within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

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

Mr. LEHMAN. Mr. President, the question before us is simple.

It is not, primarily, a legal problem.

It is not a question of who is right. It is more of a question of what is right. In a major sense the pending question is a moral question.

I am not a lawyer, as my colleagues know.

It is not necessary to be a lawyer to vote on this bill. Perhaps it is even a handicap.

The legal cases cited in this debate are interesting. But most of them are beside the main point.

The main point is this: Why should we vote to give away these vital and valuable offshore oil resources—these resources in the land beds beneath the sea?

Why should we vote to abdicate the National Government's power to regulate what goes on in the open sea and in the land beds beneath the sea?

Why should we vote to give Texas, Louisiana, and California the exclusive key to a national treasure said to be worth $50 billion—perhaps much more than that?

The Supreme Court has ruled that this treasure, these rights, and this regulatory power are vested in the Federal Government.

The Supreme Court made that decision in three separate cases.

That is the law.

Why should we vote to overrule the Supreme Court?

Most of the arguments made in this debate have been over the question of whether the Supreme Court was right.

We have been retrying the case.

That is an interesting exercise. I have received much profit from this phase of the debate. But that is not our function or our jurisdiction.

We must not lose sight of the main question before us, much as the proponents of this legislation would like to have us lose sight of that question.

That question is: Why should we give these rights away? Why should we give these billions away?

Under the rulings of the Supreme Court these rights and this great wealth belong to all the States—to New York, and Connecticut, and Virginia, and Ohio, and Wisconsin, and Minnesota, and North Dakota, and Iowa—to all the 48 States and all the people of this country and to their descendants.

Why should Congress vote to take these rights away from all the people, from the Nation as a whole, and give them to three States?

The proponents of this legislation have not given the answer. In my remarks today, Mr. President, I shall try to state why the Congress should not give these rights away. I propose to argue what I deeply believe, that the national interest and the national need require the retention of these rights, and that the alienation of these rights—this proposed giveaway—is a denial of the national interest, and a handicap to our national security.

What we should be doing, Mr. President, in the proper exercise of our obligations as Members of the National Congress, is to be debating how best to use these rights to promote the national interest and to advance the national security—not what manner we can legally follow in giving away these rights which lawfully belong to the Nation.

The Anderson bill offers a method of using the rights lawfully vested in the National Government—to develop our oil resources, to expand our oil production, to promote the national defense, and incidentally to award to the States adjacent to these resources a very generous share of the benefits from the development of these resources, within the 3-mile area.

The Hill amendment offers a way of using the benefits accruing to the National Government to promote the general welfare of the Nation by advancing the cause of education throughout our land, by investing part of the Federal Government's share of the proceeds from this development in the future of America, in the education of our young. In my opinion, nothing could possibly be more important.

The Holland joint resolution neglects these needs entirely. It concentrates on a confused and questionable formula for giving away what can be given away, and for paralyzing the National Government's access to those rights which cannot, even under the most extreme stretch of the legal imagination, be given away.

The national rights of the 3-mile belt are proposed to be given away. The bill proposes to give away title, but comprehends the strong possibility that title cannot be given away, and so provides for the contingency that this part of the giveaway will be declared illegal. So the Holland joint resolution proposes to give away the rights to the resources in the 3-mile belt, even if the courts find that Congress could not legally hand over the legal title to this area.

Then the Holland measure goes further, and edges out beyond the 3-mile zone, into the international zone, and seeks to give to certain States title to areas in the open sea beyond any limits which our country has ever claimed to be the exclusive territory of any country, even our own.

We have protested and resisted the claims of Russia, Ecuador, and Mexico, among other nations, to exclusive territorial rights beyond the 3-mile zone off their shores; but today it is proposed to give to certain States proprietary rights to ocean areas far beyond our coasts—rights which we as a Nation have never claimed to possess.

What a travesty on national responsibility. How irresponsible we will seem in the eyes of the world if we approve this legislation.

Of course, Mr. President, we have claimed, and will continue to claim, certain regulatory powers over the Continental Shelf, as far out as it may extend. But this claim must be maintained in the international sphere, by the United States as a Nation; and any rights which accrue to this Nation as a result of our successful contention in this sphere belong to the Nation as a whole, and should not and cannot be given away to certain States, to the prejudice of the whole Nation.

My own State of New York is a part of this Nation, a great part, I must say. I cannot consent to an act of Congress which would transfer to the State of Texas the rights of New Yorkers as Americans. I would hope that even Texans, not to speak of the citizens of other States, would feel the same way.

If the time has come when the citizens of the several States think only of what they can grab from the Nation, and not of what they can preserve for the Nation, and share together as citizens of the Nation, it is time to stop and take stock.

It has always been my concept, Mr. President, that we are New Yorkers, and Iowans, and Pennsylvanians, and Tennesseeans—only to the water's edge. After that, we are all Americans, citizens of the United States. In the open sea, we are Americans. And whatever rights any of us enjoys in the open sea, we enjoy by virtue of being Americans; and any rights this Nation enjoys in the open seas, and in the lands beneath these seas are enjoyed as a Nation. Beyond the water's edge, there is no Texas, no California, no Louisiana, no New York. There is only the United States of America.

Mr. HOLLAND. Mr. President, will the Senator from New York yield?

Mr. LEHMAN. I am very glad to yield.

Mr. HOLLAND. I note the statement of the distinguished Senator from New York to the effect that beyond the water's edge there is no New York. Is it not completely and entirely true that under the Anderson bill, which the Senator states he supports, New York State would be given filled lands which now, under the three decisions, belong to the Federal Government, and on which there are developments representing many hundreds of millions of dollars in value? Is it not therefore the case that, so far as the State of New York is concerned, it is highly interested under the pending measure in securing for itself and its grantees extremely valuable lands which are a part of the submerged bottom of the Atlantic off the south shore of Long Island and off the shore of Staten Island?

Mr. LEHMAN. If the distinguished Senator from Florida will permit me to say so, I am very familiar with what has happened in the State of New York. The recreational facilities to which the Senator refers in New York State, such as Jones Beach, Manhattan Beach, Oriental Beach, and the Causeway are still at the water's edge. They are not in the open sea. With respect to Jones Beach, nothing I did as Governor gives me greater pride than the fact that I had a great part in the development of Jones Beach. I was responsible for the many appropriations for the beach which were made by the State of New York.

All the facilities to which reference has been made are at the water's edge.

They are all a part of the shoreline of New York State, and they extend into the channel known as Jones Inlet. So I do not think the question which the distinguished Senator from Florida has raised is at all apposite to this matter.

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

Mr. LEHMAN. I am glad to yield.

Mr. HOLLAND. Do I correctly understand that the distinguished Senator from New York now denies the fact that many millions of dollars worth of developments have been built upon fills made into what was formerly a part of the bottom of the Atlantic off the open south shore of Long Island?

Mr. LEHMAN. Of course not. But I will say categorically that the developments to which the Senator from Florida refers, the improvements, and the projects were all carried out with tax money provided by the State of New York, and they are a part of the shoreline of the State of New York.

Mr. HOLLAND. Does the distinguished Senator deny that the shoreline of New York, on the south shore of Long Island, has been extended sizable distances into the shallow waters of the Atlantic by fills which are now occupied by multi-million-dollar developments?

Mr. LEHMAN. They are adjacent and contiguous to the shoreline. They are a part of the shoreline. The Federal Government permitted them to be built because they were not a menace to navigation.

Mr. HOLLAND. But the Senator is not answering my question.

Mr. LEHMAN. Yes; I am.

Mr. HOLLAND. The question is whether or not they were built into a part of the open Atlantic, by the advancement of the shores which were formerly at mean low water.

Mr. LEHMAN. They are contiguous and adjacent to the shoreline. I am very proud to have been Governor of the State of New York for many years, and am very proud to represent in part the State in this great body, and I may say that the Senator from Florida may not recall, as I do, that the State of New York came to the Senate, not once, but many times, and asked that appropriations be made for the protection of some of the very localities to which the Senator has referred, for instance, an appropriation to widen and broaden Jones Inlet, even though it was certainly within the confines of the State of New York. There was never any question about it. That refers also to Staten Island, and other similar bodies of land.

Mr. HOLLAND. If the Senator from New York will yield further, I wish he would give a categorical answer, if he will and can. Is it not a fact that as to the location of many million dollars of present developments, those developments on the south shore of Long Island and Staten Island are built upon filled lands which represent an extension of the shorelines of New York into what was formerly part of the submerged bottoms of the Atlantic Ocean below mean low-water mark, submerged bottoms outside the natural shoreline of his State?

Mr. LEHMAN. Let me say——

Mr. HOLLAND. Can the Senator answer that question?

Mr. LEHMAN. I shall be delighted to answer it.

Let me say that the master of the Supreme Court has already decided that improvements on filled-in land in the sea adjacent to the shoreline belong to the State. There can be no question about that, and if I may be so bold as to intimate, I think the Senator from Florida is merely playing on words. The Anderson bill, which has been offered as an amendment to the pending joint resolution, merely confirms that determination of law. There can be no doubt about that. No one is questioning the right of the States to filled-in land. We have agreed to that. The Anderson bill covers it so thoroughly that there can be no argument about it. The Senator from Florida will also recall that last year I offered an amendment to what I think was his bill, though I am not sure about that, which would safeguard and recognize the rights of the States.

Mr. HOLLAND. If the Senator from New York will yield further, his amendment last year was not to the bill of the Senator from Florida, because the bill of the Senator from Florida already adequately safeguarded the rights of the States in such filled lands.

Mr. LEHMAN. It was the O'Mahoney bill.

Mr. HOLLAND. It was the O'Mahoney-Anderson bill, which up to that time had not so safeguarded the rights of the States.

Mr. President, will the Senator let me state my question?

Mr. LEHMAN. I am very glad to do so.

Mr. HOLLAND. Is it not a fact that by section 11 (a) of the Anderson bill, the Senator from New York, who has so far evaded answering the direct question of the Senator from Florida, specifically recognizes that fills have been made in the Continental Shelf adjoining State shores, and that the Anderson bill makes allowance for that by giving to the States and other public units, and to private-property owners, the rights to have those bottoms quitclaimed so that they will be free from the menace and the jeopardy of the existing situation, brought about by the decisions of the Supreme Court in the California, Texas, and Louisiana cases, which have clouded those titles?

Mr. LEHMAN. I may say to the Senator from Florida that he is merely setting up a strawman. He knows perfectly well that the opponents of the Holland bill and the supporters of the Anderson bill—as well as the Federal Government itself—are today and have at all times been willing to recognize the right and title to these lands as being vested in the States. There is no question about that. I say very emphatically that, in my opinion, the distinguished Senator from Florida is merely attempting to set up a strawman.

Mr. ANDERSON. Mr. President, will the Senator from New York yield?

Mr. LEHMAN. I yield.

Mr. HOLLAND. Mr. President, will the Senator from New York yield further to me? I hope he will let me complete my course of questions before yielding to another Senator. That is generally done as a matter of course.

Mr. LEHMAN. I yield.

Mr. HOLLAND. I thank the distinguished Senator.

At this time I ask that here be incorporated in the RECORD as a part of my remarks subsection (a) of section 11 of the so-called Anderson bill, S. 107.

There being no objection the matter 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.

Mr. HOLLAND. Mr. President, I ask the distinguished Senator from New York who has just charged the Senator from Florida and his associates with setting up a strawman in this regard, whether the distinguished Senator, in supporting S. 107, is not, insofar as the filled lands are concerned, supporting exactly the same philosophy which is supported by the Senator from Florida and his associates in urging the passage of the so-called Holland joint resolution.

Mr. LEHMAN. Oh, if I may say so, I think the distinguished Senator from Florida is a million miles off the mark. We have been willing to acknowledge, as a matter of natural law and morals, the rights of the States to filled-in lands in the inland waters and navigable waters within their boundaries, but the Senator from Florida, instead of a million miles off the mark, as I said, if I may deal with astronomical figures, I would say is a billion miles off. There is no similarity, not the slightest, between that and giving away the rights of the Nation, without justification, without reason, without moral basis, to the three States concerned.

Mr. HOLLAND. Mr. President, I ask the Senator what is meant by this provision in subsection (a) of section 11:

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.

Does the Senator from New York mean by that provision to quitclaim to the States, to the local subdivisions of government, to individual owners who have filled in the submerged lands of the Continental Shelf adjoining State lines, important fills, with important values, both private and public—to quitclaim those values and those former bottoms to the States and to the present owners, whether public or private?

Mr. LEHMAN. Mr. President, section 11 deals with the governmental agencies enumerated.

Mr. HOLLAND. If the Senator is referring to the legal obligation in his conclusion, as he is, I think, he is completely wrong, because subsection (a) of section 11——

Mr. LEHMAN. I was referring to subsection (b), I believe.

Mr. HOLLAND. Will the Senator yield further?

Mr. LEHMAN. No; I desire to answer the Senator.

Let me say that certainly we are willing to recognize the rights of those who, with appropriate authority, have built upon filled-in lands. However, we are willing to recognize those rights only insofar as the surface rights are concerned, not insofar as the mineral rights are concerned.

Mr. HOLLAND. Mr. President, will the Senator yield at this point?

Mr. LEHMAN. I yield.

Mr. HOLLAND. Is it not true that under the provisions of both subsection (a) and subsection (b) of section 11 of the Anderson bill, the Senator from New York and his distinguished associates propose to quitclaim fee simple title to the present occupants, whether they be States, local units of government, or private individuals?

Mr. LEHMAN. I have never denied that. We have emphasized that fact many, many times, namely, that we recognize the rights of States to be——

Mr. HOLLAND. Then the Senator from New York is not withholding——

Mr. LEHMAN. I ask the Senator from Florida to permit me to complete my statement, please.

We have always acknowledged that the States have full rights with regard to navigable streams and inland waters, including lakes; and under the Anderson bill, the rights of the States to projects undertaken and completed on filled-in lands would be recognized by the Congress of the United States. There has never been the slightest question in the minds of any of us on that subject.

Mr. HOLLAND. Then the Senator from New York did not mean to state, did he, that under the Anderson bill there is to be a withholding of mineral rights, or anything else, other than the rights to the surface of these filled-in lands?

Mr. LEHMAN. As I understand the Anderson bill—and the principal sponsor of that bill is now on the floor, and he can correct me if I am wrong in what I state regarding the bill—the Federal Government has never yet challenged, and the Anderson bill confirms, the right of developers of filled-in lands to the mineral rights in projects which have been developed adjacent to the shoreline on the ocean side.

Mr. HOLLAND. Mr. President, will the Senator from New York yield at this point?

Mr. LEHMAN. Yes; I am glad to yield.

Mr. HOLLAND. Then, is it not a fact that the distinguished Senator from New York and his associates are in the position of being perfectly willing to grant—and, in fact, they are proposing to grant—to the great State of New York the multi-million-dollar developments which have been constructed on the filled lands on the south shore of Long Island and off the shore of Staten Island, and to the State of Florida similar developments, and to the State of New Jersey similar developments, and to the State of Massachusetts and to the State of California and to the State of Texas, similar developments; but in the case of States such as the State of Louisiana—which has no developable fronts of that kind, but, instead, has a low and marshy front, and for the development of its coastal areas has to rely upon submerged resources, such as oil, sulphur, and the like—they insist that there be withheld from those States the same tender consideration which the Senator from New York offers to his own State and to other States which have high, dry coastlines which those States have developed into values totaling several billion dollars?

Mr. LEHMAN. Let me say to the Senator from Florida that I am not familiar with the developments in the State of Louisiana. I can say to him that I know a good deal about the lands which have been filled in by the State of New York, and which the State has developed into recreational facilities, parkways, and airfields. Furthermore, I have seen some of the corresponding developments in the State of Florida, because I believe that many of the islands which lie between the city of Miami and the city of Miami Beach are filled in lands. I may be mistaken about that, but that is my impression.

Mr. HOLLAND. The Senator from New York is correct. However, the island developments he has in mind at those places are not at all the primary ones affected either by the section of the Anderson bill which he has mentioned or by the Holland joint resolution; but, rather, the development on the filled-in lands of Miami Beach which front on the ocean and the multi-million-dollar developments which, as the Senator from New York well knows, have been constructed there and continue to exist there, are developments on fills into the open sea, in the case of the State of New York, the State of Florida, the State of California, and numerous other coastal States to which I have adverted. The Senator from New York has stated that he is perfectly willing to quitclaim the title to those valuable developments to the several States, although he is not willing to quitclaim to other States not so fortunately situated the title to the valuable lands to which they must look if they intend to develop their coastal areas.

Mr. LEHMAN. I do not think the Senator from Florida is accurate in his statement. Of course we are willing to quitclaim the same privileges to other States. Of course we are willing to permit other States to take and to hold title to filled-in lands, in the case of the surface rights to those lands. So we are not discriminating.

