the States a share in the control or proceeds of the resources, but insisting that the submerged oil belongs to the people of all the States and should be conserved for future defense needs of the Nation. The precedents of law and commonsense are all on this side, but it seems that big money can buy anything.

"There may still be time to appeal to United States Senators on this crucial issue. Remember, they will welcome messages from their constituents because it will furnish strong support to those who are opposed to the bill. Senators WARREN G. MAGNUSON and HENRY M. JACKSON are both believed to be against the oil steal.

"In the meantime, notice should be served on the congressional majority that if this legislation becomes law, the people will one day repudiate them; and that in all likelihood the oil interests will have won but a Pyrrhic victory, because it may inevitably result in expropriation of their holdings due to a public opinion exasperated beyond all patience."

Mr. Carstensen is not the only farm leader in the State of Washington opposed to giving away the submerged oil resources that lie off the coasts of the several States. Nor is the Grange the only organization devoted to the interests of the farmer and of agriculture that is opposed to the pending legislation.

The Pacific Supply Cooperative, with headquarters in Walla Walla, Wash., has time and time again voiced its opposition to the Holland bill, both editorially and in news columns of its publication, the Pacific Northwest Cooperator, which goes to 60,000 farm families throughout the region.

These farmers have a direct interest in the miscalled tidelands issue. Kenneth McCandless, editor of the Cooperator, states this interest in a recent communication. He writes, and I quote:

"Action by you and your colleagues on the tidelands bill probably will be the tipoff on this administration's attitude toward our natural resources.

"Fifteen thousand farmers in your State purchase a good many millions of gallons of oil products through their cooperatives affiliated with our organization.

"For several years they have been aware that on their behalf this organization, in conjunction with farm cooperatives throughout the United States, has applied for drilling-lease privileges in the offshore areas adjacent to Texas and Louisiana.

"If Congress and the administration prefers this major-oil-company-sponsored legislation to the bill sponsored by Senator LISTER HILL, the public schools of your State (Washington) will be deprived of $164 million revenue."

Mr. McCandless makes an important point: The direct relation of oil to farm production. Oil runs our tractors and our combines. Oil is one of the important cost items to farm production. To economize on costs, farmers in some areas have organized their own oil companies.

Here is a report in the Pacific Northwest Cooperator of just one small company of this nature. It's from Tangent, Oreg., and I will read just one paragraph:

"Sales of $817,000 and a net margin of $46,623 were reported by the Grange Oil Co. at their 19th annual membership meeting held in the McFarlane Grange Hall. Manager Richard Dal Soglio stated that these figures represented a substantial advance over last year's business volume of $676,033. About 250 people attended the meeting."

I mention this as a concrete illustration of the farmer's interest in oil, both as a commodity essential to farm operations and as a natural resource.

May I say that from the proponents of the pending giveaway bill I have heard no comment that, in my opinion, might assure the farmers of the Pacific Northwest that this resource would be safeguarded in their interest if this legislation is enacted.

This is a bill in the interest of the big oil companies with which farm companies such as I have described above are in direct competition.

To quitclaim our offshore oil resources to a few States for exploitation by the big oil companies would be identical, it seems to me, to the Federal Government quitclaiming its dams and reservoirs behind them, its powerplants, and its rights to the waters flowing through them, to the several States and through them to private and favored power interests.

The analogy is not farfetched. In effect the giveaway of our power resources already has been advocated by a leading industrialist and a former President of the United States whose administration was distinguished by the great depression.

Oil beneath our ocean beds is a source of energy for farm vehicles and equipment, as well as passenger cars. Oil in some areas of the Nation is the source of electric power.

Water in our rivers also is a source of energy. In our own great region it is the source of electric power.

Both the oil beneath our submerged offshore lands and the water in our navigable rivers is a resource belonging to all the people. Give away these oil resources belonging to the people, as proponents of this pending legislation are asking Congress to do, and a precedent is established.

Give away the oil and the first step has been taken toward giving away that other great source of energy, the water in our rivers, our great hydroelectric projects, our substations and transmission lines that the farmers and taxpayers of the Nation already have paid for.

There is a sinister parallel, it seems to me, between the plans and strategy of the forces mixing oil and politics in their attempts to divest Uncle Sam and the people of our offshore oil resources and that of the forces who want to give away our hydroelectric power resources.

Both actions, in my opinion, would pave the way for higher power rates, whether the electric energy was produced by flaming oil or falling water.

I oppose these plans; I oppose this giveaway legislation; and in opposing it I think I am working in the interests of the people of my own State of Washington, of the Pacific Northwest, and of the Nation, trying to safeguard their equities both in oil resources belonging to all the people and in their equities and rights to their own water.

As I said in the beginning of this speech, I will vote for the Hill oil-for-education amendment; I will vote for the Anderson substitute to Senate Joint Resolution 13.

STATEMENT BY SENATOR JENNER ON SENATE JOINT RESOLUTION 13

Mr. JENNER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a statement which I have prepared relative to the joint resolution just passed.

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

STATEMENT BY SENATOR JENNER

The issue in the tidelands debate is the right of our States and private citizens to keep their own property when it is coveted by a rapacious Central Government. In voting for the right of our coastal States to keep their own lands, I am voting for a principle cherished by the people of Indiana.

We have been told that we should approve the Federal Government's appropriation of these areas, because, somehow, only a few States will lose, but all the people will gain.

This is a false issue. The real issue is the loosening of the grip of the Federal Government on our land and our wealth. I am indebted to my opponents for a correct statement of the magnitude of this tidelands question. They say that if Congress votes to return the submerged lands to the States, then Congress will want to return steam power generating systems and other Federal enterprises to private hands. The collectivists know that if they want to block the cleanup of this whole mess, they must block the first attempt to disgorge their gains.

We all know we do not have to fear Federal encroachment on the rights of citizens in the administration of President Eisenhower, but our only chance to put an end to Federal seizure of our possessions is under an administration which has no desire to seize them.