Let me also point out that when the distinguished Senator from Florida refers to the great improvements which have been made in the State of New York along the shores of and adjacent to the various inlets and bays on the south side of Long Island, he is referring to undertakings which were completely and exclusively financed by the taxpayers of New York for the benefit not only of the people of New York but also the people of the entire Nation, who come to New York and there use and enjoy Jones Beach, Idlewild and LaGuardia Fields, and the other developments. The State of New York is not trying to make any profit from those developments, and I resent any implication that the State of New York and the junior Senator from New York are seeking to manifest any selfish interest.

We are willing to have these great new facilities for recreation, for which the people of New York have paid through taxes, shared by all the people of the entire United States. We want for New York State nothing that is not available to the rest of the Nation.

But let me say vehemently, with all the force at my command, that we want the money which will come from royalties arising by virtue of the development of the fabulously valuable oil resources under submerged lands to go, not to Florida, not to Louisiana, not to Texas, not to California, not to any one State alone, but to all the people of the United States, and to be used for education. We want the children of Mississippi, the children of Florida, the children of Georgia, the children of Wyoming, the children of Arizona, and the children in New York to have a share in this great natural resource. That is what we are fighting for.

We do not want anything for New York alone. I do not believe the distinguished Senator from Alabama [Mr. HILL] and the distinguished Senator from New Mexico [Mr. ANDERSON] want anything for their States alone. We are fighting for equity, an equal share in what God has given in the way of resources to our great Nation.

Mr. HOLLAND. Mr. President, will the Senator from New York yield further to me?

The PRESIDING OFFICER (Mr. GRISWOLD in the chair). Does the Senator from New York yield to the Senator from Florida?

Mr. LEHMAN. Yes, of course I yield.

Mr. HOLLAND. Is the Senator from New York offering to grant, insofar as his own State is concerned, for the enjoyment of all the States, the multi-million-dollar developments now located off the coast of his State of New York and situate upon what formerly was a part of the bottom of the Atlantic Ocean off the original shores of Long Island and Staten Island?

Mr. LEHMAN. As I have said, of course we are willing to share them with the entire Nation. No one has ever been excluded from these great developments. We have invited all the people of the United States there, and have urged them to come there. Of course we want them to come there; of course we will share those developments with them.

I am amazed at the question of the Senator from Florida, because I thought my associates and I had made that point very, very clear in the course of the debate.

Mr. HOLLAND. Mr. President, will the Senator from New York yield at this point?

Mr. LEHMAN. I yield.

Mr. HOLLAND. I had not heard any offer to share with other States the

revenue from these multi-million-dollar developments.

Furthermore, when I listened to the testimony of the Senator from New York regarding this matter before the committee, and also when I listened to the testimony of the distinguished public servant from New York, Mr. Moses, I received the impression that not only public developments on the sea frontage of Long Island and Staten Island were involved, for, as I recall, the Senator from New York himself referred to some filled land, made back in the old days on Huntington Beach, which was filled, not as a public enterprise but as a private enterprise; and I well recall the argument before the committee with reference to the fact that the United States Government had had to pay the private developer a good many million dollars in order to secure that particular area as public property for defense purposes during World War II. I am sure the Senator from New York recalls that discussion.

Mr. LEHMAN. I do not remember the discussion about Huntington Beach, but the Senator from Florida may have more knowledge of New York State than I have.

However, the Senator from Florida asked me whether the State of New York will share with the other States of the Union the revenues and profits accruing from these great recreational developments.

I may say to the Senator from Florida that, although I cannot bind the Legislature of the State of New York or the Governor of the State of New York, I am quite certain we shall be very willing to share the revenues with other States of the Union, if the other States of the Union are willing to assume their share of the losses in operating these great facilities; and there have been losses in connection with some of them for many, many years.

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

Mr. LEHMAN. No. I may say it is important that we keep our eye on the pending measure. I think all the questions which have been addressed to me, while interesting, and while I was very glad, indeed, to have them addressed to me and to have the opportunity of this little fencing operation, are pretty irrelevant. The fact is—and I want to point this out, as my associates and I have done on many occasions—that the Federal Government has never claimed filled land, but has always recognized the right of the States to it.

Mr. HOLLAND. Mr. President, will the Senator yield at this point?

Mr. LEHMAN. I will ask the Senator to wait a moment. In my opinion, there never was any question of the title to the filled-in lands. But if there were any question, that is fully taken care of by the Anderson bill. The important question and the matter that concerns u , and which I think concerns the entire country, is in whom the mineral rights to the submerged lands are vested, and whether the royalties, the profit from those mineral rights, belong to the entire country or whether they belong merely to three States.

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

Mr. LEHMAN. I will, if the Senator will address to me questions which, in my opinion, are relevant. I have been engaging, it seems to me, in a fencing operation, and I do not think the Senator from Florida has really uncovered anything that I have not said, or that my associates have not said, during many hours of debate.

Mr. HOLLAND. Mr. President, I was particularly interested in the statement of the distinguished junior Senator from New York that he does not know what the attitude of his Governor is, or what the attitude of his legislature is; whereas I recall that the RECORD shows that the distinguished Governor of New York has put himself on record repeatedly in favor of the philosophy of the Holland joint resolution; that the Legislature of New York has twice followed that course; that the attorneys general of New York, both the present one and the one who served as attorney general when the Senator from New York was Governor, have followed that course; that Mayor Impellitteri, of New York City, has followed that course; that the distinguished public park commissioner of New York, Mr. Moses, has followed that course; and that the New York Port Authority has followed that course. I was wondering whether the Senator really meant what he said, when he stated that he did not know the attitude of the Governor and the legislature of his State.

Mr. LEHMAN. I am very grateful to the Senator from Florida for having asked that question, because it demonstrates, beyond anything I could say, how this whole issue is being twisted by questions being asked which are not relevant. I did not say—and the RECORD will so show—that I did not know the policy or views of the administration of the State of New York with regard to the measures which are now before the Senate. My answer to the Senator from Florida was in reply to his inquiry as to whether I would be willing to share the revenues from these great recreational facilities with the other States. To that question—and it was a definite question—I replied that, of course, I could not answer for the Legislature or the Governor of New York with regard to sharing revenues with other States, but that I felt we, in New York, would be willing to share the revenues, if the other States would share the losses. My reply had nothing whatever to do with the attitude of the Governor or the Legislature of New York.

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

Mr. LEHMAN. I will, but——

Mr. HOLLAND. In the event of the discovery of oil or other minerals of value in the submerged lands lying offshore from the present developments on Long Island or Staten Island, would the Senator from New York feel that the State of New York and the city of New York would have a very great interest in determining what portions of such values should be developed, whether they should be developed by derricks and oil wells placed immediately in front of the million-dollar developments already appearing there, and whether, for instance, oil derricks should be placed within a couple of hundred yards of any of the great parks of New York, or Coney Island, which, itself, is built on filled-in lands? Does not the Senator from New York feel that the decision as to where such developments should occur—or whether they should occur—and the determination of which value should come first, should rest in the State of New York and its municipalities, such as the city of New York, rather than some Federal bureau in Washington?

Mr. LEHMAN. I may say to the Senator that, by implication, I think he is charging the Senator from New York with being rather insincere and disingenuous. I cannot say too strongly, and I cannot repeat too often, that we in New York want nothing that the other States do not get. Of course, if oil should be discovered off the coast of New York, and title to oil under submerged lands had been confirmed to the States by the Congress—which I hope will not be the case—New York would expect to profit by it. But I do not want New York to profit by exploiting a great national resource, any more than I want Florida or Mississippi or West Virginia or New Mexico or California to profit by such exploitation. If I believed otherwise, I certainly would be very insincere, and almost dishonest and dishonorable in making this argument before the Senate of the United States. I do not want New York to have any advantage, I do not want Florida to have any advantage, I do not want Texas to have any advantage, or California or Louisiana. I want this great natural resource to belong to the 159 million people of the United States, to be used, I hope, for the education of our young, than which I think nothing is more important.

Mr. HOLLAND. Mr. President, will the Senator yield for one more question?

Mr. LEHMAN. I am glad to yield.

Mr. HOLLAND. Adverting, now, to subsection (b) of section 11, of the Anderson bill, which was the Lehman amendment of last year, written at that time into the O'Mahoney-Anderson measure, I note that that subsection provides that States and political subdivisions, municipalities, and so forth, can, after the passage of the Anderson bill, if it be passed and become law, have the complete right to continue filling new lands out onto the Continental Shelf for the purpose of parks or any other public purpose, and that in such case—and I quote from that provision—"the right, title, and interest of any State, political subdivision—is hereby recognized and confirmed by the United States."

I note that the distinguished Senator, apparently attaching little importance to the fact that most of the shoreline is owned by private persons, did not give a right to private developers to proceed with fills in the future and to have their titles automatically confirmed, but, instead, refused to do so. I wonder whether, for the record, the Senator would state his philosophy in this connection, in order that there may be no misunderstanding whatever about the matter.

Mr. LEHMAN. May I say to the distinguished Senator from Florida that we

recognize the rights in reference to the tidal lands, but only the surface rights. I feel very inadequate in that I have not been able, apparently, to convince the Senator from Florida that what we are interested in today, and what the Nation is interested in, is the mineral rights to minerals which lie under the sea. That is where the wealth comes from; that is where the income will come from. It is not a question of a recreation park here or there or at some other place. It is not a question of filled-in land. So long as two things are recognized, one, that the mineral rights belong to the Federal Government, and, two, that the defenses of our Nation are safeguarded, I have very little interest in the question. I should be perfectly willing to make the rule apply to private property also, always, reserving, however, the mineral rights to the Government and always reserving the defense considerations of the Government.

Mr. HOLLAND. Why, then, does the distinguished Senator from New York limit his amendment to public filling and public values and thus discriminate against private enterprise and private ownership in the nearly 5,000 miles of frontage of the coastal States upon the various salt-water bodies?

Mr. LEHMAN. I do not recall that I submitted that kind of a perfecting amendment.

Mr. HOLLAND. The Senator from New York was present when that was discussed by the Senator from Florida and offered no affirmative suggestion whatever and has not offered any up to this moment.

Mr. LEHMAN. Having received no cooperation with regard to the protection of public developments, I may have thought it was useless to do it.

But I desire to remind the Senator from Florida of the fact that at the time we discussed the proposed amendment concerning filled-in land in Texas, we were concerned with the question of Jones Beach, in New York, with respect to which some of the officials of New York, including the corporation counsel and the mayor of New York City, asked that we take steps to have an amendment adopted which would protect us.

I repeat to the Senator from Florida what I have said several times, that the amendment was drafted in consultation with and with the full approval of the corporation counsel of New York City and the mayor of New York City, as being adequate to protect the public developments which had been made on filled-in land. So far as I am concerned, I should be perfectly willing to extend that amendment to privately developed filled-in lands, provided it applies only to the surface rights and not to the mineral rights.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator from New York.

Mr. DANIEL. Mr. President, will the Senator from New York yield?

Mr. LEHMAN. I yield.

Mr. DANIEL. I invite the Senator's attention to the fact that I hold in my hand a resolution passed by the Legislature of the State of New York in which that official body representing the people of New York states:

> Whereas since its inception the State of New York has claimed and exercised ownership, dominion, and jurisdiction over the lands under the ocean seaward for a distance of 3 miles and the lands of all tidal waters within those boundaries—

Then the legislature goes on to ask the Congress to pass appropriate legislation restoring this property to the States.

Is it not true that the Senator's position is contrary to that of the Legislature of New York?

Mr. LEHMAN. Obviously it is contrary to that of the Legislature of the State of New York; but I may point out that this is not the first time I have differed with the Legislature of New York or with the present Governor of the State of New York or with the present mayor of the city of New York. While they are perfectly justified in taking any position they care to take, I believe that I, as a Senator from New York—and I have been twice elected by the people of New York—have a right to represent them as I believe it to be in their interests and as my conscience dictates.

I will say to the distinguished Senator from Texas that, although I have no means of proving my statement—I have no means of taking a "Gallup poll"—it is my very strong and sincere belief that the great majority of the people of New York take the position which I have taken. In other words, I construe these great resources about which we are now speaking as natural resources to be used by all the people of the United States, and not by only three States.

I may say that in the years I have been in this body I have voted time and time again for appropriations which were of no direct benefit to my own State but which were of direct benefit to States such as California, Arizona, Florida, New Mexico, Washington, and Oregon, and that even though I knew it would cost the taxpayers of my State money, I voted for the appropriations because of my firm conviction that we, as a federated Nation, must consider the interests and the rights of all the people of the Nation.

What is good for one section of the country helps the prosperity, the happiness, and the well-being of all other sections of the country. If I did not so believe, I would not have voted so frequently as I have voted to provide aid for the public construction of dams, waterways, and flood-control projects in various other States of the Union.

Mr. DANIEL. I feel certain that the Senator from New York is sincere in his statement. I asked the question simply to point out that his position in the Senate, when he speaks of "we," is contrary to the official position of the Legislature of New York, the Governor of New York, the attorney general of New York, the mayor of the city of New York, and the New York Port Authority.

May I ask a further question?

Mr. LEHMAN. Let me add one word. I wish to point out to the Senator from Texas that the Supreme Court has ruled that title ends at the water's edge. I believe, and I am convinced, that most of the people of my State recognize the law. They do not claim rights which the law says belong to the entire Nation.

Mr. DANIEL. I should like to ask the Senator from New York if his State has ever had its day in court. Has the Supreme Court ever said that New York stops at the water's edge, and that New York has no rights to its submerged lands, which the Senator's State has been claiming since the formation of the Union?

Mr. LEHMAN. I believe the Supreme Court in three decisions has affirmed that the paramount right and full dominion, in all these lands, lies with the Federal Government. I do not think it makes very much difference whether those decisions were addressed specifically to New York, to California, to Texas, or to Louisiana.

Mr. DANIEL. I have one other question. The Senator from New York speaks of the Holland joint resolution as restoring lands and valuable resources to Texas, Louisiana, Florida, California, and a few other States, only. I wish to ask the Senator if it is not true that the Holland joint resolution also restores to the State of New York, whether he considers it valuable or not, a total of 243,840 acres of submerged land extending from low tide out 3 miles from shore, which the New York Legislature asked Congress to restore to his State.

Mr. LEHMAN. I shall discuss that matter a little later in my remarks.

Mr. DANIEL. The Senator from New York does not deny that statement, does he?

Mr. LEHMAN. Of course, I do not deny that the Legislature of New York passed such a resolution. That is a matter of record. I accept it as a fact. But that is no reason why the Congress of the United States should be expected to do something which many of us believe is contrary to the interests of the Nation as a whole. I presented to the Senate many resolutions and many requests from the Governor of the State of New York and the mayor of the city of New York, and I submitted them, I thought, with great appeal and, I hoped, with some possibility of success. But the Senate of the United States in its wisdom refused to accept them.

Mr. DANIEL. The Senator from New York might have misunderstood me. I was merely trying to point out that whether or not the Senator thinks the land is valuable, the Holland joint resolution would restore to New York 243,840 acres under the marginal sea within the 3-mile boundary claimed by the State of New York. In addition, of course, it would quitclaim to New York 2,321,000 acres beneath the Great Lakes within the boundaries of New York.

Is the Senator, in his generous mood—and I am certain that he is sincere in his views—willing to let all the other States share in whatever valuable resources may lie beneath the 2 million acres of the Great Lakes which are within the boundaries of the State of New York, and which have been held to be open seas, comparable to the marginal seas of the coastal States?

Mr. LEHMAN. There has never been a question about the title to the lands underneath the Great Lakes. I have said so time and time again.

Mr. DANIEL. Would the Senator be willing to allow other States to have a share in the more than 2 million acres of submerged lands beneath the Great Lakes, in which his State's boundaries extend as far as 20 miles from shore?

Mr. LEHMAN. No, of course not; nor am I claiming that the United States should take title to the inland waters of Minnesota, Texas, Wisconsin, or New York. Of course not. Those are matters which have been determined by the courts of the land time and time again.

Mr. DANIEL. There being only 2 million acres within the 3-league belt in the State of Texas, which is all that Texas would receive under the joint resolution, I think the Senator from New York can understand why we do not want the Federal Government to take away that property. It is not any greater in area, and probably not any greater in value, than the area beneath the Great Lakes, which the Senator from New York wants to keep for his State.

Mr. LEHMAN. Mr. President, although I am not a lawyer, I have known many lawyers. They have told me that when they begin the study of law, they are given, among others, one simple rule to follow in considering cases arising under contracts, cases of equity, and even torts. The rule is to find out: "Who has the money."

It would be well, in considering the question of offshore oil, to keep our eye on the question of "Who has the rights, who wants the rights, and who needs the rights?" Nor should we overlook in each instance who has the title, and what is involved besides the title. In other words, what concrete substance is here at issue? Who wants what, and who now has it?

Under the law, all these rights are now in the National Government. All the rights and title and resources involved in this pending legislation are vested in the United States, in all the people of this country, in all 48 States. The Nation has those rights. They are a national resource.

The Supreme Court said so. It said so in the California case. It said so in the Texas case. It said so in the Louisiana case.

The legislation before us proposes that the Congress of the United States divest the Nation of some of these rights—of an undefined portion of those rights—take them away from the people of New York, of Illinois, of Minnesota, and Alabama—and donate them to the State of Texas, and the State of California, and the State of Louisiana.

The Nation, the United States, bought the territory that is now Louisiana, and a number of other States; we bought that territory from France for $15 million, and there was created from what became the Territory of Louisiana, the State of Louisiana. And now the State of Louisiana comes here to ask the United States to divest itself of billions of dollars worth of national resources, and turn those resources over to Louisiana. And Louisiana asks it not as a matter of grace, but as a matter of right.

I say to you, Mr. President, there is no such right in the State of Louisiana, or in the State of California, or in the State of Texas. And I am not going to reargue the Supreme Court cases. The law has been decided. It has been interpreted by the courts. That is the law.

We speak a good deal, Mr. President, about the three coequal branches of the Government—the executive, the legislative, and the judicial. Members of this body have attacked the executive branch for encroaching on the jurisdiction of the legislative. Now we here propose not only to encroach, but to evade, avoid, and overrule the judiciary, the Supreme Court of the United States.

Now, Mr. President, I should like to introduce into the RECORD at this point in my remarks a very fine news article, the report of an interview with Mr. Philip Perlman, former Solicitor General of the United States, which appeared in the Baltimore Sun.

This interview which is headlined "Perlman Sees Tidelands Steal Worse Than Teapot Dome," represents the views on this subject by a man who knows as much about it, if not more, than any man in the United States. For General Perlman was the man who pleaded the Government's cases before the Supreme Court, and won those cases for the United States.

General Perlman knows the law in the case. He laid the groundwork for the final and definitive interpretation of the law. He heard and answered every argument that was made in the course of those cases—every argument that has been made and will be made on the Floor of the Senate with regard to the legal rights involved.

After hearing those arguments—those presented by all the distinguished legal counsel that could be hired by the States involved, and by the oil companies, including the brilliant arguments made by the then attorney general of Texas who is now our able colleague [Mr. DANIEL]—the Supreme Court decided in each case against these three States, and in favor of the Nation.

And that is the law today. I hope every Member of the Senate will give attention to the views expressed by General Perlman in the interview printed in that fine newspaper, the Baltimore Sun, one of the finest in the land, a paper which belongs in the select company of the great newspapers of America.

Mr. President, I ask unanimous consent that the article be printed in the RECORD at this point as a part of my remarks.

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

PERLMAN SEES TIDELANDS "STEAL" WORSE THAN TEAPOT DOME—EX-UNITED STATES AID PUTS BLAME ON THREE STATES—SAYS EISENHOWER RESISTS EFFORTS TO INFORM HIM OF "FACTS AND LAW"

(By Paul E. Welsh)

If Congress sanctions the Submerged Lands Act—more commonly, the tidelands bill—it will be a party to "the boldest, most brazen grab of national assets in history," Philip B. Perlman declared here yesterday.

In an interview, the former Solicitor General of the United States described the proposal as "a thousand times worse than the Teapot Dome scandal of the Harding-Fall regime."

The Baltimore attorney stated that bill results from years of false propaganda and from the activities of one of the most powerful lobbies ever to control the House and Senate of Congress.

BILL PASSED BY HOUSE

Last Wednesday, by a 285-to-108 vote the House of Representatives passed the bill, which already has the support of the Eisenhower administration. The Senate now is debating the issue.

Under provisions of the bill, the Federal Government will grant coastal States full title to the offshore submerged lands extending seaward to what has been described as their historic boundaries.

The Government would also have to return to oil companies or State governments from $60 million to $75 million collected as royalties and rent after the Supreme Court declared the Federal Government to be the legal owner of tidelands oil.

TO PERLMAN "IT'S CRAZY"

"It's crazy," Mr. Perlman said. "The deviltry in this is that the money was collected during a period when there was no doubt that it belonged to the United States.

"Congress is making the Federal Government pay back money legally collected—give away what it already owns," Mr. Perlman said.

Mr. Perlman, who represented the Government through 5 years of marginal sea area litigation, said yesterday that "the pity of this situation" is that President Eisenhower has resisted all efforts to persuade him to learn what the facts and the law are in the issues involved.

FOREIGN POLICY INVOLVED

On this point, Mr. Perlman said that Jack B. Tate, deputy legal adviser to the Department of State, has told a congressional committee that the bill, if passed, would cause a great deal of difficulty in the United States relationship with foreign powers.

Mr. Tate, according to Mr. Perlman, advised the committee that the State Department was against recognition of a State's claims beyond 3 miles and that he stated this position with the authority of Secretary of State Dulles.

Under the bill already passed by the House, Mr. Perlman said, some States get more territory in the sea than the United States claims and this opens the way for further encroachments.

AVOIDS SPECULATION

Mr. Perlman said that he did not want to speculate on "if's" when asked what other nations, including Russia, might be inclined to do with their sea frontiers if the United States Congress should authorize States to extend their domains for many miles into the international domain.

Of the three States principally involved—California, Texas, and Louisiana—each is seeking a different interpretation of the extent seaward of its sovereignty.

California is not interested much beyond 3 miles. The Continental Shelf drops off abruptly at about that point and the submerged minerals—mostly oil and gas—are not accessible.

Texas claims that its legitimate domain extends seaward for 10½ miles, basing this position on what it claims was its rightful possession at the time it became a member of the Union.

Louisiana, apparently for no particular reason of law or historical precedent, has extended its sea frontier out 27 miles into the Gulf of Mexico.

"Despite these scattered claims, I defy anyone to define any boundaries in the act," Mr. Perlman said yesterday.

He added that it is his opinion that Louisiana had selected the 27-mile length of jurisdiction just because they found oil out that far.

In addition to its 10½-mile claim, Texas also wants full authority to the outer edge of the Continental Shelf, which goes as far as 150 miles, Mr. Perlman added.

It has been the Government's position that the United States does not claim control or ownership beyond the 3-mile limit.

Further, as sustained by the Supreme Court on June 23, 1947, the United States contends that a State's title to its seaward land ends at the low-water mark.

In California's case, Mr. Perlman asserted, it has been the Federal Government's position that from the low-water mark outward there begins the international domain and the United States had paramount domain and California had no title.

BACKED BY HIGH COURT

On this point, the Government's position was sustained by the Supreme Court.

Regarding the steps being taken to give the States full control over such offshore areas, Mr. Perlman said:

"The effort being made in Congress to strip the United States of its oil and other mineral resources in the marginal sea, and beyond, for the benefit of 3 States at the expense of the other 45, is the boldest, most brazen grab of national assets in history.

"In some respects, this proposal, backed by the national administration, is a thousand times worse than the 'Teapot Dome' scandal of the Harding-Fall regime.

"It results from years of false propaganda and from the activities of one of the most powerful lobbies ever to control the House and Senate of Congress.

"From $20 billion to $200 billion are believed involved.

"The manipulation of the high-finance barons of a half-century ago are peanuts in the presence of this grab.

"California, Louisiana, and Texas have never advanced a single valid reason why they should be given the Nation's much-needed oil in the submerged lands of the marginal sea, which has belonged to all the people since the Union was established.

"These three States have already benefited by many millions of dollars because they took the Nation's oil without authority."

BILL "PERPETUATES THE STEAL"

"Senate Joint Resolution 13 perpetuates the steal. It also gives some States more territory in the sea than the United States claims and opens the way for further encroachments.

"The pity of this situation is that President Eisenhower has been misled into taking an uninformed position in the controversy, and, so far as known, has resisted all efforts to persuade him to learn what the facts and the law are," Mr. Perlman declared.

He said "the big argument" started in the late twenties or early thirties when it was discovered that oil could be taken from under the ocean.

California first entered this field, he added, by leasing large areas to oil companies.

In 1937, a resolution was introduced in the Senate aimed at stopping California or any other State from extracting oil, gas, or other minerals from submerged grounds.

This resolution was adopted unanimously in the Senate, but failed of passage in the House, Perlman said.

For a while, Harold Ickes, former Secretary of the Interior, was of the opinion that the ownership of the land belonged to the States, "but after study became convinced he was wrong." Mr. Perlman added:

PERSUADED ROOSEVELT

"Secretary Ickes then persuaded President Roosevelt to bring suit against California and it was this action which eventually led to the Supreme Court decision in July 1947," he said.

Meanwhile, California had received many millions of dollars from the leases.

These payments, he explained, are based on 12½ percent of the value of the oil being given to the State by the lessee, plus millions of dollars paid in bonuses.

The Government started collecting rent and royalties on oil pumped up off the California coast after the Supreme Court decided in 1947 the United States owned the tidelands fields, Mr. Perlman said.

To date the Federal Government has collected $50 million, according to one informed estimate, and now Congress proposes to make the Federal Government pay this money to California.

Other legal actions, interspersed by a tug of war in Congress between the conflicting forces, ultimately led to the Federal Government's obtaining injunctions in June 1950 against Louisiana and Texas.

After that the Federal Government began collecting royalties and rent from the companies taking oil off the coasts of Louisiana and Texas. So far, the Federal Government has collected between $10 million and $25 million in these two States, it is estimated.

The tidelands bill would force the Federal Government to pay all this back.

Mr. LEHMAN. We should all give attention to Mr. Perlman's statement on the law on this subject, and to his conclusions. Mr. Perlman is no longer with the Government. He is a private citizen. There is no vested interest reflected in his opinion, which is simply that of a brilliant legal mind, reinforced by a passionate conviction that the law, once decided, should be abided by. I commend the opinion of this distinguished American, of this great lawyer, just as I would commend the Supreme Court decisions and all the briefs in the California, Louisiana, and Texas cases, to those who are interested in arguing the fine points of law, in retrying the cases that were so thoroughly tried in all the appropriate courts of the land.

Mr. President, I also have at hand a very fine editorial which appeared in the New York Times of April 10. The New York Times is another great newspaper which is very sympathetic to the present administration. This editorial takes sharp issue with the pending proposal, and bids the American people to take heed of what is going on. I ask unanimous consent that the 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:

GIVEAWAY IN OIL

A debate is going on in the United States Senate at the present time that deserves far more attention than is being given it. This debate provides no thrills or sensation, but it is of vital importance to the people of this country all the same. It concerns an attempt to take from all the people of all the United States billions of dollars' worth of property that is rightfully theirs, and to present it to the people of a handful of States, notably Texas, Louisiana, California, and Florida. It is the debate on offshore oil.

Three times the Supreme Court has held that the National Government has paramount rights and full dominion over the submerged lands of the marginal sea, which means the area from low-water mark out to the 3-mile limit. It will be noted that lands covered and uncovered by movement of the tides are not involved, as they clearly belong to the States, as do lands under inland waters—and throughout this battle the Federal Government has never laid claim to them.

The bill now under discussion in the Senate would grant the States development rights to oil found within their so-called historic boundaries, which means at least out to the 3-mile limit, and in some cases an indeterminate distance beyond. No one knows just what will happen in international law when a State's boundary is extended farther than the traditional 3-mile limit, in view of the historic position of the United States that all governments, including our own, can properly claim jurisdiction over the sea only 3 miles out from low-water mark and no farther. Even the Presidential proclamation that in 1945 established the Federal Government's claim to the natural resources of the seabed of the Continental Shelf (extending far beyond the 3-mile limit in the Gulf of Mexico) specifically stated that "the character as high seas of the waters above the Continental Shelf * * * [is] in no way * * * affected."

The administration itself, which, unfortunately, has favored this gigantic giveaway to the States, has had to do a certain amount of backtracking already in an effort to bring the offshore oil bill into conformity with constitutional and international law. But quite apart from the complications involved in giving indivdual States any kind of rights beyond the 3-mile limit, there is no justification that we can see in giving them even the oil between the low-water mark and the 3-mile limit.

Congress unquestionably has the right to do so if it chooses, but in doing so it nullifies decisions of the Supreme Court; it benefits a few States at the expense of the rest of us; it divests the Federal Government of control over a resource vital to the national defense; it paves the way for State claims even beyond the historic boundaries; and it raises a threat to the rest of our federally owned properties in public lands, forests, and parks throughout the Nation. The Senators, including Mr. LEHMAN, of New York, who are fighting the offshore oil legislation are doing a public service in calling its dangers to the attention of the country.

Mr. LEHMAN. The pending proposal is not that we correct an existing law. What is here proposed is that we change the judicial interpretation of the basic proprietary relationships between the States and the National Government, in the matter of national natural resources. It is further proposed that we vacate the National Government's sovereign regulatory powers in the marginal seas, and on the high seas beyond the 3-mile belt. What is proposed is in my opinion preposterous, to my way of thinking, but what is worse, it is shrouded in the garment of States rights.

If this is anything, it is a usurpation of States rights—a usurpation of the rights of 45 States, and of all the people of the Nation.

Here we have national resources belonging to the Nation. The Supreme Court says so. There is lying on the desk a proposal for the orderly development of those resources, under the aegis of private enterprise, but with due regard for the national defense and security—and I shall shortly come to that phase of the question.

There is also a proposal—it will be offered by my distinguished colleague, the very able senior Senator from Alabama [Mr. HILL]—to devote the vast income received as royalties from the development of the oil and other resources

in the submerged lands to the cause of education—to the building of school houses, and the hiring of teachers—to invest those sums in the future of our Nation, to wiping out illiteracy, to raising the level of learning in this great land of ours, for the children of all the families of all America, not just for those of Texas, Louisiana, and California.

Are the rights of all these children to be recognized by Congress, or shall we deny these rights to all these children? The committee bill proposes to deprive the children of the Nation of the rights they now have, in law, to these resources, and to turn those rights over to three States—Texas, Louisiana and California. This strikes me as unconscionable and intolerable.

Oh, I know, Mr. President, that the proposed legislation would give to other coastal States the equivalent rights in the submerged lands off their coasts. But Mr. President, let us remember the principle I enunciated some moments ago: "Where is the money? Where are the objects of substance and value?"

They are in the submerged lands in the open sea off Texas, California, and Louisiana, perhaps also off Florida, perhaps also off Alaska.

So the grant of theoretically equivalent rights to other coastal States is meaningless. It is worse than meaningless. Most coastal States will suffer from this proposed abdication of sovereign rights on the part of the United States and from the proposed enunciation by the Congress of a policy of extrusion of territorial rights beyond the 3-mile zone. All coastal States except those I have mentioned will lose their proper share in the resources of known value off the coasts of Texas, California, and Louisiana.

Other coastal States, such as Massachusetts, Maine, and Washington, will lose greatly, because of the new difficulties which their fishermen will confront in carrying on their activities off the coasts of other countries, such as Canada, which may well view our proposed extension of the territorial limits of some of our States into the open seas as more than ample justification for similar action off the Canadian coast.

Mr. President, speaking only in terms of practical values, even most of the coastal States will lose far more than they can gain. Those Senators from coastal States who vote for the committee proposal are reaching eagerly for a shadow, while letting the substance slip from their grasp and from the grasp of the Nation as a whole. I think that is far more important than the individual interest of a particular State.

As for the three States in question, Mr. President, may I remind them of Aesop's well-known fable about the monkey who tried to remove the nuts from the jar. He got his hand in easily enough, but when he had filled his fist with nuts he could not pull his hand out. What is here proposed is not far off the fable, and these three States may well find themselves in a position of not being able to pull the nuts out of the jar, once they have gotten from Congress the right to these resources.

If I may cite one further fable to the other coastal States represented in this Senate, I trust they will remember the fable about the crow and the cheese. The crow had the cheese, but when the clever fox had talked him into trying to sing, he opened his beak, and had neither song nor cheese. But the legislation before us, Mr. President, is not a fable, although some of its terms seem extreme and some of its purposes fabulous.

Actually, what is proposed here is a mischievous thing. It is fraught with danger. It is wrong in principle. It is perilous in practice.

Again let us revert to the question of what is invoked here, in actual substance. What is the cheese in this instance? What are the sums of money involved? What are we talking about?

I hope that the Members of the Senate have noted the estimates set forth in the minority report. This report estimated the value of the oil and gas reserves in the Continental Shelf, at today's prices, at $50 billion.