It may be said that the tidelands issue is not a question of private property, but of State versus Federal ownership, but I say the first line of defense of private property is the right and power of the 48 States to resist the Federal encroachment. If the States cannot balk the efforts of big government to seize their lands, then the farms

and factories of our private citizens are no longer safe.

The people of Indiana take their stand to preserve property rights because they know there can be no freedom without the right to keep the fruits of one's work.

We do not have to own shares in General Motors to get the benefit of private enterprise in the manufacture of low-cost automobiles. We do not have to own shares in a hotel or department store to get the bargains and the service which come from competition of many private enterprises. Those who work in steel plants do not have to own the plant to use the costly labor-saving machinery bought by the owners. Even more important, we do not have to own a newspaper to get the benefits of a free press under private ownership. And, lest we forget, we do not have to own a church building to know that the State can never tell any church what its preachers may preach, or when its young people may meet, until the State planners have collectivized all the land in our country. Why do the rulers of Russia and Poland and Hungary tell the churches when they may open and when they must close? It is not because the people do not care, but because the State owns all the land.

Indiana does not want Federal money for its schools. It can raise its own money at home.

Indiana certainly will not help the Federal Government to collectivize any State lands and open the door for big government to take over private lands. We want no easy money for our schools bought with that kind of folly.

I believe the people of Indiana want Congress to make haste in restoring to the coastal States the property rights they possessed for centuries, and then to return a large part of the vast acreage now owned by the Federal Government within the borders of our sovereign States.

MEMORANDUM REGARDING SENATE JOINT RESOLUTION 13

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a memorandum prepared by the Legislative Drafting Service with respect to the joint resolution which has just been passed.

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

MEMORANDUM TO SENATOR BYRD

This memorandum is submitted in response to your request for a statement from this office with respect to the concern expressed by Mr. Robert Whitehead in his letter addressed to you relative to the provisions of section 6 of Senate Joint Resolution 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 particular matter of concern, as it appears in his letter, is as follows:

"We decided to look into the matter and the column of Robert S. Allen, which will be published in the May issue of Rural Virginia, sets forth that an amendment in section 6, now found at pages 18 and 19 of the bill, declares that the United States Government's authority under the commerce clause of the Constitution shall no longer include the power to use the beds of navigable rivers; and that this sweeping limitation could put an end to any further hydroelectric developments by the Government.

"On behalf of the association we request that you look into the situation, and if this provision is in the bill, it is our hope that you will do all in your power to get it deleted."

Section 6 of the committee amendments to Senate Joint Resolution 13 reads 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, 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.

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

With respect to section 6 (a) (Mr. Whitehead's concern seems to relate only to subsec. (a) of sec. 6), the report from the Committee on Interior and Insular Affairs of the Senate to accompany Senate Joint Resolution 13, Senate Report No. 133, 83d Congress, explains at page 12 as follows:

"Section 6 (a) provides that the United States retain all of its navigational servitude and rights 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, the rights and powers granted to the States by section 3 of this joint resolution."

At page 20 in an explanation of amendments made by the committee the report states in addition with respect to section 6 (a):

"The added word spells out that all of its constitutional powers are retained by the Federal Government."

In addition to the above, section 3 (d) of the resolution provides further protection for Federal constitutional powers. This section reads as follows:

"(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."

It would seem that the above material should provide the answer to Mr. Whitehead's concern, especially section 3 (d) of the resolution (quoted last), which specifically reserves the constitutional authority of Congress to regulate and improve navigation and to provide for flood control and the production of power, the particular matter in which he is interested.

Respectfully,

PETER W. LEROUX,
Assistant Counsel of the Office of Legislative Counsel.

MAY 5, 1953.

AMENDMENT OF RAILROAD RETIREMENT ACT

Mr. JOHNSON of Colorado. Mr. President, on April 6, 1953, I introduced S. 1776 to repeal provisions of the Railroad Retirement Act of 1937 which reduce the amount of a railroad annuity or pension where the individual or his spouse is entitled to certain insurance benefits under the Social Security Act.

The Legislative Reference Service of the Library of Congress, after research, made a report to the Senate Finance Committee on the so-called "dual benefits" or section 7 deduction. I ask unanimous consent to insert in the body of the CONGRESSIONAL RECORD at this point in my remarks a copy of S. 1776 and the Library of Congress report analyzing the pros and cons of the problem which S. 1776 attempts to cure.

There being no objection, the bill and report were ordered to be printed in the RECORD, as follows:

S. 1776

A bill to repeal those provisions of the Railroad Retirement Act of 1937 which reduce the amount of a railroad annuity or pension where the individual or his spouse is (or on proper application would be) entitled to certain insurance benefits under the Social Security Act

Be it enacted, etc., That the last paragraph of section 3 (b) of the Railroad Retirement Act of 1937, as amended (which paragraph provides for the reduction of annuities and pensions by reason of eligibility for old-age insurance benefits under the Social Security Act) is hereby repealed.

SEC. 2. The third proviso in section 3 (e) of such act (which proviso relates, in part, to the reduction of the spouse's annuity by the amount of certain insurance benefits under the Social Security Act) is hereby amended to read as follows: "*And provided further*, That any spouse's annuity shall be reduced by the amount of any annuity to which such spouse is entitled, or on proper application would be entitled, under subsection (a) of this section or subsection (d) of section 5 of this act."

SEC. 3. This act shall take effect with respect to benefits accruing under the railroad retirement acts after October 31, 1951.