I wish now to refer to a recent report which was issued by 18 Texas geologists and registered engineers. This report makes an estimate of the oil, gas, and sulfur on the Continental Shelf off the coast of Texas. This estimate is not for the entire Continental Shelf, but only for that portion lying off the coast of Texas. The estimates are based on an analysis of proven reserves and production from wells which have been drilled in the same geological structure which begins in southern Mississippi and Louisiana and extends down the coast of Texas into the Gulf of Mexico. To quote from this report:

> These undeveloped lands * * * occur along the same structural trend and at similar depths to the large number of oil and gas fields and sulfur domes that are presently being produced in southern Louisiana on submerged areas raised above sea level by the great delta of the Mississippi River and its distributaries. The vastness of the oil and gas, condensates, and sulfur potential in this submerged land area is indicated by the discoveries made on the landward portion of this basin.

What do these engineers and geologists tell us lie in the Continental Shelf off the coast of Texas? First, they estimate that on the basis of the production already obtained from this same geological structure, "The gross ultimate income for gas at 15 cents per 1,000 cubic feet," and I am quoting now, "would amount to $9,291,000,000. The oil and condensates at an average of $2.65 per barrel, $29,179,150,000, and the sulfur at a value of $25 per long ton, $3,022,500,000, or a total of $41,492,650,000."

This $41 billion, the report says, is very conservative and it goes on to state that a more realistic forecast of the possible gross ultimate income would probably be twice the above figure, or say $80 billion.

These geologists and registered engineers estimated the value of oil, gas, and sulfur off the coast of Texas at $80 billion. Now, I have been told that Texans are sometimes prone to exaggerate just a little when they are talking to outsiders about Texas, but I don't believe it applies in this case, for this report was for home consumption; it was Texans talking to Texans, and not Texans talking to New Yorkers.

Then this Texas report goes on to estimate that on the basis of a 12 percent royalty, the amount of money that would accrue to the State government of Texas, as a result of the development of these reserves, would be $5 billion on the basis of the most conservative estimate of the oil and gas reserves; and royalties of $10 billion on the basis of the more realistic estimate of the size of the reserves of these resources.

Mr. DANIEL. Mr. President, will the Senator from New York yield?

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

Mr. DANIEL. So that they will not be misunderstood the figures the Senator has given of $5 billion or $10 billion apply to the entire Continental Shelf, do they not?

Mr. LEHMAN. That is correct.

Mr. DANIEL. Within the historic boundaries covered by the joint resolution there is only one-tenth of the area covered by the Continental Shelf, is there not?

Mr. LEHMAN. I do not see in Senate Joint Resolution 13 any reference to "historic boundaries."

Mr. DANIEL. It is already in the record that only one-tenth of the area of the Continental Shelf is within the historic boundaries, and the record shows that only one-sixth of the potential oil resources are to be found within historic boundaries. Therefore is it not true that under the Holland measure the Senator would have to divide his figures either by one-tenth or one-sixth in order to get the actual amount which might be received by Texas in the next 100 years?

Mr. LEHMAN. I do not know exactly what is covered in the Holland measure. Senate Joint Resolution 13 contains no reference to any specific boundary limitations.

Mr. DANIEL. Does the Senator really and sincerely mean that? The Holland joint resolution restricts the area of ownership which the State may claim to its historic boundaries as they existed at the time the State entered the Union. There may be doubt about some other State, but the Senator is talking about Texas, and I do not see how he could arrive at the conclusion that the pending bill covers anything with respect to Texas beyond its historic 3-league boundary.

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

Mr. LEHMAN. I yield to the Senator from New Mexico.

Mr. ANDERSON. I wonder whether the Senator from New York is able to define what the historic boundary of any State is, when it has been clearly stated that whatever the boundaries are, those are the boundaries, and the court must pass on them. We tried for days to ascertain what the boundaries of Louisiana were, and we have at least three answers, that they extend out 3 miles, and 3 leagues or 9 miles, and 27 miles. Somewhere between 3 miles and 27 miles is the answer.

While the very distinguished and capable Senator from Texas himself feels that 10½ miles is the correct figure, and I know he would contend that, there is nothing to stop a future representative of his State from claiming from 10½ to 150 miles, because it is impossible to read history and reconstruct it carefully enough to enable one to know what the boundaries are.

Mr. DANIEL. Mr. President, will the Senator from New York yield to me to ask the Senator from New Mexico a question?

Mr. LEHMAN. I yield for that purpose, if I do not lose my right to the floor.

Mr. DANIEL. I should like to ask the Senator from New Mexico whether throughout all the enjoyable hearings in our committee there was ever a word of evidence introduced under which anyone could argue and claim that the boundaries of Texas extended beyond 3 leagues at the time Texas entered the Union?

Mr. ANDERSON. No; there was not, but I also know that there is permission in the pending measure to extend the boundaries, although, frankly, I am not able to ascertain where they can be extended to, or who could extend them. I know that the junior Senator from Texas has been as straightforward as anyone could be, as was the distinguished Senator from Florida, but we must assume that others may come into the Senate at a later time who might not read the record in exactly the same way that these Senators have read it, and who might claim, regardless of what is said here in this debate, that the boundaries extended not 3 miles, or 3 leagues, but perhaps 150 miles.

Mr. DANIEL. I thank the Senator from New Mexico for his frank statement about Texas. As I understood, the Senator from New York was talking only about Texas, and I merely wanted it to be clear that so far as the pending resolution is concerned, the Texas historic boundary cannot be more than 3 leagues, or 10½ statute miles.

Mr. LEHMAN. Mr. President, I should be very glad to have the Senator from Texas point out where the historic boundaries of Texas are described in the joint resolution.

Mr. DANIEL. The joint resolution does not undertake to fix the historic boundaries of any State, but it limits them all to the boundaries as they existed at the time each State entered the Union. There is no dispute that Texas' gulfward boundary at that time was 3 leagues—10½ miles from shore. At the request of certain officials of the States, section 4 permits extension of the boundaries out to 3 miles in case the States have not already done that, but as to the State of Texas, the Holland joint resolution limits us by its terms. It quitclaims to Texas only such lands as were within our seaward boundaries at the time Texas entered the Union, and there is no evidence anywhere in the record that that was anything different from 3 leagues, or 10½ miles from shore.

Mr. LEHMAN. Mr. President, these vast amounts do not include the bonuses which the oil companies pay to the Government for the leases, in the first place, before starting to drill; they do not include the rentals. They do not include ad valorem taxes on the oil produced, or a gross production tax, or a pipeline tax—all of which are provided for under Texas law, and which would amount, according to the report to which I have referred, to billions of dollars, in addition to the billions already cited.

When we speak only of the resources off the Texas coast, we are speaking of potential Government revenues amounting to more than $15 billion.

Are these revenues to be given, by the National Government, to the State of Texas? Why, Mr. President, should they be given to that State? On what basis are we of the other parts of the Nation asked to bestow such a vast sum on the State of Texas. If we do so, are we true to our trust as the custodians of the national interest? Are we true to our trust as the custodians of the heritage and birthright of all Americans, including those yet to come? What will our posterity say of us, if we do this thing?

I realize that Senate Joint Resolution 13 is not specific about just how much of this land we shall give to the State of Texas. We are not sure whether it is within a 3-mile limit, a 10-mile limit, or possibly out to the edge of the Continental Shelf. We all know that in 1947 the Texas Legislature claimed a boundary extending to the edge of the Continental Shelf, and that there have been placed before the Interior and Insular Affairs Committee proposals which would give to the State of Texas the right to extract all the minerals to the edge of the Continental Shelf, as well as to extend the State's taxing power over this area.

Mr. HOLLAND. Mr. President, will the Senator from New York yield to me at this point?

Mr. LEHMAN. I yield.

Mr. HOLLAND. I am sure the Senator from New York would not want to have remain in the RECORD a statement which is as greatly at variance with the facts as is the statement he has just made, for there has not been introduced in the Senate a measure under which the resources in lands extending to the Continental Shelf would be given to the State of Texas. I call that point to the attention of the senior Senator from Texas at this time.

Mr. LEHMAN. I did not state that such a measure was before the Senate. I said proposals to that effect had been placed before the Committee on Interior and Insular Affairs.

Mr. HILL. Mr. President, will the Senator from New York yield to me at this time?

Mr. LEHMAN. I yield.

Mr. HILL. In the last Congress there was introduced a bill—as I recall, it was House bill 4484—to give to the State of Texas 37½ percent of any income or revenue from resources in the Continental Shelf, out beyond the lands lying under the marginal sea.

Mr. DANIEL. Mr. President, will the Senator from New York yield to me at this time?

Mr. LEHMAN. I yield.

Mr. DANIEL. Such a proposal is not contained in the Holland joint resolution, however, is it?

Mr. LEHMAN. No; it is not.

Mr. HILL. Mr. President, will the Senator from New York yield to me?

Mr. LEHMAN. I yield.

Mr. HILL. That proposal is not contained in the Holland joint resolution; but I am sure the Senator from Texas will not give us assurance that he will not request that very authority or introduce a measure containing that very proposal.

Mr. DANIEL. Does the Senator from Alabama mean that it would be submitted as an amendment to the Holland joint resolution?

Mr. HILL. Oh, no; not necessarily that; but of course such an amendment could be offered to a separate bill or other measure.

Mr. DOUGLAS. Mr. President, will the Senator from New York yield to me?

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

Mr. DOUGLAS. In the debate on the floor, did it not develop from the statement made by the Senator from New Mexico [Mr. ANDERSON] that when in the committee he submitted a proposal that this measure should specifically prohibit the conveyance of title to submerged lands beyond either the 3-mile or the 10½-mile limit that proposal was not adopted?

Mr. LEHMAN. Of course, that is quite true.

Mr. DOUGLAS. Is it not also true that the pending joint resolution is "open end," so that if it can be claimed that Congress has heretofore approved such a claim, or that hereafter Congress, by means of a so-called sleeper provision, may approve such a claim, State ownership and control far out on the Continental Shelf may, under the terms of this measure, be granted?

Mr. LEHMAN. That is quite true. It is specifically set forth in the pending joint resolution.

Mr. HOLLAND. Mr. President, will the Senator from New York yield to me at this point?

Mr. LEHMAN. I am glad to yield.

Mr. HOLLAND. Is it not true that, as a matter of law, the actions of a subsequent Congress will be just as effective to do what that subsequent Congress may desire to have done, regardless of whether the word "hereafter" is contained in the Holland joint resolution?

Mr. LEHMAN. Of course, that is perfectly true.

Mr. HOLLAND. I thank the Senator.

Mr. LEHMAN. But the distinguished Senator from Texas has been saying that the claim of Texas is limited to 10½ miles. However, certainly nothing to define that is contained in the pending measure.

Mr. HILL. Mr. President, will the Senator from New York yield to me at this point?

Mr. LEHMAN. I yield.

Mr. HILL. Is not the word "hereafter" more or less an invitation to future action?

Mr. LEHMAN. Certainly.

Mr. HILL. It opens the door, and is tantamount to a request for future action. Some persons might say, "You did not exactly promise it, but you implied that you would do something else when you included that word in the joint resolution."

Mr. LEHMAN. There is no question of it.

Mr. DOUGLAS. Mr. President, will the Senator from New York yield to me at this point?

Mr. LEHMAN. I yield.

Mr. DOUGLAS. Could not this clause of the joint resolution properly be called the come-and-get-it clause?

Mr. LEHMAN. I fully concur in that description.

Mr. President, in order that there may be no mistake in the mind of anyone, and in order that the record may be clear on this point, I ask unanimous consent to have printed in the RECORD, as a part of my remarks, section 4 of Senate Joint Resolution 13. That section is entitled "Seaward Boundaries."

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

SEC. 4. Seaward boundaries: The seaward boundary of each original coastal State is hereby approved and confirmed as a line 3 geographic miles distant from its coastline. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line 3 geographical miles distant from its coastline, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries. Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

Mr. DANIEL. Mr. President, will the Senator from New York yield to me?

Mr. LEHMAN. I am glad to yield.

Mr. DANIEL. Since the Senator from New York has agreed that this clause might be referred to as a come-and-get-it clause, and since the Senator from New York has inferred that the words "or is hereafter approved by Congress" constitute, in the case of the boundaries, an inference that other States intend to use that clause to extend their boundaries to further ownership, I appreciate having this opportunity to say to the Senator from New York that those words were suggested by the New York Port Authority for application to the State of New York. The witness told the congressional committee that the State of New York had not specifically set a 3-mile boundary, and that it had not been specifically approved by Congress; and, in order to be technically correct, he wanted this measure to provide that in the future, Congress could approve the boundary of the State of New York. The National Association of Port Authorities joined in that request, through official action of the association.

So I point out that the Senator from New York is going outside the Holland joint resolution and is dreaming up some ulterior motive when he refers to that clause, because it was inserted at the request of New York, and for the benefit of New York.

Mr. LEHMAN. Let me say to the Senator from Texas that, of course, I had no knowledge of the history of this particular section.

Mr. DANIEL. I thank the Senator from New York for permitting me to state its history.

Mr. LEHMAN. But let me say that the Port of New York Authority, which I think has done a splendid job for both New York and New Jersey, has no authority in any way even to express an opinion, save a private one, regarding the attitude of the State of New York. That authority is composed of members from the States of New York and New Jersey, and those members are appointed by the respective Governors of those States. The members of the authority have nothing whatsoever to do, so far as I know, with the coastal holdings.

Mr. DANIEL. Mr. President, will the Senator from New York yield further to me?

Mr. LEHMAN. I am glad to yield.

Mr. DANIEL. Knowing the history behind those words, as contained in the pending measure, would the Senator from New York be willing to submit an amendment to strike those words from the pending joint resolution, so as to have no further worry about boundaries hereafter approved by Congress?

Mr. LEHMAN. I do not think it is necessary for me to submit an amendment. I hope the entire joint resolution (S. J. Res. 13) will be defeated, for I believe it is opposed to the interest of the 159 million people of the United States.

Mr. HILL. Mr. President, will the Senator from New York yield to me at this point?

Mr. LEHMAN. I yield.

Mr. HILL. If the Senate will adopt the Anderson amendment, that will take care of the situation with regard to these words, will it not?

Mr. LEHMAN. Yes.

Furthermore, Mr. President, it is my impression that the Texas Legislature itself, by action taken by it, has extended or sought to extend the boundaries of Texas for a distance of 27 miles.

Mr. HILL. Not only has that been done, but subsequently the Texas Legislature sought to extend the boundaries of Texas to the edge of the Continental Shelf, a distance of approximately 150 miles.

Mr. DANIEL. That is correct, Mr. President, and that is how the leases which have been referred to were made. The Federal Government did not find the oil or initiate the developments we are discussing; the States initiated those developments.

On the other hand, the Supreme Court has ruled that Texas does not own the property within its extended boundaries, and in no measure which has been introduced are we asking the Congress to give us or to restore to us any property beyond our historic 3-league boundary in the Gulf of Mexico.

The pending joint resolution has been trimmed down to our historic boundaries, to lands which have been claimed in good faith under the solemn agreement with the United States that Texas would pay its own debts and retain its own lands. That is what we are talking about.

Therefore, why include all this extraneous matter, in the discussion of the pending joint resolution which is specifically limited to the boundaries of Texas at the time when Texas entered the Union?

Mr. HOLLAND. Mr. President, will the Senator from New York yield to me at this point?

Mr. LEHMAN. I yield.

Mr. HOLLAND. For the sake of the RECORD, I wish to remind the Senator from New York that last year, during the argument of this matter, the distinguished former Senator from Texas, Mr. Connally, argued at great length for a proposal, known as the Walters bill, which would have claimed for his State 37½ percent of the royalties coming from the outer Continental Shelf, and he sought to have the Senate seriously consider and adopt that proposal. However, when it appeared very clearly that other Members of the Senate would not support such a proposal, inasmuch as no other Member of the Senate spoke for it, Senator Connally was forced to resign himself to the passage of the Holland joint resolution, rather than to the passage of the bill he had favored.

Furthermore, the Senator from New York will recall that when I introduced my measure at that time, I made it completely clear that I and the other Senators who joined me in sponsoring that measure did not agree even with the philosophy of Senator Connally, who thought that 37½-percent participation should be given to the State of Texas; but, to the contrary, we thought that the lands to be restored to the States should extend out only as far as the historic State boundaries. I am sure the Senator from New York will recall that that was the sentiment of the Senate at that time, and I believe it is the sentiment of the Senate now.

I do not believe the Senator from New York or any of the other Senators who oppose the pending joint resolution—all of whom have a perfect right to oppose it, of course—should seek to create from this RECORD the impression that any Member of the Senate, and particularly the sponsors of the so-called Holland joint resolution—40 of us—wishes to have the pending measure restore to the States the lands beyond the historic State boundaries. To the contrary, we are confining ourselves to that limit, and we have in our joint resolution a specific provision that, as to the areas without, they are confirmed to the Federal Government. I hope the Senator from New York will understand that that is the purpose.

Mr. LEHMAN. I may say to the Senator from Florida I have no recollection of that particular colloquy, but I certainly have no intention or desire to question it.

At this point in the RECORD I wish to insert the entire report entitled "What the Submerged Lands of Texas or the So-Called Tidelands Case Means to Texas and Texans." I hope that it will help to enlighten the Members of the Senate and the American people in their study of the actual money involved.

The PRESIDING OFFICER. Is there objection? There being no objection, the report was ordered to be printed in the RECORD, as follows:

WHAT THE SUBMERGED LANDS OF TEXAS OR THE SO-CALLED TIDELANDS CASE MEANS TO TEXAS AND TEXANS

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 offshore submerged lands of Texas and Louisiana are but a continuation of the gulf coast embayment, part of which is located on land, part of which is covered by water. This structural province covers the entire Gulf of Mexico, including the shore areas immediately surrounding it.

This geological province is a very large basin into which rivers, during millions of years, have deposited sediments many thousands of feet thick. Folding, faulting, and uplifting through earth structural changes and piercement by salt masses have resulted in the formation of reservoirs favorable for the accumulation of gas, oil, and sulfur.

The oil fields located along the gulf coast of Old Mexico, Texas, and Louisiana are on the landward parts of this basin. The early discovery of these fields was due to the fact that these areas were above sea level where it was cheaper and easier to drill and not because the structures, traps, and salt domes do not occur where the land is below sea level. Sea level has nothing to do with the occurrence of these traps and structures.

With the increase in the demand for oil, gas, and sulfur and improved methods for exploration and drilling, development of the submerged lands became economically feasible and resulted in the discovery of numerous structures and fields off shore. These operations were successfully conducted on the submerged lands of Louisiana and Texas until the title to these offshore submerged lands was questioned by the Federal Government in Washington, after which all drilling was terminated on the submerged lands of Texas.

These undeveloped lands of Texas occur along the same structural trend and at similar depths to the large number of oil and gas fields and sulfur domes that are presently being produced in southern Louisiana on submerged areas raised above sea level by the great delta of the Mississippi River and its distributaries. (Refer map exhibit.) If, by geological happenstance, the Mississippi River had been diverted westward into Texas, at an earlier time, the reverse of the existing status would no doubt exist. The Texas structures and traps would have already been discovered and developed.

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. As of January 1, 1952, there were 1,085 oil and gas fields producing in Railroad Commission Districts 2, 3, and 4, within a 100-mile belt along the gulf coastline of Texas alone. From these fields, as of the same dates, 11.9 trillion cubic feet of gas, 5.046 billion barrels of oil and condensate, and 70.9 million long tons of sulfur had already been produced. As of the same date, there still remains a future estimated reserve, already discovered, to be produced, of 50 trillion cubic feet of gas, 5.965 billion barrels of oil and condensate, and 50 million long tons of sulfur.

The total gas, oil, condensate, and sulfur discovered in the coastal belt of Texas as of January 1, 1952, was, therefore, 61.940 trillion cubic feet of gas, 11.011 billion barrels of oil and condensate and 120.9 million long tons of sulfur. These total ultimate future recovery estimates are very conservative in that they do not include the fields discovered since the first of the year nor those yet to be discovered in the same land area. Seventy new fields have already been discovered this year.

The 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 have a potentiality for the production of oil, gas, condensate, and sulfur greatly in excess of these totals because of its greater area, better reservoir conditions, and the full use of modern methods of recovery.

However, if the potentialities be assumed to be limited to the equivalent of the ultimate recoveries as set forth above, then the gross ultimate income from the gas at 15 cents per 1,000 cubic feet would amount to $9,291,000,000. The oil and condensate at an average of $2.65 per barrel, $29,179,150,000, and the sulfur at a value of $25 per long ton, $3,022,500,000 or a total of $41,492,650,000. A more realistic forecast of the possible gross ultimate income would probably be twice the above figure, or say $80 billion.

A royalty of ⅛ accruing to the public school fund would amount to, say $5 billion on the minimum estimate or $10 billion on that of the more realistic figure, not including the amounts that would accrue as a bonus for leasing the lands or the rentals received therefrom. It also would not include any ad valorem taxes or a 5 percent gross production and pipeline tax, the latter alone would amount to $2 billion or $4 billion, respectively.

If the ownership to these potential oil, gas, and sulfur reserves are 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.

This brief review of what the submerged lands of Texas or the so-called Tidelands case means to Texas and Texans has been evaluated as a public service to the people of Texas by Texas geologists and registered engineers functioning solely as Texas citizens.

Alexander Deussen, Houston; David Donoghue, Fort Worth; L. A. Douglas, San Antonio; H. B. Fuqua, Fort Worth; George R. Gibson, Midland; Walter L. Goldston, Houston; Dilworth S. Hager, Dallas; Michel T. Halbouty, Houston; Oliver C. Harper, Midland; James S. Hudnall, Tyler; John S. Ivy, Houston; Charles P. McGaha, Wichita Falls; David Perry Olcott, Houston; Vincent C. Perini, Abilene; Harry H. Power, Austin; W. Armstrong Price, Corpus Christi; Wm. H. Spice, Jr., San Antonio; James D. Thompson, Jr., Amarillo.

Mr. LEHMAN. Now, Mr. President, these vast amounts represent a potential wealth that has been discovered in recent years. Twenty years ago, such legislation as is now before us would never have been dreamed of. There was no contention over the submerged lands, because nobody was interested in the submerged lands. Twenty years ago few people had any idea that there was anything of value in these lands. All so-called historic claims are without significance, Mr. President, because nobody thought of asserting or challenging rights which had no meaning in any event.

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

Mr. LEHMAN. I yield gladly.

Mr. DANIEL. I simply cannot let the Senator's statement pass unchallenged that 20 years ago no one had any knowledge of anything valuable being in these lands, or that no one had any interest in them. The record shows that oil was known to exist off the coast of Texas as early as the first Spanish explorations of our State. It shows that in 1925—that is more than 20 years ago—a Mr. Leonard J. Benckenstein applied to the Secretary of the Interior in Washington for an oil-and-gas lease in the Gulf of Mexico off the coast of Texas. The Secretary of the Interior replied that title to this land in the Gulf of Mexico was in the State of Texas, having been retained by the State under the annexation agreement when it entered the Union. So there was knowledge more than 20 years ago specifically as to oil, and more than 50 years ago specifically as to the lands needed by the Federal Government for a jetty off Galveston Island, extending from low tide 16,000 feet out into the Gulf of Mexico. The land was valuable enough for the Federal Government to need it and to want it for the purpose of building a jetty on it. To whom did the Federal Government go to get the title? To the State of Texas, because it was always understood that Texas retained these lands.

I merely wanted to point out that far more than 20 years ago the question was raised as to the lands being available for certain purposes, and that all these questions, until 1950, were decided in favor of the State of Texas.

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

Mr. LEHMAN. If I may first answer the question of the Senator from Texas, I shall be glad to yield. It may very well have been that the possibility of oil production from the submerged lands was known to scientists and to a few other people, but it was certainly not known generally, or considered of any importance. There were claims by a few isolated individuals.

Mr. HOLLAND and Mr. DANIEL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield, and if so, to whom?

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

Mr. HOLLAND. I appreciate the opportunity given by the Senator from New York to supplement the statement just made by the junior Senator from Texas, by reminding Members of the Senate that the record clearly shows that, as long ago as 1858, the Nation, desiring the use of certain submerged lands in the Gulf of Mexico lying seaward from Ship Island, in the State of Mississippi, asked for a grant, and received a grant from the Legislature of the State of Mississippi, granting that island, along with submerged lands extending 1 mile into the waters of the Gulf of Mexico. So that the question is not a new one; and multiplied instances could be cited, in which the titles to the States have been recognized, going back almost to the founding day of our Nation.

Mr. LEHMAN. The constitution of the State of Florida, approved in 1868, has been cited as the basis of Florida's claim to territorial rights out into the

open sea. Mr. President, we must all be reasonably aware that when the Congress approved Florida's constitution, no serious thought was given to this minor provision of that document.

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

Mr. LEHMAN. I yield.

Mr. DOUGLAS. Is it not a fact, as the Senator from Florida very generously stated on the floor of this body, that the question of boundaries was never considered in the debate on the floors of Congress in determining whether the Senators and Representatives from Florida were to be readmitted to the Congress?

Mr. LEHMAN. That is true.

Mr. DOUGLAS. It was never mentioned in the debate, or in the resolution of readmission, if we may so term it. The only provision was that, since the six States affected, including Florida, had set up a republican form of government, therefore, their Senators and Representatives should be readmitted to Congress.

Mr. LEHMAN. That is quite correct, of course.

Mr. President, we must all be reasonably aware that when the Congress approved Florida's constitution, no serious thought was given to this minor provision of that document. The question was: Should Florida be readmitted into the Union, and should its constitution be approved, as a democratic constitution, and satisfying the demands of the United States Constitution?

It could not be seriously argued that Congress would give approval, and the President sign, an enactment whose purpose was to extend the territorial limits of one State out into the open sea, beyond the limits claimed by the United States itself, before or since.

But again, Mr. President, these are legal questions. I do not pretend to be an authority on them. I am content to let the Supreme Court rule on such matters, and I accept the judgment of the Supreme Court on them.

The point I wish to make is that today we have an entirely different situation. These submerged lands contain resources of tremendous value, value to the Nation as a whole, and all its people—resources of vital importance for the national security.

Is the Nation going to enjoy the benefits of these resources? Are they to be developed in an orderly manner with due regard for the national security? Are the oil and gas and mineral resources to be developed in such a way as to meet the growing threat of an oil shortage which hangs over our heads, which would confront us with possible disaster in the event that we were cut off from our sources of supplies overseas?

Let us examine these questions.

Estimates of the United States Geological Survey show that there are at least 15 billion barrels of oil in the Continental Shelf off the United States. There are 33.7 billion barrels of oil in proved reserves within the continental limits of the United States, on shore, on what we now call the uplands to distinguish them from the submerged lands. Thus in the submerged lands we are dealing with at least 45 percent of the proved reserves we now have available for our country from all sources except Alaska.

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

Mr. LEHMAN. I yield.

Mr. HOLLAND. I am sure the distinguished Senator does not mean to give the impression that the 15 billion barrel estimate for the entire Continental Shelf is a proven reserve, when, to the contrary, the record shows clearly that 259 million barrels is the total of the proven reserve in the Continental Shelf.

Mr. LEHMAN. I have not so stated.

Mr. HOLLAND. I understood the Senator to say that we are dealing in the Continental Shelf with at least 45 percent of the proved reserves available for our country from all sources except Alaska, whereas, exactly the contrary is true. We are dealing with only a very tiny percentage.

Mr. LEHMAN. I referred to the proved reserves within the continental limits of the United States.

Mr. HOLLAND. The Senator was speaking of 33.7 billion barrels as contrasted with the 259 million barrels which represents all the known reserves of the Continental Shelf. So that they are an inconsequential proportion of the total.

Mr. LEHMAN. Where are they?

Mr. HOLLAND. They are within the Continental Shelf, as shown by the testimony of two experts from the Geological Survey in the Department of the Interior, as being the total proved reserves to be found in the Continental Shelf. The Senator should compare the figure of approximately a quarter of a billion barrels with the figure of 33.7 billion barrels.

Mr. LEHMAN. It seems to me that the argument of the Senator rather strengthens my statement.

Mr. HOLLAND. The Senator from New York had in mind the reserves in the entire Continental Shelf——

Mr. LEHMAN. I was quoting from a report of the Geological Survey.

Mr. HOLLAND. I hope the Senator will admit, what is undoubtedly the fact, that when he said we are dealing with at least 45 percent of the proved reserves, he was inaccurate.

Mr. LEHMAN. I should be perfectly willing to concede that they are not shown to be proved reserves, although they are shown in the report of the Geological Survey.

Mr. President, the Continental Shelf off Alaska represents another great potential reserve. Studies of Mr. L. C. Weeks for the American Association of Geologists suggests that there is an estimated reserve of 23.6 billion barrels of oil off the shores of Alaska in the Continental Shelf. If we add these official estimates of the reserves in the Continental Shelf off Alaska and the reserves in the Shelf off the rest of the United States, we have a total of 38.6 billion barrels, more than the total proven reserves in all the United States uplands today.

I wish to point out that I was speaking of estimates and comparing them with the proved reserves in the uplands of the United States.

Mr. HOLLAND. Mr. President, will the Senator from New York yield further?

Mr. LEHMAN. I yield.

Mr. HOLLAND. Does the Senator wish to say for the RECORD that the resolution now pending, or the Anderson bill, relates to Alaska reserves?

Mr. LEHMAN. I know it does not relate to Alaska reserves. I think the Senator from Florida will agree with me that it is only a question of a relatively short time when the Territory of Alaska will be admitted to the Union as a State. Then, of course, the proved reserves will belong to a State of the United States.

Mr. HOLLAND. Mr. President, will the Senator from New York yield further?

Mr. LEHMAN. I yield.

Mr. HOLLAND. At the time of the admission of Alaska to the Union—and I join with the Senator from New York in the hope that that time will come soon—must not the Congress fix the limits of Alaska rather than to include the whole Continental Shelf off Alaska running way out into the Pacific Ocean, the Bering Sea, and the Arctic Ocean?

Mr. LEHMAN. Of course, I recognize the wide powers of the Congress of the United States in determining the basis on which a State may be admitted, but on the principle of equal rights and equal responsibilities, I think it is a very reasonable and fair assumption on my part to say that Alaska will be admitted on the same basis as other States have been admitted on an equal footing.

Mr. HOLLAND. Does the Senator know of any instance in reference to the admission of any territory to statehood in which Congress has granted to the Territory then becoming a State the lands clear out to the Continental Shelf, or when such a suggestion has been made?

Mr. LEHMAN. No, I do not, of course. I think there is danger that some of the States now claim that right.

Mr. HOLLAND. The Senator from New York is certainly not contending, is he, that in any instance up to this time, when considering the claims for statehood by any Territory other than that of Texas and of the west coast of Florida, Congress has gone beyond the 3-mile limit?

Mr. LEHMAN. We have adopted in the Congress of the United States the principle of admitting new States on an equal footing. I cannot conceive that we will admit Alaska on less than an equal footing. When that time comes, the question of oil reserves will also be presented.

It is of crucial importance to realize that we are in danger of giving away to three States as much oil as can be found in the proved reserves of all the United States.

Mr. DANIEL. Mr. President, will the Senator from New York yield?

Mr. LEHMAN. I yield.

Mr. DANIEL. Does the Senator realize that the Continental Shelf has only a small fraction of the proved reserves as compared with the estimated future reserves? Does the Senator really mean that there is danger of giving away to three States as much as the present known reserves in the whole United States?

Mr. LEHMAN. I have not said we will do it. I said we are in danger of doing it.

Mr. DANIEL. The Senator means, by some other legislation?

Mr. LEHMAN. Not at all. I have quoted the figures of potential reserves of Texas and in other offshore areas. I read a little while ago from a report of reputable and responsible geologists which tells us that the value of the oil is $80 billion. It is as important in that one State as the value of all the proved reserves in continental United States.

I desire to point out again that there is no assurance that Texas will never ask for more than the area embraced within the 10½ miles. In fact, I would say that there is some indication that at some time in the future it may ask for a much larger area.

Mr. DANIEL. I think the Senator from New York has explained his statement and has answered my question. In other words, he is talking not about the pending resolution giving to three States as much undiscovered oil as can be found in the present proved reserves, but that some other legislation will do that.

Mr. LEHMAN. No. I believe the estimated reserve of oil in the Continental Shelf is at least as great as that in the proved upland reserve of the entire United States. Therefore, I say we are in danger of giving it away to three States.

Mr. DANIEL. But not by this joint resolution?

Mr. LEHMAN. It certainly would be in the joint resolution if it should be passed.

Mr. DANIEL. The Senator has spoken of an estimated one-tenth of the Continental Shelf——

Mr. LEHMAN. I think the joint resolution is an invitation to all coastal States to come and get it.

Mr. DANIEL. That is exactly what I had in mind by other legislation, not in this bill.

Mr. LEHMAN. That is why I say I feel there is great danger, which I deplore.

Mr. DANIEL. Yes; in the case of proposed legislation being offered in the future, but the danger is not in the terms of the pending joint resolution.

Mr. LEHMAN. Such a measure could be offered and enacted only if the joint resolution were passed. That is one of the main reasons why I do not want to have the joint resolution passed. It would open the door.

There are two other primary sources of oil from which the free world is today drawing its petroleum. The first of these is Venezuela, which has a proven reserve of approximately 10 billion barrels. The other great source is the Middle East, which has 86 percent of the oil reserves in the Eastern Hemisphere. There also exists a 2 billion barrel-oil reserve in Canada and a small reserve in Mexico.