THE DUAL BENEFIT (OR SEC. 7 DEDUCTION) PROVISION OF THE RAILROAD RETIREMENT ACT OF 1951—PRO AND CON

The so-called dual benefit (or sec. 7 deduction) provision of the 1951 amendments to the Railroad Retirement Act[1] was designed to prevent retired railroad workers from becoming eligible for full benefits under both the social security and railroad retirement systems if their right to those two distinct benefits grows substantially out of service performed prior to 1937 when the Railroad Retirement Act went into effect. Briefly, this deduction clause, which was added in the Senate, specifies that in the case of such persons, the railroad benefit must be reduced by the amount of the social-security benefit to which the employee is entitled—or would be entitled if he filed for it—and that a spouse's benefit shall also be reduced to one-half of the employee's reduced annuity up to a maximum of $40. But it also provides that persons retired from the railroad system prior to November 1, 1951, when the law went into effect, cannot be penalized by receiving an amount less than they were receiving from the railroad fund prior to the enactment of this law.

Similarly, an aged wife (or widow) cannot receive a spouse's (or widow's) annuity and also an OASI benefit based on her own earnings. But she can receive a wife's benefit

[1] Section 7, of section 3 (b) as amended by Public Law 234, 82d Cong., 1st sess., enacted October 30, 1951.

put into the bill title III, which we passed just a few moments ago, and which was included in the bill we sent to the Senate and which it has returned with title III deleted.

This bill, H. R. 4918, went to the Senate with three titles. Title I and title II are back with us with one particular improvement. The Senate adopted the amendment which I presented to the House and which was defeated, that is, the definition of the coastline. The definition that was in the bill as it left this body provided that the Santa Barbara Channel off the coast of California would be inland waters. That is one of the questions that the United States and California have been arguing before the Special Master, appointed by the Supreme Court, for the past 3 years.

They have retained title I and title II, giving, of course, jurisdiction and control of these submerged lands to the 3-mile limit or, in certain instances, in the Gulf of Mexico to Louisiana, Florida, and Texas, 10½ miles. Of course, I have been opposed to that. I believe the Federal Government should have the entire control. But that has been passed by the House.

My appeal to you now is that if we turn this rule down we will then have an opportunity to go to conference and insist that the other body accept title III in toto as we have just passed it.

We must make abundantly sure that the will of this House, as it has just been expressed by the passage of H. R. 5134 should obtain. We realize we have been given some assurances that the other body will take up for consideration the bill (H. R. 5134) which we just passed, but we have no assurance whatever that they will accept it either in toto or in part. I hesitate to make the prediction that it will not come back to this body in any form consistent with the way we passed it because there are persons both in this body and the other body who will claim that the States should have police powers and control of leasing, control of conservation powers, authority to assess severance taxes, and a sizable percentage of the royalties derived from these mineral deposits in these submerged lands beyond the 3-mile limit or the historic boundary, so I urge you not to abdicate or to capitulate. We should stand firm—send this bill to conference and see if the conferees cannot work out a title III which will be acceptable.

Mr. COLMER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. WILSON].

Mr. WILSON of Texas. Mr. Speaker, I ask for this time in order to ask a question of the chairman of the committee, the gentleman from Pennsylvania [Mr. GRAHAM]. Certain words were dropped out of the House bill which reached the other body with reference to water power. The words are "at any site where the United States now owns the water power." May I direct this question to the gentleman. The omission in sections 2 (e) and 3 (d) of H. R. 4198 as passed by the Senate of certain language contained in the corresponding sections, 2 (d) and 3 (d), of H. R. 4198 as passed by the House and the reference to "water power" and "use of water for the production of power" in section 2 (e) and similar references in section 3 (d) in the bill as passed by the Senate are not to be construed as acquiescence in any view that the United States has any proprietary right in water power by virtue or by reason of its being inherent in the navigable waters within the several States.

Mr. GRAHAM. Nor is it intended to interfere with the constitutional rights of the United States as to such areas anywhere in the United States where the United States now owns sites in such areas. The answer is, "No."

Mr. SCOTT. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

Mr. FEIGHAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 278, nays 116, not voting, 37, as follows:

[Roll No. 37]