Now when our defense planners look at the problem of supplying oil and petroleum products to the countries of the free world, they are faced with the stark reality that one of the great sources of the free world's oil is extremely vulnerable both to the danger of external attack and internal subversion. This is the oil now being produced and lying underground in the Middle East. For instance, the great Abadan refinery in Iran lies only 600 miles from the Russian border and can be reached from the Soviet Union by a modern highway. The largest oil well in the Middle East area, producing 150,000 barrels a day, is only 500 miles from the Caspian Sea, the Russian border. Here in the countries of Iraq, Iran, Kuwait, and Saudi Arabia are known reserves twice the amount we have in the United States today, but all less than 1 hour's flying time from Russian bases.

I need not remind my colleagues of the fact that this oil may be lost to the free world even though we may not become engaged in a major war. In recent months we have witnessed the effect of militant nationalism in Iran. The great refineries have been shut down, and the crude oil and refined products have not been flowing into the markets of the world.

We must look at the resources and reserves of the free world from the standpoint of their vulnerability to military or political elimination. We can only plan on the basis of the relatively nonvulnerable reserves.

The Middle East today is supplying the free world with approximately 2.5 million barrels of oil per day. Venezuela is shipping about 2 million barrels of oil a day, and the United States is producing 6.5 million barrels per day.

The Paley commission stated that—

> The gravest problem is the threat to the wartime security of the free world implicit in the pattern of the world oil supply that is taking shape. The Eastern Hemisphere, and Europe in particular, is coming to depend on huge imports of oil from the Middle East, which must be considered more vulnerable to attack by a potential enemy than are Western Hemisphere sources.

We in the United States today are consuming approximately 1 million barrels of oil more per day than we are producing. We are bringing our imported oil from Venezuela and the Middle East. Almost all of free Europe's oil is imported from the Middle East and Venezuela. In the event of war or further Middle Eastern revolt, where do we find ourselves? Of what value will our western allies be if the movement of their planes and military equipment is halted by lack of sufficient oil and gasoline? These are shocking questions which bring home the tremendous reliance the Western World has developed on readily available and nonvulnerable supplies of oil and oil products.

The press has carried, in recent weeks, apparently authoritatively reports on the vast expansion of the submarine fleet of the Soviet Union. There is evidence that the Soviet Union has the greatest submarine fleet that has ever existed, much larger than even our own.

Most of the Soviet submarines, according to these reports, are of the snorkel type, with a vast cruising radius. They can cross the oceans and strike at our supply lines not only from the Middle East, but from Venezuela as well. They need not surface. They do not need bases.

What such a submarine fleet could do to us and to our allies, in the event of war, in the way of interfering with our supplies of oil needs no further commentary from me.

So far I have looked only at the current demands for oil. We know the tremendous increase in demands which come with full-scale war. We also know that the annual consumption rate of petroleum products is increasing rapidly in both the United States and in the free world as a whole.

The Paley commission estimated that within 25 years the demand for crude oil in the United States will have increased 110 percent over that of 1950. The demands in Europe will have increased by 233 percent, and in South America also by 233 percent. This brings the total increased demands of the free world to an average of 168 percent.

The United States has embarked on great programs to rebuild the economic and military strength of the free world. We have engaged in programs to lend technical assistance to underdeveloped countries to broaden their economies. All of these programs will directly affect the increasing demands for oil next year, and every year following.

Armies, navies, and air forces are useless without a readily available supply of fuel. The industrial potentials of these revitalized countries will also be useless without adequate supplies of petroleum products.

This increasing demand can be most clearly illustrated by reference to a few facts. Not very many years ago the railroads of the United States relied almost entirely on steam locomotives using coal. Today over 85 percent of the engines on American railroads are diesel powered, and that percentage is growing greater every day. During World War II a P–51 fighter plane consumed about 65 gallons of motor fuel an hour. Today our jet fighters use 300 to 500 gallons per hour. A single B–36 bomber consumes 5 times as much fuel per hour as a B–17 consumes.

The United States is producing today about one-half of the world's supply of oil on approximately 30 percent of the world's proven reserves and probably a considerably smaller fraction of the world's undiscovered reserves.

In the event of a major war the United States reserves, along with the much smaller reserves in Canada and Venezuela, will have to supply most of the oil for the free world. The real impact of this demand begins to be realized when we see that 60 percent of the shipping tonnage transported to Europe during the last war was oil or oil products.

Mr. HILL. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER (Mr. FLANDERS in the chair). Does the Senator from New York yield to the Senator from Alabama?

Mr. LEHMAN. I yield.

Mr. HILL. Since the Senator from New York is speaking about oil consumption during time of war, is it not true that if an enemy should take the Middle East and cut off the supply of oil from the Middle East to Europe, Europe would be entirely dependent on the United States and the other countries of the Western Hemisphere for oil? We speak today about the industrial develop-

ment and the productive capacity of Europe. But without oil, there could be no productive capacity. Europe would have to look to the United States and to other areas in the Western Hemisphere for oil if the Middle East oil resources were not available to Europe.

Mr. LEHMAN. The Senator from Alabama is completely correct in his statement.

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

Mr. LEHMAN. May I finish my thought?

I do not think that even through the development of oil reserves off the coastal States we shall be able to take care of all the demands which will be made upon us in the event of an all-out war, but we can go a long way toward doing so. That is why I want to be certain that we are in a position to develop these offshore oil reserves and to conserve our inland oil resources.

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

Mr. LEHMAN. I yield.

Mr. DANIEL. I wish to call the Senator's attention to the fact that under the concept of State ownership of submerged lands and regulatory power over all oil production during two World Wars, there was produced sufficient oil to take care of our war machinery. If the oil that is within the original boundaries of the States is allowed to remain under State management, the States will not burn it or hide it from the Federal Government. It will be available under the very terms of the joint resolution. The Federal Government is to have the first opportunity to get any of this oil which might be needed for national defense. The record of our committee shows that it can be produced by private industry under State control cheaper than the Federal Government itself can produce it.

Mr. LEHMAN. Let me say to the Senator from Texas that I shall advert to that very question in the next few pages of my speech.

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

Mr. LEHMAN. I yield.

Mr. HILL. There is no thought on the part of anyone, is there, that the Federal Government itself is to produce oil? The Federal Government would lease the oil lands to private interests, just as the States would.

Mr. LEHMAN. There is no thought on the part of anyone that the Federal Government would itself produce the oil. But it is a fact that if the Federal Government were enabled to retain control of the oil lands, it would be in a position to proceed rapidly, whereas otherwise there might be endless litigation.

The United States must have a sufficient standby oil production capacity to enable us quickly to pick up the deficit of crude oil resulting from loss of vulnerable sources of supply.

General Johnson, of the Munitions Board, has estimated that we must have at least a 15 percent standby capacity in crude production and refinery capacity, and to be safe we should have a 25 percent margin. Today it is estimated that we have not more than 11 percent or 12 percent standby capacity. We need to develop new wells and new fields as rapidly as possible to provide this production margin. We must not be placed in a position of having to damage our existing wells by too rapid extraction of oil.

How then, can we achieve this standby production capacity in our relatively nonvulnerable oil wells in the United States in order to meet the possible loss of vulnerable fields? We must be able to replace the approximately 1 million barrels of oil we import each day, and be ready to supply Western Europe and the free world in the event the Middle East fields are destroyed.

It has been pointed out that oil wells on the Continental Shelf would be very vulnerable to attack from enemy submarines. This is undoubtedly true. Total reliance must not be placed on our offshore wells to supply us in the event of war. However, the offshore wells would be less vulnerable and more easily protected by subchasers and air cover than oil from the Middle East or even from Venezuela or Colombia. Nevertheless, it is my opinion—and I believe this would be substantiated by our defense planners—that we should develop the offshore wells as rapidly as possible, and keep our inshore or upland wells producing at a moderate or restricted rate, so that, in the event of war, most of the increased production can come in quickly from inshore fields.

The development of producing wells offshore is, of course, more costly than the drilling of wells on land. The exploration and mapping of geological structures is more complex when developing the ocean bottom. The construction of piers or floating platforms involves greater capital outlay, and the transportation of the oil from offshore pools may involve considerable costs. It is my firm conviction that, regardless of the difficulties involved, the private oil industry in the United States has the technical know-how and capacity to develop the oilfields in the submerged lands off our shores. I believe these pools should be developed by the private oil industry with full and constructive competition governing their operations.

The Paley commission, in its analysis of how to achieve the development of these offshore oil reserves in the quickest possible time, raised the possibility that some type of subsidy arrangement, through the adjustment of royalties, might be required in order to make feasible full-scale development of offshore oil by private industry. I am not competent to discuss the advisability of such a procedure. I do know that we must provide for the development of these reserves now, today.

We must assume that offshore wells will be more vulnerable to enemy attack in time of war than inland wells, and thus it is only logical to devise a method by which our peacetime oil demands are met more and more from offshore wells while we hold our inland wells to limited production.

I hope that the Malone subcommittee of the Interior and Insular Affairs Committee, which has been assigned the highly important task of studying and investigating our national fuel reserves and the formulation of a national fuel policy, will go into these problems and come forth with recommendations and proposed legislation.

In any event, let me summarize the defense aspects of the question now before us:

First. The United States is today importing one-sixth of the oil it consumes.

Second. The free world will have to rely primarily on the United States for a nonvulnerable source of oil in the event of a major war.

Third. Domestic production of inland oil can be increased by only 11 or 12 percent, and we should have at least a 15- to 25-percent standby production capacity to meet the possibility of the loss of overseas supplies and to meet the minimum emergency needs of our allies.

Fourth. The last great undeveloped oil reserves in the United States lie in the Continental Shelf off our coasts and today it is largely undeveloped.

Fifth. Wells producing from the Continental Shelf will be more vulnerable to enemy attack than those producing from inland fields.

Sixth. We should develop as rapidly as possible the offshore wells, drawing from them as much as possible for our peacetime needs, and at the same time developing an equitable method of protecting our inland reserves from too rapid depletion.

Seventh. The demands for oil in peacetime as well as during war are going to increase very rapidly during the next 25 years, thus requiring the most careful planning and development of our oil resources.

Where do these conclusions leave us with regard to Senate Joint Resolution 13?

I do not believe that Senate Joint Resolution 13 would permit private companies desiring to develop oil wells in the submerged lands to proceed as rapidly as they should. As is plainly indicated in the hearings and in the debate thus far, considerable litigation is certain to result from this legislation. This litigation will involve, among other things, the determination of the exact areas in which individual States can lease submerged lands. The distinguished chairman of the Interior and Insular Affairs Committee [Mr. BUTLER of Nebraska] has repeatedly stated that he does not know the exact location of the boundary lines of the States as defined in the pending legislation. The Attorney General originally recommended the drawing of a line on a map to prevent just this sort of litigation, but that proposal was never pursued. How can private companies be expected to invest millions of dollars in developing lands, jurisdiction over which will certainly be in litigation pending the final determnation of these seaward boundary lines?

I would further like to point out to the Senate that at least one State, Rhode Island, can be expected to initiate legal proceedings to test the constitutionality of the basic premises on which Senate Joint Resolution 13 rests. Such litigation would probably test the constitutionality of both the provision in the pending bill relinquishing title to certain of the submerged lands and that

further provision vesting in the States full rights to administer, lease and manage the submerged offshore lands. The Supreme Court, on three occasions in recent years, has clearly stated that the Federal Government has paramount rights and dominion over this offshore area. Such new litigation might very well act as a deterrent to the development of the offshore reserves, as has been the case in the past 7 years during the consideration of the California, Louisiana, and Texas cases.

We cannot afford to have this great oil reserve undeveloped. On the other hand, we cannot expect private investors to proceed to develop these fields when there still will be serious legal question concerning not only the basic constitutionality of the legislation, but also the precise areas with which the legislation deals.

Senate Joint Resolution 13 apparently does not deal with the entire Continental Shelf. We know that the great bulk of the oil lies beyond the so-called "historic" boundaries of the States. Senate Joint Resolution 13 does not provide for the development of this area either by the States or the Federal Government. The distinguished chairman of the Interior and Insular Affairs Committee has assured us that the next matter to be considered by this committee will be legislation dealing with the remainder of the Continental Shelf area—whatever that remainder is. He has stated that he expects to have such legislation reported out by the time Senate Joint Resolution 13 has been disposed of.

This, Mr. President, is one of the reasons I am opposed to the passage of Senate Joint Resolution 13. But we are not at a loss for a substitute which would do what I have proposed. Substitute legislation will be offered by the distinguished Senator from New Mexico. I am a cosponsor of this proposed legislation, and I strongly urge the Senate to support the Anderson substitute when it comes to a vote.

Mr. President, we cannot risk not having our naval tankers filled and ready when our task forces prepare to move to defend our coasts and our freedom. We cannot afford to have our strategic air force grounded for lack of gasoline and jet fuel. We cannot afford to have our armored divisions at a standstill for lack of fuel. We cannot afford to have our jet-propelled missiles and planes grounded while an enemy bomber force approaches. We cannot risk the loss of our industrial capacity for lack of readily available petroleum products.

These are the dangers which now confront us. We can eliminate a great part of this risk through wise and speedy action by our Congress. This is why I desire to see legislation passed now which will permit the prompt and proper development of the great offshore reserves.

Mr. President, I stand before the Senate as a Senator from New York, from a State which, in my judgment, has much to lose from the passage of Senate Joint Resolution 13, the Holland joint resolution, and much to gain from the passage of the Anderson bill and the Hill amendment.

New York stands to lose, not as a State, but as an integral part of the United States. New Yorkers stand to lose not as New Yorkers, but as Americans.

Next week, Mr. President, I propose to describe at some length what New Yorkers stand to lose in this legislation, and what it would mean to the Nation if New York took the same attitude that Texas, and California, and Louisiana are taking in regard to the proposed legislation.

But today, Mr. President, I am prepared only to appeal to the Senate, and to the country, to oppose Senate Joint Resolution 13, and to support in its place the Anderson bill and the Hill amendment, which is more needed than any measure that has been needed during the years I have been a Member of the Senate.

To do otherwise will be to open up a Pandora's box of litigation, to set a precedent for grabs of Federal property and of our national resources, which the Nation will have good cause to regret in the months and years ahead.

Those who plead the case of Louisiana, Texas, and California today will not be able to withstand the appeals of Wyoming and Montana and Nevada and Washington tomorrow. The forests will go. The parks will go. The water power will go. What will remain?

Mr. President, the decision we will soon make will hang over our heads for years to come. I pray that we will decide wisely. Let us decide in the interests of all the people, of our national security, and of our Nation itself.

Mr. KUCHEL obtained the floor.

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

Mr. KUCHEL. I yield.

Mr. MORSE. I believe the Senator is about to embark upon his maiden speech in the Senate, is he not?

Mr. KUCHEL. Yes.

Mr. MORSE. Will the Senator permit me to extend to him the courtesy and to the Senate the compliment of calling for a quorum?

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

Mr. MORSE. I ask unanimous consent that when the Senator resumes his remarks after the quorum is developed, it may not be held to constitute the beginning of the Senator's second speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the order for the calling of the roll be rescinded and that the proceedings in connection with the call of the roll be suspended.

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

The Senator from California [Mr. KUCHEL] has the floor.

Mr. KUCHEL. Mr. President, the State of California, together with the other States of the Union, views the pending proposal, Senate Joint Resolution 13, as one of transcendent importance. California hopes that the wisdom of the resolution will be recognized by the Senate, that the Senate will pass it, and that it will thus be on its way to becoming law. California believes that a wrong will be corrected, and that simple equity will be done when, and if, the joint resolution shall become law.

For a matter of a little more than 3 months now, I have had the honor, along with my able senior colleague [Mr. KNOWLAND], to represent the State of California in the United States Senate. Each of us is a cosponsor of Senate Joint Resolution 13, authored by the distinguished senior Senator from Florida [Mr. HOLLAND]; and I hope, Mr. President, that it may not be considered inappropriate for one who is a new Member of the Senate to comment upon the joint resolution and upon some of the reasons which prompt him to support it.

THE HISTORICAL BACKGROUND OF CALIFORNIA

It is my desire to discuss, for a few minutes, a portion of the historical background of California in connection with the subject matter of the joint resolution, and with the decision of the United States Supreme Court in the case of *United States* v. *California*, a decision which has raised a signal of warning to every sovereign State in the Union.

What, Mr. President, are the facts? The facts are that in 1849 California adopted a constitution providing that her boundaries extended 3 English miles into the Pacific Ocean. Our constitution was presented to the Congress of the United States on February 13, 1850. Congress accepted that constitution, and, on September 9, 1850, passed an act admitting California into the Union. This was a solemn act on the part of Congress. For almost 100 years thereafter, California asserted, exercised, and relied upon undisputed rights of ownership and control over all submerged lands beneath her navigable waters within these boundaries, extending 3 miles out to the sea. During this period of time, the California Supreme Court repeatedly held that title to this area was vested in our State.