YEAS—278

Abbitt
Abernethy
Adair
Alexander
Allen, Calif.
Allen, Ill.
Andresen, August H.
Andrews
Arends
Auchincloss
Ayres
Baker
Barden
Bates
Battle
Beamer
Becker
Belcher
Bender
Bennett, Fla.
Bennett, Mich.
Bentley
Bentsen
Berry
Betts
Bishop
Boggs
Bolton, Frances P.
Bolton, Oliver P.
Bonin
Bosch
Bow
Bramblett
Bray
Brooks, La.
Brooks, Tex.
Brown, Ga.
Brownson
Broyhill
Budge
Burleson
Busbey
Byrnes, Wis.
Camp
Campbell
Carrigg
Cederberg
Chenoweth
Chiperfield
Church
Clardy
Clevenger
Cole, Mo.
Cole, N. Y.
Colmer
Cooley
Coon
Cotton
Coudert
Crumpacker
Cunningham
Curtis, Mass.
Curtis, Mo.
Curtis, Nebr.
Dague
Davis, Ga.
Davis, Wis.
Derounian
Devereux
Dies
Dolliver
Dondero
Donohue
Donovan
Dorn, N. Y.
Dorn, S. C.
Dowdy
Doyle
Durham
Edmondson
Ellsworth
Engle
Fallon
Fenton
Fisher
Ford
Forrester
Frelinghuysen
Fulton
Gamble
Gary
Gathings
Gavin
Gentry
George
Golden
Goodwin
Graham
Grant
Gubser
Gwinn
Hagen, Calif.
Hagen, Minn.
Hale
Haley
Halleck
Hand
Harden
Hardy
Harris
Harrison, Nebr.
Harrison, Va.
Harrison, Wyo.
Harvey
Hays, Ark.
Hébert
Hess
Hiestand
Hill
Hillelson
Hillings
Hinshaw
Hoeven
Hoffman, Ill.
Holifield
Holmes
Holt
Hope
Horan
Hosmer
Hruska
Hyde
Ikard
James
Jarman
Jenkins
Jensen
Johnson
Jonas, Ill.
Jonas, N. C.
Jones, N. C.
Judd
Kean
Kearney
Kearns
Kersten, Wis.
Kilburn
Kilday
King, Calif.
King, Pa.
Knox
Laird
Landrum
Lantaff
Latham
LeCompte
Long
Lovre
Lucas
Lyle
McConnell
McCulloch
McDonough
McGregor
McVey
Mack, Wash.
Mahon
Mailliard
Martin, Iowa
Matthews
Merrill
Merrow
Miller, Md.
Miller, Nebr.
Morano
Morrison
Mumma
Murray
Neal
Nelson
Nicholson
Norblad
Norrell
Oakman
O'Hara, Minn.
Osmers
Passman
Patman
Patterson
Pelly
Philbin
Phillips
Pilcher
Pillion
Poage
Poff
Preston
Rains
Ray
Rayburn
Reed, Ill.
Reed, N. Y.
Rees, Kans.
Regan
Rhodes, Ariz.
Richards
Riehlman
Riley
Rivers
Robeson, Va.
Rogers, Fla.
Rogers, Mass.
Rogers, Tex.
Sadlak
St. George
Saylor
Schenck
Scherer
Scott
Scrivner
Scudder
Seely-Brown
Selden
Sheehan
Shelley
Sheppard
Short
Shuford
Sikes
Simpson, Ill.
Simpson, Pa.
Small
Smith, Kans.
Smith, Va.
Smith, Wis.
Springer
Stauffer
Steed
Stringfellow
Taber
Talle
Teague
Thomas
Thompson, La.
Thompson, Mich.
Thompson, Tex.
Thornberry
Tollefson
Tuck
Utt
Van Pelt
Van Zandt
Velde
Vinson
Vorys
Vursell
Wainwright
Walter
Wampler
Warburton
Weichel
Westland
Wharton
Wheeler
Whitten
Wickersham
Widnall
Wigglesworth
Williams, N. Y.
Willis
Wilson, Calif.
Wilson, Ind.
Wilson, Tex.
Winstead
Wolverton
Yorty
Young
Younger

NAYS—116

Addonizio
Andersen, H. Carl
Aspinall
Bailey
Blatnik
Boland
Bolling
Bonner
Buchanan
Buckley
Burdick
Byrd
Byrne, Pa.
Canfield
Carnahan
Case
Celler
Chatham
Chelf
Chudoff
Cooper
Corbett
Crosser
Davis, Tenn.
Dawson, Ill.
Dawson, Utah
Deane
Delaney
Dingell
Dodd
Dollinger
Eberharter
Elliott
Evins
Feighan
Fernandez
Fine
Fino
Fogarty
Forand
Fountain
Frazier
Friedel
Garmatz
Gordon
Granahan
Green
Gregory
Gross
Heller
Heselton
Holtzman
Howell
Javits
Jones, Ala.
Jones, Mo.
Karsten, Mo.
Keating
Kee
Kelley, Pa.
Kelly, N. Y.
Keogh
Kirwan
Klein
Kluczynski
Lane
Lanham
Lesinski
McCarthy
McCormack
Machrowicz
Mack, Ill.
Madden
Magnuson
Marshall
Meader
Metcalf
Miller, Kans.
Mills
Mollohan
Morgan
Moss
Moulder
Multer
O'Brien, Ill.
O'Brien, Mich.
O'Brien, N. Y.
O'Hara, Ill.
O'Konski
O'Neill
Patten
Perkins
Pfost
Polk
Powell
Price
Priest
Prouty
Rabaut
Radwan
Reams
Rhodes, Pa.
Robsion, Ky.
Rodino
Rogers, Colo.
Rooney
Roosevelt
Secrest
Spence
Sullivan
Trimble
Watts
Wier
Withrow
Yates
Zablocki

NOT VOTING—37

Albert
Angell
Barrett
Boykin
Brown, Ohio
Bush
Cannon
Carlyle
Condon
Cretella
Dempsey
D'Ewart
Hart
Hays, Ohio
Herlong
Hoffman, Mich.
Hull
Hunter
Jackson
Krueger
McIntire
McMillan
Mason
Miller, Calif.
Miller, N. Y.
Ostertag
Poulson
Reece, Tenn.
Roberts
Shafer
Sieminski
Smith, Miss.
Staggers
Sutton
Taylor
Williams, Miss.
Wolcott

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Boykin for, with Mr. Roberts against.

Mr. Taylor for, with Mr. Hays of Ohio against.

Mr. Bush for, with Mr. Hart against.

Mr. McIntire for, with Mr. Staggers against.

Mr. Brown of Ohio for, with Mr. Sieminski against.

Mr. Herlong for, with Mr. Condon against.

Mr. Poulson for, with Mr. Albert against.

Mr. Carlyle for, with Mr. Barrett against.

Mr. Williams of Mississippi for, with Mr. Sutton against.

ministration of great residual areas and resources for the common benefit of all the people.

Under the first, the number of States has grown to 48, and under the second have come such great programs as the national parks, the Forest Service, the mineral leasing program, the grazing and land management programs, the Fish and Wildlife Service, the Reclamation program, and many multiple purpose projects to conserve and develop our great resources.

But now we are witnessing a reversal of all this. The Congress of the United States is proceeding to enlarge the boundaries of a few already large and powerful States, accentuating inequalities by allocation from the common public domain great resources in a process and under a system that only a few States can benefit from. Now that modern technology and great advancements in science, the tools of our great advancing civilization, have made possible the effective development of the great resources lying in and under the waters of the seas and oceans, Congress, in epoch-making legislation, is giving to a few States, the common heritage of all. The first act is for a limited distance, but this is only the beginning—they will probably be back later to extend their boundaries still further. Now that the basic policies that have guided America for 170 years have been breached, the second and third and many more steps will be easier to take in logical succession.

The offshore areas are only a part of the story. How else can it be explained that so many Members of both branches of Congress supported this expansion of the boundaries of a few States.

Enough has already happened to reveal a few of the successive steps to be taken.

An amendment to the measure to extend the boundaries of the coastal States that would have included the transfer to the States of all the minerals in all Federal lands was set aside with the promise that it would have special consideration as a separate segment of the program. Several bills are now before Congress to accomplish these purposes.

Other measures in the same pattern are before the committees to transfer to the States the rights to the vast grazing lands on the public domain. But this is to be only setting the stage for transfer to the cattlemen and sheepmen of these extensive areas.

Official administration policy has been announced of Federal withdrawal from the construction of a great multiple-purpose western project in favor of a restricted development by private power interests.

There has been unofficial talk, which probably could be ignored if it were not a logical part of the new policies and programs, of selling some of the great multiple-purpose projects to private interests.

If one great multiple-purpose project is to be stopped and turned over to private interests and other completed projects are to be sold, what becomes of the resource development program for the future? Under this new pattern there could be no future program.

One must be still further concerned with what is happening to the basic structure of the Government and political system on which this country has been built. Here we find the Congress of the United States undertaking by special legislation to destroy the functions and decisions of a coordinate branch—the Supreme Court. After prolonged and careful weighing of all the respective rights and the basic issues involved in three historic cases, the Supreme Court of the United States has clearly ruled against the action now being so lightly taken by Congress itself. Distinctly judicial functions appropriate only to the Supreme Court of the United States are being taken over by Congress itself—upsetting the judicial processes and starting this country on a new and strange course.

SUBMERGED LANDS ACT

Mr. SCOTT. Mr. Speaker, I call up House Resolution 232 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution the bill (H. R. 4198) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf, with Senate amendments thereto, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendments be, and the same are hereby, agreed to.

Mr. SCOTT. Mr Speaker, I yield 30 minutes to the gentleman from Mississippi [Mr. COLMER] and I yield myself 3 minutes.

Mr. Speaker, this resolution makes in order H. R. 4198 which is the same bill pertaining to the submerged lands which was passed in the other body after extended debate. It is also the same bill as titles I and II of the bill which was passed in this body. I think it is perhaps sufficient for me to say that there has already been in this body extensive consideration not only in this session but of the general principles involved in past sessions as well. For that reason I will not take the time to launch into any lengthy discussion so far as I am concerned but will at this time yield 3 minutes to the gentleman from Illinois [Mr. REED].

Mr. REED of Illinois. Mr. Speaker, I trust that 3 minutes will be sufficient for me to say all that I deem necessary about this resolution.

By its adoption, we concur in the Senate amendment to H. R. 4198 and this phase of the legislation is complete except for approval by the President. We all recall that earlier in the session we adopted and sent to the Senate H. R. 4198, and that bill consisted of three titles. When it arrived at the Senate it was extensively debated for many weeks, and emerged with title III eliminated. About 15 minutes ago we again voted out title III in the bill H. R. 5134, and it now goes to the Senate for reconsideration.

Titles I and II of the original bill, H. R. 4198, are now before us. There have been no substantial changes made by the Senate in these titles. They are practically the same as when passed by the House except in a few instances where a few words and phrases here and there have been changed or deleted for clarification.

About the only thing that is substantially new in this bill is a reassertion by the Senate in section 9 which confirms the rights of the United States to the jurisdiction and control of the lands under the Continental Shelf outside of State boundaries.

I read as follows:

Nothing in this act shall be deemed to affect in any wise the rights of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf.

So that this is contained in the bill that will go immediately to the President upon its adoption.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. REED of Illinois. I yield.

Mr. SMITH of Virginia. Would the gentleman be good enough to explain right there on section 9 a matter that has disturbed some of us? Just what does that mean? Does that mean that this bill confirms in the United States title to that portion of the Continental Shelf which lies outside the 3-mile limit or the 9-mile limit, as the case may be?

Mr. REED of Illinois. It means there is nothing in this act, that is, the bill that is now before us, that shall be deemed to affect in any wise the rights, if we have any, of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, as defined in section 2 hereof.

Mr. SMITH of Virginia. That means outside of the 3-mile limit or the 9-mile limit?

Mr. REED of Illinois. The 3-mile limit or the 3-league limit.

Mr. SMITH of Virginia. What does this mean, "all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is hereby confirmed"?

Mr. REED of Illinois. That is correct.

Mr. SMITH of Virginia. Does not that confirm the title of the United States?

Mr. REED of Illinois. It does, in my opinion, but that does not provide the machinery.

Mr. SMITH of Virginia. I do not care about the machinery, but I want to know whether this act confirms the title of the United States in the land lying between the historic boundary and the Continental Shelf.

Mr. REED of Illinois. I think the gentleman is right.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Speaker, I am strongly opposed to the adoption of this resolution for the reason that I believe we should send this legislation to conference to give the conferees on the side of the House an opportunity to try to

Until further notice:

Mr. Shafer with Mr. Cannon.
Mr. Angell with Mr. McMillan.
Mr. Cretella with Mr. Dempsey.
Mr. Hoffman of Michigan with Mr. Miller of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution just agreed to.

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

There was no objection.

HOUR OF MEETING TOMORROW

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow morning.

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

There was no objection.

MEETING OF COMMITTEES DURING SESSION OF THE HOUSE

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that all committees having hearings scheduled for tomorrow morning be permitted to sit during the session of the House tomorrow during general debate.

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

There was no objection.

THE COMING ELECTIONS IN ITALY

Mr. RODINO. 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 New Jersey?

There was no objection.