Between 1851 and 1945, California made 85 grants of property in the submerged lands offshore, to municipalities and to other political subdivisions of the State. In 1911, California made grants to the city of Los Angeles and the city of Long Beach, so that the boundaries of these municipalities were extended into the submerged lands off their shores.

During the entire period of California's statehood, up to the time suit was brought against the State by the Federal Government, California's title to the coastal submerged lands within her boundaries remained unchallenged. Whenever the Federal Government desired use or control of any of such lands for its own purposes, it acquired them from the State by grant deed upon payment of agreed compensation, or through the exercise of the power of eminent domain, or by deed of gift, from either California or her grantees. The record is full of instances of such transfers having occurred. Let me cite but one. Long before the decision of the Supreme Court in the California case, the city of Long Beach, in my State, gave the Federal Government over 500 acres of submerged lands, and charged the Federal Government $1 for all of it.

In addition to these evidences of ownership and jurisdiction on behalf of California, our State, its grantees and lessees have occupied, possessed, and used large portions of the submerged area within its boundaries in the following ways:

First. Building wharves, piers, breakwaters, moorings, seawalls, and jetties.

Second. Drilling into and beneath the submerged lands as far as 2 miles offshore in the discovery and development of oil and gas.

Third. Assessing and collecting taxes upon interests in the submerged lands.

Fourth. Regulating and controlling fish and fisheries all on the basis of State ownership.

Fifth. Leasing areas in the ocean for the harvest of kelp.

Sixth. Expending large sums of money in developing and improving substantial portions of this 3-mile area.

The area of submerged coastal lands within the boundaries of California is approximately 3 million acres. Along its 1,100 miles of coastline—the title to every foot of which has been placed in jeopardy by the Court's decision—only 15 miles, or something over 1¼ percent, have been productive of petroleum. It was upon this small area of California's coastline that some people in the Federal Government cast covetous eyes, not long after petroleum had been found in any quantity.

Because it was the petroleum issue that precipitated this problem, I should like to develop some of the history of California as respects the discovery of oil along a part of her coastline. The first recorded oil development on tidelands and submerged lands of my State was at Summerland in Santa Barbara County in the year 1877. The first well there was located on the beach, where oil seepages had been observed. By the end of 1895, there were eight productive wells on or adjacent to the beach at Summerland. The results obtained in these oil wells attracted much attention to the area, and an extensive drilling campaign on the submerged lands there commenced in 1896.

In June of 1900, when development in this area reached its climax, there were 22 operating companies and 305 producing wells. By 1906 a total of 412 wells had been drilled from wooden wharves and piers extending from the beach out over the submerged lands. The production of oil at Summerland thereafter decreased, however, and after the year 1940, there was no oil production from the submerged lands in that area. The entire production per well had always been small.

The first State oil and gas leasing law in California was enacted in 1921—Chapter 303, Statutes of 1921. This law provided for the issuance of prospecting permits and preferential leases to permit drilling when commercial production was demonstrated. Between 1929 and 1931, oil development took place at Rincon and at Elwood in Ventura and Santa Barbara Counties. In 1930, the first well was drilled off Huntington Beach in Orange County. In the 1930's oil was also developed from submerged lands off the area southeast of Terminal Island—Senators will remember that in connection with the war effort—or, what might otherwise be described as the entrance to what was the original San Pedro Harbor. With the completion of the first discovery well in the submerged lands offshore from Huntington Beach in 1930, activity increased in that area, and 12 wells were completed there between 1930 and 1934. Development of this field, after 1929, proceeded in accordance with State legislation which required that the undersea oil pool be reached from drill sites located on the uplands, through directional or slant drilling, as it is known.

In the area of the city of Long Beach, the first upland discovery well was drilled in 1936. Following this first discovery, submerged lands drilling off Long Beach progressed rapidly until, at the present time, over 700 wells have been drilled, developed and are producing oil under drilling agreements between the city of Long Beach and its contracting parties.

Then, in the 1930's, applications for Federal leases on these same offshore areas began to be filed. They were filed by individuals who, for the first time, urged that the 3-mile belt within California's boundaries did not belong to California, but belonged rather, under their contention, to the Federal Government.

THE HISTORIC POSITION OF THE UNITED STATES

These applications squarely presented the issue of State ownership of these lands. In rejecting one such application, the late Harold L. Ickes, then Secretary of the Interior, issued a ruling on December 22, 1933.

I ask unanimous consent that the entire letter, containing the ruling, be printed in the RECORD at this point as a part of my remarks; and then I want to read but one or two sentences from it.

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

THE SECRETARY OF THE INTERIOR,
Washington, D. C., December 22, 1933.

Mr. OLIN S. PROCTOR,
Long Beach, Calif.

MY DEAR MR. PROCTOR: I have received, by reference from the Department of State, copies of your letters of October 15 and November 22.

As to the jurisdiction of the Federal Government over lands bordering on tidewater, the Supreme Court of the United States has held in the case of *Hardin* v. *Jordan* (140 U. S. 371), as follows:

"With regard to grants of the Government for lands bordering on tidewater, it has been distinctly settled that they only extend to high-water mark, and that the title to the shore and lands under water in front of lands so granted enures to the State within which they are situated, if a State has been organized and established there. Such title to the shore and lands under water is regarded as incidental to the sovereignty of the State—a portion of the royalties belonging thereto and held in trust for the public purposes of navigation and fishery—and cannot be retained or granted out to individuals by the United States."

The foregoing is a statement of the settled law and therefore no rights can be granted to you either under the leasing act of February 25, 1920 (41 Stat 437), or under any other public-land law to the bed of the Pacific Ocean either within or without the 3-mile limit. Title to the soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State. A permit would be necessary to be obtained from the War Department as a prerequisite to the maintenance of structures in the navigable waters of the United States, but such a permit would not confer any rights to the ocean bed.

I find no authority of law under which any right can be granted to you to establish your proposed structures in the ocean outside of the 3-mile limit of the jurisdiction of the State of California, nor am I advised that any other branch of the Federal Government has such authority.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

Mr. KUCHEL. In this letter it will be noted that Mr. Ickes quoted from the case of *Hardin* v. *Jordan*, cited in the letter, as follows:

> Title to the shore and lands under water is regarded as incidental to the sovereignty of the State—a portion of the royalties belonging thereto and held in trust for the public purpose of navigation and fishery—and cannot be retained or granted out to individuals by the United States.

Mr. Ickes continued:

> The foregoing is a statement of the settled law and, therefore, no rights can be granted to you—

Meaning to the applicant, in this instance—

> 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. * * *
>
> 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.

THE POSITION OF THE UNITED STATES CHANGES

For whatever reason may have motivated it, the Department of the Interior thereafter began to change its mind. It began to back away from the forthright position taken in the letter to which I have referred. And then, on May 29, 1945, the Federal Government filed suit in the Federal district court in southern California claiming ownership of land below low-water mark off the coast of California. This suit was later dismissed and a new complaint was filed in October 1945 by the Federal Government against the State of California in the United States Supreme Court, as the Court of original jurisdiction. The far-reaching results of the Court's subsequent decision are well known. The United States Supreme Court held that California is not the owner of the 3-mile marginal belt along its coast. It announced that the Federal Government has "paramount rights in and power over" that area. It declined, however, to hold that the Federal Government owned the area. The Federal lawyers asked the Court to decree that the United States had rights of proprietorship in those lands. The Court refused to do so, and struck out this language of proprietorship.

I have listened to the able senior Senator from Oregon [Mr. CORDON] and other able Members of the Senate, recite in detail numerous decisions of the Supreme Court, indicating that the lands

beneath all navigable waters were reserved to the States. Typical of these many decisions is *Pollard* v. *Hagan* (3 How. 212, 229). In that case, the Court said in part:

> The territorial boundaries of Alabama have extended all her sovereign powers into the sea. * * * The shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States respectively. Second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States.

I have heard comments made on the Senate floor that such language used in many such Supreme Court decisions was merely dictum and, therefore, not of determinative effect in the issue. But the fact is, as Senators know, that the Supreme Court, in its decision in the California case, made the significant admission that the Court had, many times, in past decisions "used language strong enough to indicate that the Court then believed that the States also owned soils under all navigable waters within the territorial jurisdiction, whether inland or not."

So, I think it can be said in entire accuracy that there never was a court decision which ever raised the slightest question as to who owned the submerged lands within the historic boundaries of California, or of any other State, until the agitation in some quarters in the 1930's leading up to the decision in the 1947 California case. The text of that case itself stands as testimony to the truth of this fact.

As a result of this novel "paramount rights" doctrine, a state of uncertainty has arisen. Representatives of the American Bar Association have termed that doctrine "strange," "extraordinary," and "unusual." As Manley O. Hudson, famed lawyer and judge, has said, with reference to the decision in the California case:

> It is a reversal of what all competent people had taken to be the law relating to those lands a few years ago. This is a capital fact that I feel the Congress will have no disposition to ignore. It may be said that it was the general feeling throughout almost the entire Nation that ownership of the lands beneath any navigable waters, within their boundaries, whether coastal or interior, was placed in jeopardy and that no State could have any sense of security in its ownership of these properties, however long such ownership had been fully recognized by the Federal Government.

The effect, Mr. President, of this decision is to create a new concept of Federal rights to property within State boundaries. Lands under navigable inland waters are presumably owned by the States, but even here a doubt has arisen, because of the following sentence in the Court's decision:

> The Government does not deny that under the Pollard rule, as explained in later cases, California has a qualified ownership of lands under inland navigable water, such as rivers, harbors, and even tidelands down to the low-water mark.

I emphasize, Mr. President, that the phrase used here is "qualified ownership."

On the other hand, lands under navigable waters, outside of inland waters are, by the decision, subject to Federal paramount rights, including dominion over natural resources. Ownership of these lands is not decided. The Supreme Court said that the Federal paramount rights in these lands and dominion over their resources are necessary in order to fulfill the responsibilities of the Federal Government for national defense and for international relations. Prominent lawyers and judges have pointed out the dangerous implications of the Court's pronouncement. These Federal responsibilities exist throughout our country, as pointed out by Justice Stanley Reed when he said in his dissenting opinion:

> 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.

For that reason, Mr. President, there is, it seems to me, sound ground for the growing fear that this paramount rights doctrine may someday be applied to other lands presently believed to be under State jurisdiction. There we have the reason why Senators from every section of our country have joined in sponsoring Senate Joint Resolution 13.

A BRIEF EXPLANATION OF THE SENATE RESOLUTION

Mr. President, Senate Joint Resolution 13, as it was approved by the Senate committee, declares it to be in the public interest that title and ownership of lands and resources beneath navigable waters within State boundaries are recognized, vested in, and assigned to them. It also provides that the rights of States to develop and use such lands and resources is recognized, vested in, and assigned to them. In other words, this joint resolution would recognize and confirm for the future what had been accepted and relied upon as the law prior to 1947 by the Federal Government and the several States.

In recognizing State ownership of lands beneath navigable waters within historic State boundaries, this joint resolution wisely makes no attempt to define exactly what those boundaries are. In substance, the resolution provides that each of the States has ownership of all lands beneath navigable waters extending, in the case of littoral States, 3 geographical miles seaward from its coastline, or to its historic boundary. But where, you may ask, is the coastline? The joint resolution does not provide a metes-and-bounds description of the coastline; rather, it provides that the coastline is the line of low-water mark, or, where there are inland waters such as bays, the seaward limit of those inland waters. What constitutes inland waters, what the seaward limit of those waters may be, and what the low-water mark is are questions left open for future adjudication.

THE RELEVANCY OF BOUNDARY DEFINITIONS

Criticism has been heard, both in committee and on the floor of the Senate, on the failure of this joint resolution to provide a metes-and-bounds description of the submerged lands in question. Some insist that the resolution should define with exactness the coastline and the boundary of each State. When we consider the background of this problem, I think, Mr. President, you may agree with me that these critics are in a paradoxical position.

In the California suit the Federal Government contended that the United States owned the lands seaward of the low-water mark and outside inland waters, on California's coast, running 3 nautical miles into the sea. California urged that the lands were not sufficiently described and that the 3-mile belt was unidentified. The Supreme Court brushed aside this contention of my State. Said the Court:

> Certainly demarcation of the boundary is not an impossibility * * * and there is no reason why, after determining in general who owns the 3-mile belt here involved, the Court might not later, if necessary, have more detailed hearings in order to determine with greater definiteness particular segments of the boundary.

Here, Mr. President, Senate Joint Resolution 13, following the guide furnished by the Supreme Court, would determine, in general, who owns the 3-mile belt, and would leave precise definition of the boundary for later determination. To those who object to the resolution on the grounds that coastlines and boundaries are not definitely established by it, I answer, in the language of the Court, "demarcation of the boundary is not an impossibility."

But it would take a long time, Mr. President, to define them with accuracy for each littoral State. Witness again the California situation, where the Court appointed a Master to assist it in locating the 3-mile belt. Six years after the original decision, the Court has not yet found where California's coastline is, along a very few miles of our shore.

THE ISSUE OF INLAND WATERS

The main issue involved in these current Supreme Court proceedings is the extent of California's inland waters. Since that matter is now before the Court, I do not intend to comment on it in detail. However, I will say that, having persuaded the Court in 1947 that California's ownership, albeit qualified, is limited to navigable inland waters, the Federal attorneys now claim that such inland waters along our coast are almost nonexistent. It seems to me that these attorneys are now seeking to overturn the established meaning of what inland waters are, just as in the main part of the California case, they persuaded the Court to accept the new paramount rights doctrine. For instance, these attorneys have argued that each of five California bays, long recognized and claimed by California as bays, are not bays at all.

A graphic example of this occurred in connection with Santa Monica Bay. The indentation at Santa Monica was explicitly held to be a bay by the California supreme court in the case of *People* v. *Stralla* (14 Cal. 2d 617 (1939)). During the course of that case, the United States attorney in southern California appeared and stated that he was "acting on the express direction of the Attorney General of the United States and in that name and in behalf of the United States." He filed a brief, in which he strongly urged the Court to hold that Santa Monica was a bay, and the California Supreme Court agreed.

However, when the matter arose in the Master's proceedings to fix an exact coastal line in California, the Federal Government repudiated this prior position, and asserted that Santa Monia Bay is not a bay at all. Thus, once again, representatives of the Government of the United States took one position with respect to California in 1939, and a completely opposite one a decade later. I cite this example, also, to indicate the difficulty Congress would encounter in establishing, by metes-and-bounds, coast lines and boundaries.

CALIFORNIA'S BOUNDARY STATUTE

One other question which has arisen in these debates is the California boundary statute, adopted by my State in 1949. When California was admitted into the Union, its constitution provided that its boundary was to extend 3 English miles into the ocean and also to include all the islands, harbors, and bays along and adjacent to the coast. In 1949 the California Legislature passed an act which sought to interpret and define the intent of the general language of the 1849 constitution. This act provided, in effect, that the State's western boundary is a line 3 miles oceanward from her farthermost islands.

I am afraid, Mr. President, that the 1949 boundary statute of my State is now interjected in this discussion in an attempt to demonstrate that somehow, in some manner, Senate Joint Resolution 13 would extend the boundaries of my State, or of any State similarly situated, beyond that which it originally had. But that is simply not so.

Whether the 1949 statute is valid is a question for the courts. It has been drawn to the attention of the Supreme Court in the Master's proceedings to determine the State's inland waters along part of the coast.

The point here, however, is that the pending joint resolution has no effect on the 1949 act. It neither validates nor invalidates it. The effect of this act of the State of California awaits judicial determination. California, like every other State, will have an equal opportunity to establish the location of its own coastline and historic boundary. This is the basic, underlying equity of the resolution.

THE MATTER OF NATIONAL SECURITY

Against the resolution is now raised the objection that, if passed, it would weaken the security of the United States. No Member of the Senate, or of Congress, or of the administration, indeed, no patriotic citizen of the United States, desires to do anything to weaken our national security. Let me, in this connection, quote from the testimony of Mr. Jack B. Tate, Deputy Legal Adviser of the State Department, appearing before the Senate committee on March 3 of this year:

> 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 (p. 1053).
>
> 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 rights to the 3 miles, plus the right to the Continental Shelf as set forth in the 1945 proclamation. * * * Whatever the United States has as far as the international aspect is concerned, it may divide up with the States as it pleases (p. 1086).

Permit me also to quote from Mr. Justice Reed in his dissenting opinion in the California decision:

> 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.