Mr. RODINO. Mr. Speaker, a momentous question will be placed before the voters of Italy within a few weeks—Is democracy to survive in their country? In early June the Italian people will go to the polls in the first general election since 1948. On that earlier occasion in May 1948, all Europe and America apprehensively watched and waited while Italy determined its fate at the polls. For the election had developed into a struggle between communism and democracy. It was a tremendous relief to the Western powers when the counting of the ballots revealed that the democratic parties had won. Now, after 5 years of democratic government by the center parties under the leadership of the Christian Democrats, the young republic again faces a national election. This election comes at a time when parliamentary democracy in Italy has entered a state verging on crisis. The threat to democracy comes from both right and left. However, by far the most imminent of the two dangers is communism. The center parties are facing a decisive battle to preserve democracy in Italy. Are they strong enough? Can they now join forces in preparation for this great electoral battle? Only the people of Italy can decide this.

A glance at the current trend of politics in Italy will serve to show how serious the situation has become. In the 1946 general elections for a Provisional Parliament, the Christian Democrats topped all other parties with 8 million votes; in 1948 with 12 million votes. However, the municipal and regional elections of 1949, 1950, 1951, and 1952 point to a definite decline in the electoral strength of the Christian Democrats. In the 1952 municipal elections the extreme rightwing parties together polled 10 percent of the total vote and the Communists and their allies got over 30 percent. The democratic coalition led by the Christian Democrats lost heavily in the popular vote in these municipal elections. There was a definite trend toward the extremes of both the left and the right. Consequently, the political resources of the Christian Democratic Party appear to be dwindling and there is good reason to fear that it cannot duplicate this spring the success of 1948. Although these last elections were only for town and provincial councils, they were regarded everywhere as a trial run for the parliamentary election this spring. It would be virtually impossible to overstress the gravity of Italy's plight if the trend revealed in the recent elections should continue. If the parliamentary majority should shift to the right or to the left, the country might find itself split into two hostile camps, each directed by the extremists. Italy would then, indeed, face severe internal tension, if not open civil war—for the right has threatened to use the power of the state to outlaw all opposition parties, while the left threatens to resist by force. Another almost equally disastrous possibility is the development of three large blocs—left, right, and center—which would subject the government to grave uncertainties and probably would lead to a parliamentary deadlock.

Are the center parties slipping because they have failed the people? Indeed not. The core of Italy's problem is economic. Although progress has been made, the Italian economy has been unable to absorb the mass of surplus labor. The surplus labor presents a permanent crisis in Italy. Economic policies have been of an emergency nature and consequently have not fulfilled the fundamental requirements of the national economy, and so the peasants and workingmen are being wooed by the siren song of communism and allied leftist groups. If a free state and a representative government are to survive, the peasant and the workingman must know what conditions are necessary to constitute a stable economy and which groups in the political picture are striving toward these goals. Democratic leaders in Italy must bring home to the people that the foundations of real improvement—which rest on such factors as the modernization of industrial plants, the expansion of markets, a more public-spirited capitalist leadership, and the enlargement of an agricultural plan in which the peasant has a maximum of proprietary interest—cannot be laid by Communists. The welfare of the Italian people is directly related to such economic policies as those promoted by the Marshall and Schuman plans and by the integration of Italy in a free-world economy. These are the long-range goals of the Christian Democratic and other center parties. Are the people aware of the great sacrifices involved should democracy lose out—the benefits of mutual security, participation in NATO, participation in the Schuman plan, and Western European integration? There is no illusion about the price to be paid.

The Communist Party if it gains notably in the spring elections, may be able to block progress in many directions. It opposes any expansion of the national horizon for cooperation with other European countries, except of course, the Soviet Union or the satellite states. It seeks to perpetuate the country's lethargy and it blocks any forward steps. Moreover, the fundamental characteristic of the Communist Party in Italy is its role as an agent of the Kremlin. Should communism win out in Italy, the church would undoubtedly be persecuted, and possibly overthrown. This is almost a certain consequence since opposition to religion and the church is a basic tenet of Communist doctrine. Moreover, the spiritual force of the church in Italy has provided the Christian Democratic Party with the ideological means to acquire the vast political influence and popularity which it has enjoyed. And so it is evident that the struggle of democracy against communism in Italy is really a struggle for the survival of Italian culture and civilization.

What would be the consequences of a Communist victory in Italy for the rest of free Europe and the Mediterranean area? What would be the impact on us of a Communist victory in the Italian Parliament.

The cold war between the East and West has developed, at least in part, into a struggle for strategic positions. The Soviet Union is obviously reaching for a country which has been on "our side" of the Iron Curtain and would be for them an extremely valuable acquisition. If Italy were lost to communism, the present balance of power on the continent of Europe would be upset. The Mediterranean would be divided into halves. Russia would gain tremendous advantage in the use of Italy's warm-water ports. The Eastern Mediterranean would be closed to us—in case of war our position as allies of Greece and Turkey would be almost untenable. Our shortest route to the Middle East oil fields would be cut. Communist victory in Italy would spur the French Communists into intensified activity—and the Western European alliance would be greatly weakened. A Communist victory in Italy would usher in a dark hour for the whole free world.

Americans, I believe, are very conscious of the great issues at stake in Italy this spring. And Italian leaders know that we understand their problem—that we

Senator JOHNSTON said recent events in civil service would plague the Republican Party for years to come.

Senator JOHNSTON also chided the Citizens' Committee for the Hoover Commission and the National Civil Service League for remaining strangely silent while the new administration returns the Government to the spoils system.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks, was granted to:

Mr. JAMES.

Mr. MACHROWICZ in two instances, and to include extraneous matter.

Mr. TEAGUE in three instances and to include extraneous matter.

Mr. MILLER of Kansas and to include two letters.

Mr. ROONEY and to include extraneous matter at that point following the ruling of the Chairman of the Committee of the Whole House on the State of the Union on the amendment offered by the gentleman from New York [Mr. ROOSEVELT]; and in the Appendix of the RECORD to include an editorial from the Brooklyn Eagle.

Mr. HOLT.

Mr. HARVEY in two instances and to include some editorials.

Mr. SMITH of Wisconsin and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $224.

Mr. HUNTER.

Mr. HOSMER and to include extraneous matter.

Mr. SHEEHAN and to include extraneous matter.

Mr. JUDD in two instances and to include extraneous material.

Mr. O'NEILL (at the request of Mr. LANE) and to include an editorial.

Mr. LANE in two instances and to include extraneous matter.

Mr. PRICE in five instances and to include extraneous matter.

Mr. MOSS in two instances and to include extraneous matter.

Mr. TABER (at the request of Mr. HALLECK) and to include a table.

Mr. WHARTON (at the request of Mr. HALLECK) and to include a table.

Mr. NEAL (at the request of Mr. HALLECK).

Mr. SMITH of Wisconsin in two instances.

Mr. GROSS and to include an editorial.

Mr. RODINO (at the request of Mr. DODD) in three instances.

Mr. MULTER (at the request of Mr. O'HARA of Illinois).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. NEAL, for today, on account of official business.

ENROLLED BILLS SIGNED

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 2277. An act to amend the act entitled "An act to incorporate the Roosevelt Memorial Association," approved May 31, 1920, so as to change the name of such association to "Theodore Roosevelt Association," and for other purposes; and

H. R. 4198. An act to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to confirm the jurisdiction and control of the United States over the natural resources of the seabed of the Continental Shelf seaward of State boundaries.

BILLS PRESENTED TO THE PRESIDENT

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 4198. An act to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to confirm the jurisdiction and control of the United States over the natural resources of the seabed of the Continental Shelf seaward of State boundaries.

ADJOURNMENT

Mr. HALLECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p. m.) the House, pursuant to its previous order, adjourned until Monday, May 18, 1953, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

695. A letter from the Secretary of Commerce, transmitting a report of the activities of war-risk insurance and certain marine-liability insurance for the quarter ended March 31, 1953, pursuant to Public Law 763, 81st Congress; to the Committee on Merchant Marine and Fisheries.

696. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal and lists or schedules covering records proposed for disposal by certain Government agencies; to the Committee on House Administration.

697. A letter from the Chairman, Committee on Retirement Policy for Federal Personnel, Executive Office of the President, transmitting a draft of legislation entitled "A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended"; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. H. CARL ANDERSEN: Committee on Appropriatons. H. R. 5227. A bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1954, and for other purposes; without amendment (Rept. No. 422). Referred to the Committee of the Whole House on the State of the Union.

Mr. LECOMPTE: Committee on House Administration. Senate Concurrent Resolution 24. Concurrent resolution to revise and reprint the pamphlet entitled "Our American Government"; with amendment (Rept. No. 423). Ordered to be printed.

Mr. LECOMPTE: Committee on House administration. House Joint Resolution 157. Joint Resolution to amend the act of July 1, 1947 (61 Stat. 242), as amended; without amendment (Rept. No. 424). Ordered to be printed.

Mr. WOLVERTON: Committee on Interstate and Foreign Commerce. H. R. 5069. A bill to prohibit the introduction or movement in interstate commerce of articles of wearing apparel and fabrics which are so highly flammable as to be dangerous when worn by individuals, and for other purposes; without amendment (Rept. No. 425). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL:

H. R. 5215. A bill to exempt amounts paid for admissions to wildlife sanctuaries from the Federal tax on admissions; to the Committee on Ways and Means.

By Mr. FALLON:

H. R. 5216. A bill to provide for a heliport in the District of Columbia, for use in helicopter service between the Friendship International Airport and the downtown area of the District of Columbia; to the Committee on Interstate and Foreign Commerce.

By Mr. FINO:

H. R. 5217. A bill to amend the Internal Revenue Code to exclude from gross income increases in the redemption value of series E United States savings bonds; to the Committee on Ways and Means.

By Mr. IKARD:

H. R. 5218. A bill to provide that certain enlisted men who have been prisoners of war in Korea shall be promoted one grade for each year of internment upon their return to the jurisdiction of the Armed Forces; to the Committee on Armed Services.

By Mr. KERSTEN of Wisconsin:

H. R. 5219. A bill to increase the optional standard deduction from 10 percent to 15 percent of the taxpayer's adjusted gross income, with a maximum standard deduction of $1,000; to the Committee on Ways and Means.

By Mr. KING of California:

H. R. 5220. A bill to amend the penalty provisions of the Narcotic Drugs Import and Export Act, and for other purposes; to the Committee on Ways and Means.

H. R. 5221. A bill to authorize the Commissioner of Narcotics to require the production of books, papers, and records, and for other purposes; to the Committee on Ways and Means.

H. R. 5222. A bill to amend chapter 203 of title 18 of the United States Code, so as to extend certain powers, including the power of arrest, to narcotics officers; to the Committee on the Judiciary.

By Mr. PATTEN:

H. R. 5223. A bill to continue until the close of June 30, 1955, the suspension of duties and import taxes on metal scrap, and for other purposes; to the Committee on Ways and Means.

By Mr. REES of Kansas:

H. R. 5224. A bill to facilitate civil-service appointment of persons who lost opportunity therefor because of service in the Armed Forces after June 30, 1950, and to provide -

made a part of my remarks and printed in the body of the RECORD at this point.

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

When the American people went to the polls last fall, it seems unlikely that very many of them voted to turn this Government over to the financial operators on the Federal Reserve Board. Recently, in a hearing before the House Banking Committee, Congressman WRIGHT PATMAN of Texas required Federal Reserve Board Chairman William Martin to furnish the committee with the banking connections of some key Government figures. That reveals that R. B. Anderson, Secretary of the Navy, was a director of the Federal Reserve Bank of Dallas at the time of his appointment; Budget Director Joseph Dodge was in the Federal Reserve Bank of Chicago; Under Secretary of the Treasury Folsom was with the Federal Reserve Bank of New York; Dr. John Hannah, Assistant Secretary of Defense, was with the Federal Reserve Bank of Detroit; Comptroller of the Currency Ray Gidney was president of the Federal Reserve Bank of Cleveland; W. I. Myers, now Chairman of the National Agricultural Advisory Committee was with the Federal Reserve Bank of New York; Secretary of the Navy Robert Stevens came from the Federal Reserve Bank of New York; as did Philip Young, Chairman of the Civil Service Commission. And Mr. Randolph Burgess, the architect of the interest rate hikes now being instituted, was a director of the Federal Reserve Bank in New York at the time he came to Washington.

The American people are becoming aware of the real meaning of the financial maneuvers that are going on; the mail to the Senators and Congressmen shows that clearly enough. With the key Government positions being held by bankers, it should surprise no one to see them following a policy that will pour billions of dollars a year into the pockets of other bankers. In brief: This has become a Government of the bankers, by the bankers, and for the bankers.

AMENDMENT TO THE NATURAL GAS ACT—RESOLUTION SUBMITTED BY PUBLIC UTILITIES COMMISSIONER OF OREGON

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution relating to House bills 3769 and 3892, which resolution was sent to me by the public-utilities commissioner of Oregon.

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

Whereas H. R. 3769 and H. R. 3892 (introduced by Congressman HINSHAW, of California, and Congressman HARRIS, of Arkansas, respectively) are now pending in the 83d Congress, first session; and

Whereas such bills would amend the Natural Gas Act by creating a new subsection (c) to section 1 thereof, as follows:

"(c) The provisions of this act shall not apply to any person engaged in or legally authorized to engage in the transportation in interstate commerce, or to the sale in interstate commerce for resale, of natural gas received by such person within or at the boundary of a State and ultimately consumed within such State, or to any facilities used by such person for such transportation or sale, provided such person and operation be subject to regulation by a State commission or other legally constituted local public authority. The matters exempted from the provisions of this act by this subsection are hereby declared to be matters primarily of local concern and subject to regulation by the several States"; and

Whereas the enactment of such legislation would benefit State jurisdiction and would not materially affect Federal jurisdiction; and

Whereas the several States are able to regulate the matters and things contained in said proposed legislation and the adoption of said proposal appears to be in the public interest: Now, therefore, be it

Resolved, That the public utilities commissioner of the State of Oregon urges that Congress of the United States to enact said proposed legislation into law.

Signed this 20th day of May 1953.

CHARLES H. HELTUL,
Public Utilities Commissioner of Oregon.

RECESS

The PRESIDING OFFICER. If there be no further business to come before the Senate, without objection, and under the order previously entered, the Senate will stand in recess until 12 o'clock noon tomorrow.

Thereupon (at 6 o'clock and 54 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Tuesday, June 2, 1953, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 1 (legislative day of May 28), 1953:

UNITED NATIONS

Mason Sears, of Massachusetts, to be the representative of the United States of America on the Trusteeship Council of the United Nations.

NORTH ATLANTIC COUNCIL

John C. Hughes, of New York, to be the United States permanent representative on the North Atlantic Council, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

DEPARTMENT OF THE NAVY

Raymond Henry Fogler, of New York, to be Assistant Secretary of the Navy.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 1 (legislative day of May 28), 1953:

UNITED STATES TARIFF COMMISSION

Joseph E. Talbot, of Connecticut, to be a member of the United States Tariff Commission for the term expiring June 16, 1959. (Reappointment.)

UNITED STATES MARSHAL

Darrell O. Holmes to be United States marshal for the eastern district of Washington.

COLLECTOR OF CUSTOMS

Carl F. White to be collector of customs for customs collection district No. 27, with headquarters at Los Angeles, Calif.

Charles F. Brown, Jr., to be collector of customs for customs collection district No. 42, with headquarters at Louisville, Ky.

Cleta M. Smith to be collector of customs for customs collection district No. 45, with headquarters at St. Louis, Mo.

Chester R. MacPhee, to be collector of customs for customs collection district No. 28, with headquarters at San Francisco, Calif.

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 1, 1953

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. ARENDS.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou who hast called us to serve our generation in these days of crisis and darkness grant that we may be men and women of spiritual vision, of strong moral character, and of clear-seeing practical wisdom.

We pray that we may eagerly embrace every opportunity we have of assisting mankind find in life its majestic meanings, its lofty purposes, and its enduring satisfactions.

Show us how we may minister more helpfully to all the people of the earth as they look wistfully for a light to illumine the skyline of their hopes and aspirations.

May we be guided by Thy divine spirit in achieving the cooperation of men and nations everywhere in the great task of building a better world.

Grant that no divergency of material interests may break that unity of spirit that we so sorely need as we strive for those blessings of peace and prosperity which none can ever find and enjoy alone.

Hear us in Christ's name. Amen.

The Journal of the proceedings of Thursday, May 28, 1953, was read and approved.

MESSAGES FROM THE PRESIDENT

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

On May 21, 1953:

H. R. 2277. An act to amend the act entitled "An act to incorporate the Roosevelt Memorial Association," approved May 31, 1920, so as to change the name of such association to "Theodore Roosevelt Association," and for other purposes; and

H. R. 4465. An act to amend the Export-Import Bank Act of 1945, as amended.

On May 22, 1953:

H. R. 4198. An act to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to confirm the jurisdiction and control of the United States over the natural resources of the seabed of the Continental Shelf seaward of State boundaries.

On May 27, 1953:

H. R. 2420. An act for the relief of Ruth D. Crunk; and

H. R. 3389. An act for the relief of Pio Valensin.

On May 29, 1953:

H. R. 782. An act for the relief of Kurt J. Hain and Arthur Karge;

H. R. 1563. An act to amend Veterans Regulation No. 2 (a), as amended, to provide that the amount of certain unnegotiated checks shall be paid as accrued benefits upon