So, Mr. President, in the light of statements such as these, I very much doubt that anyone can urge successfully a negative vote against Senate Joint Resolution 13 on the basis that it would weaken our national security. The situation which prevailed from 1789 to 1947 will be exactly the same situation which will prevail in the future if and when Senate Joint Resolution 13 becomes law. During all that prior period of our history, and until the time of the California decision, no one ever suggested that State ownership and control of submerged lands adversely affected this country's security.

CONSTITUTIONALITY OF THE RESOLUTION

Mr. President, some also suggest that Senate Joint Resolution 13 is unconstitutional. But it ought to be pointed out that the American Bar Association and the National Association of Attorneys General, and other distinguished groups of lawyers, all endorse the principles embodied in the resolution. In our committee we listened to the Attorney General of the United States, Herbert Brownell. He stated in part:

> Instead of granting to the States a blanket quitclaim title to the submerged lands within their historic boundaries, the Federal Government would grant to the States only such authority as required for the States to administer and develop the natural resources. I do not thereby intend to cast any doubt upon the constitutionality of a so-called quitclaim statute, but merely to draw to your attention a method of minimizing, if not eliminating altogether, the constitutional points raised by the witnesses before this committee.

The bill incorporates the provisions suggested by the Attorney General, and retains, as well, those vesting title to all submerged lands in the several States.

In this connection, I wish to quote further from the majority opinion in the 1947 California case itself:

> 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.

There we have a suggestion, if not an invitation, by the Court to the Congress to consider the equities and the justice involved in such a piece of legislation as Senate Joint Resolution 13.

THE REPUBLICAN PLATFORM

Mr. President, I wish now to recall for the record the pledge in the party platform upon which the President of the United States conducted last year's campaign:

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

That pledge was strenuously debated last year, and President Eisenhower was elected on the platform which contained it. I do not labor the point, but I suggest that here is a promise which shortly now can and should be fulfilled.

The resolution treats all the States alike. The 28 million acres of land under inland waters in the several interior States, the 38 million acres of land under the Great Lakes, and the 17 million acres of land under navigable waters within State boundaries, all similarly used and claimed by the several States historically, will, under the resolution be dealt with alike.

JUSTICE FOR CALIFORNIA

Mr. President, for almost a century, from 1850 to 1947, the State of California dealt with the submerged lands off her shore. She dealt with them as owner of them. She developed them. She passed laws providing for petroleum products from them. She regulated fishing and the harvesting of kelp from them. She gave—or at least she thought she gave—title to parts of these lands to some of her coastal cities. She and they dealt generously with the Federal Government.

Through all this long period, California was a sovereign State, exercising sovereign power. It was a State responsibility which we believed we had, and we discharged it in the public interest.

Then, abruptly, that was all changed by the Supreme Court. A decision of tremendous portent held that these lands were not ours. The actions of a century were found meaningless. Federal authority, Federal rights, were once again expanded. State authority and State rights, as we had known them and believed them to be, were wiped out.

Two more decisions by the Court followed, and two more sovereign States were counted out. So the trend continued, and no one can tell where, if ever, it will end.

Why strip California of her resources? Why take away from any State that which was ever considered her own? Why destroy the rights of American States in their own lands, as they believed them to be, since the beginning of our Nation?

There we have the issue. Some of us believe that equity and simple justice admit of but a single conclusion: This joint resolution ought to become the law of the land.

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

The PRESIDING OFFICER (Mr. BUTLER of Maryland in the chair). Does the Senator from California yield to the Senator from Florida?

Mr. KUCHEL. I yield.

Mr. HOLLAND. First, I wish to express my congratulations to the distinguished junior Senator from California, who I think has not only made a most able and effective maiden speech, but has made a decided contribution to the debate upon this complicated subject.

I should like to ask the distinguished Senator two questions with reference to matters which I think are significant contributions to the debate.

First, with reference to the first paragraph on page 14 of his prepared address, I notice that the distinguished Senator from California has quoted Mr. Tate, the Deputy Solicitor of the State Department, who appeared before the Senate committee, on a subject which I do not believe has been emphasized in the debate up to this time, and which I think is of very great importance.

I note that the quotation from Mr. Tate's testimony placed in the RECORD by the distinguished Senator is that part of his testimony in which Mr. Tate made the comment that—

> 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 rights to the 3 miles, plus the rights to the Continental Shelf as set forth in the 1945 proclamation.

My question is this: Is it not the understanding of the distinguished Senator from California that by the testimony of the able Deputy Solicitor of the State Department it was made completely clear that there is no jeopardy of any kind arising in the international field from the division between the States and the Federal Government of all or any of the proprietary rights in the submerged Continental Shelf which the United States has under the law as it now exists?

Mr. KUCHEL. The Senator from Florida is completely correct. That was the tenor of the testimony to which we listened in the hearings before the committee. I wish to add, if I may, that I thank my friend the distinguished Senator from Florida for his comment, personal to me, which I know is not deserved, but which I appreciate very much.

Mr. HOLLAND. It is a great pleasure to a native son of Florida to pay a deserved compliment to a distinguished son of the Golden State.

To repeat the question in a little different form, is it the understanding of the distinguished Senator from California that so long as the pending measure or any other legislation on this subject addresses itself insofar as the Continental Shelf is concerned, solely to the division between the States and the Federal Government of proprietary rights now belonging to the Federal Government or claimed under the doctrine of paramount right in the Federal Government, there is absolutely no dangerous implication in the field of international relations in the opinion of the State Department?

Mr. KUCHEL. The Senator from Florida is again correct, and I wholly agree with that statement. As he has suggested, that again was the tenor of the testimony before the committee.

Mr. HOLLAND. If the Senator from California will further yield, I wish to say that his well-made point should go very far toward eliminating one of the false issues which has been so repeatedly urged on this floor, to the effect that something disturbing our relations with foreign governments was involved in the measure, whereas now we are told by the witnesses appearing officially for the State Department that no such thing is the case, so long as the legislation confines itself, as it does, in dealing with the offshore areas, to rights now owned by or belonging to, or held under the paramount rights doctrine by the Federal Government.

If I may ask a second question, addressed to the paragraph at the top of page 15, I note that in that paragraph the distinguished Senator from California, as an able lawyer, calls attention to the fact that the distinguished Attorney General of the United States, appearing before the Senate committee on this subject, recommended a certain course of action which he thought would eliminate any question of constitutionality, namely, that there should be in this legislation a grant to the States short of title to the submerged lands, but a grant of right of development, and of appropriation by the States of all resources acquired through development in the submerged lands lying within State boundaries.

I am particularly pleased to note the statement by the distinguished Senator from California, with which I am in complete accord, that this joint resolution incorporates the provision suggested by the able Attorney General, and retains as well the provisions vesting title to all offshore submerged lands within State boundaries in the several States. My question is this: Is it the point of the distinguished Senator from California that, following the suggestions of the Attorney General of the United States, and pursuant thereto, the committee, in reporting the measure now under consideration by the Senate, saw fit to have the reported measure look in two directions, namely, primarily in the direction of a grant of title to or proprietary rights within State boundaries, to be given and released to the several States by the Federal Government; and secondly, a grant short of a grant of title, which would give to the States the right of development of resources found in the coastal belt, along with the right to hold as their own the proceeds of such development? Is it the statement of the distinguished Senator from California that the joint resolution, as reported, and as now under consideration, does include the two alternative proposals, one of which completely meets and follows the suggestion of the Attorney General of the United States?

Mr. KUCHEL. The distinguished Senator from Florida is entirely correct. As a result of the sessions of the committee subsequent to the time that testimony was taken from the Attorney General and others, both types of provision, as the Senator has suggested, have been incorporated in Senate Joint Resolution 13.

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

Mr. KUCHEL. I yield.

Mr. HOLLAND. I have one further question. Is it not true that, not content with simply placing those two alternative approaches in the joint resolution, the able committee of the Senate which reported the joint resolution also redrafted the separability clause in the joint resolution so as to make it completely clear that either of the two alternative approaches, or both of them together, can stand as the considered, deliberate action of the Senate if and when the joint resolution is passed?

Mr. KUCHEL. Yes. I am sorry that I did not mention that as a part of my answer to the distinguished Senator from Florida, because it is true that with extreme care a separability clause was inserted in the joint resolution, so that in the event any litigation were to ensue, each part of the proposed law would stand by itself, and not depend upon any other provision.

Mr. HOLLAND. I sincerely thank the Senator for his very real contribution to the debate on the joint resolution.

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

Mr. KUCHEL. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. It is rare indeed that Californians and Arizonians discover ground upon which pleasantries may be exchanged, and I am prompted at this moment to join with the Senator from Florida in expressing the great appreciation of the junior Senator from Arizona for the maiden attempt of the junior Senator from California. I hope that it bespeaks a continuance forever of the good, warm feeling which animates the junior Senator from Arizona at this time toward our sister State to the west, California.

Mr. KUCHEL. Mr. President, I cannot begin to thank my colleague sufficiently for his kind words, and I know that he and I will continue to have the warm friendship we have enjoyed during the past several months. I thank him sincerely.

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

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

Mr. LONG. I wish to congratulate the Senator from California upon the very able presentation he has made, as well as for his conduct during the hearings in the Senate Committee on Interior and Insular Affairs on the subject of submerged lands. His presentation today, and the points he developed in the committee, do credit both to him and to the State which he has the honor in part to represent.

I should like particularly to call the attention of the Senate to the point the junior Senator from California made concerning the attitude of the Federal Government when it was seeking to enforce the laws relating to prohibition, during which time Federal attorneys were urging that areas along the California coast should be considered inland waters so that they might extend the jurisdiction of the Federal Government and enable it to arrest those violating the prohibition laws. Since then we have seen the Federal Government attempting to take an attitude opposite to that taken by its agents when they desired to extend the Government's authority, and to contend that there are very few, if any, inland waters along the coast of California.

It seems to me that though the doctrine of estoppel seems to be inapplicable against the Federal Government, the Congress should recognize the equities, and try to apply the same principles of fairness with regard to a State, particu-

larly, that would be applicable between individuals.

Mr. KUCHEL. I completely agree with the Senator from Louisiana. What has happened does indicate that representatives of the Federal Government, with respect to so-called inland waters along the coast of my State, took a position in 1939 diametrically opposite to that taken subsequent to 1947 with respect to the hearings before the Master under the California decision.

Mr. LONG. Mr. President, I should also like to direct attention to the fact that the entire Nation has benefited from the industry of California and its citizens in developing the offshore resources. The Nation has collected much revenue in the way of income taxes, corporation taxes, and personal payroll taxes, and, at the same time, the welfare of the people of California has been advanced because the citizens of that State have developed their submerged lands. If it had not been for their efforts which resulted in the discovery of oil under the submerged lands, the Federal Government would never have undertaken to deprive the State of its interest in the submerged lands.

Mr. KUCHEL. I agree with the comments of the Senator from Louisiana.

Mr. LONG. That was the testimony of the former Secretary of the Interior, the late Mr. Harold Ickes, who stated that several times he signed letters in which he said that in his judgment this property, the submerged lands, belonged to the States. Former Secretary Ickes was an attorney. He testified before the committee that it was only when he was urged by certain people who were applying for cheap Federal leases, with provision for a more favorable royalty and a smaller annual payment than the State leases required, that he was finally persuaded, upon their urging, that the Federal Government should lay claim to this property.

Mr. KUCHEL. The Senator is correct, and I thank him for what he has said.

Mr. DANIEL. Mr. President, will the Senator from California yield?

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

Mr. DANIEL. I wish to join my colleagues in congratulations to the junior Senator from California on his able presentation on the Senate floor today and on the splendid work he performed in the Senate Committee on Interior and Insular Affairs in support of Senate Joint Resolution 13.

Mr. KUCHEL. I thank my good friend from Texas, and I wish to say to him that I deem it an honor to be able to work with him and my other colleagues who have taken such an active part in sponsoring Senate Joint Resolution 13 in our fight to have it become law. I repeat my thanks.

COMMUNIST INFLUENCE IN HAWAII

Mr. EASTLAND. Mr. President, in my candid judgment, if Hawaii is admitted to statehood, we will have two United States Senators who, to say the least, would be greatly influenced by the Communist war conspiracy. It is my candid judgment that their representatives in the House of Representatives would be so influenced, and the State government, one of the sovereign States of the American Union, would be under the control and domination of Moscow. This would be a calamity and I think the Senate Interior and Insular Affairs Committee should make a long on-the-spot investigation of the strength of the Communist movement in the Territory of Hawaii.

Mr. President, in the Senate committee's minority views on statehood for Hawaii, published in June 1950, the Senator from Nebraska [Mr. BUTLER] said:

> In 1948 I made a personal visit to the Territory of Hawaii and investigated the Communist situation there in some detail. After a rather thorough study of the problem I came to the conclusion that international revolutionary communism has a firm grip on the economic, political, and social life of the Territory of Hawaii.

He stated further:

> The other principal channel of infiltration for Communists in Hawaii has been the Democratic Party. Shortly after the end of World War II the Communists in Hawaii began an aggressive policy of organizing the hitherto unorganized workers. By 1947 the party felt strong enough to undertake a campaign to get control of the Democratic Party organization and through it to gain political control of the Territory.

In May 1951, in minority views signed by the Senator from Nebraska [Mr. BUTLER], the Senator from Nevada [Mr. MALONE], and the Senator from Florida [Mr. SMATHERS], it was stated:

> But nothing really effective has yet been done to rout out the Communists from their positions of influence. Known Communists continue to control the ILWU completely. So far as we know, several of the 39 cited for contempt still serve on the Territorial executive committee of the Democratic Party in Hawaii. All 39 of those cited for contempt by the House Committee on Un-American Activities were given their complete freedom, and are today allowed to carry on their activities unhampered.

Mr. President, since 1951 there has been considerable propaganda by those advocating statehood that the Communist menace in Hawaii has been receding. Nothing could be further from the truth. I should like to read an editorial that appeared in the Honolulu Star-Bulletin of Saturday, November 15, 1952. This newspaper is owned by the esteemed Delegate from Hawaii, Mr. FARRINGTON. The editorial is headed, "Hawaii Democrats and the Leftists," and reads as follows:

> The Democratic Party in Hawaii emerges from the 1952 political campaign in a difficult position so far as the fight against communism is concerned.
>
> The rightwingers who more than 2 years previously had walked out of a Territorial party convention in justified protest against the leftwing dominance have made an uneasy peace with the leftists, and been swallowed up.
>
> These rightwingers have disappeared as a political force standing forthrightly against the leftists.
>
> * * * * *
>
> In the 1952 campaign and election, the leading Democratic candidates accepted the support of the very leftists who a little more than 2 years previously had been denounced and repudiated.
>
> * * * * *
>
> Former Federal Judge Metzger, member of the Hawaii Statehood Commission, said at the commission's meeting in Hilo earlier this week that all the arguments against statehood for Hawaii have been worn out.
>
> This includes, he averred, the antistatehood argument based on alleged undue communistic influence here. Judge Metzger said that Hawaii has fewer Communists proportionately than individual States of the mainland.
>
> * * * * *
>
> His statement as to numbers is correct. But it is not the whole story.
>
> The election of 1952 showed a degree of activity by the leftists and a degree of acceptance by the Democrats that cannot be ignored.
>
> * * * * *
>
> For nearly 6 years after 1945 the political influence of the leftists and the fellow travelers waned.
>
> The Republican Party would have none of the leftist influence and activity. In the Democratic Party there was a wholesome and an effective (for the time) uprising against leftist infiltration and domination.
>
> This resistance to leftist infiltration was aided strongly by the subcommittee of the House Un-American Activities Committee, which came here for an investigation in 1950.
>
> * * * * *
>
> The extent of Communist infiltration into Hawaii was defined in April 1950 by the House committee, headed by Representative FRANCIS B. WALTER, Pennsylvania Democrat, after it had conducted public hearings here.
>
> The report of the committee noted that these elements had infiltrated the Democratic Party in Hawaii.
>
> It was a clear signal to Hawaii's Democrats to clean house, as mainland political parties and the big union organizations cleaned house when the threat was revealed there.
>
> So the attempt was made, at the 1950 Democratic convention, to do just that.
>
> Right wing elements in the party demanded that members of the "reluctant 39," then serving as officers of the party, be ousted.
>
> The reluctant 39 were the witnesses who refused to say under oath whether or not they were or had been members of the Communist Party.
>
> When it was apparent that the rightwing did not have enough convention votes to oust these people, the rightwingers walked out. The people of Hawaii, took hope that this would lead to a cleansing of the Democratic Party.
>
> * * * * *
>
> Unfortunately that did not happen. As the months wore on, the rightwing retreated farther and farther from its original courageous position, and by the time the 1952 election rolled around, the people of whom the Walter committee objected were still doing business at the old stand.
>
> These forces concentrated upon two major objectives—electing the Democratic candidate for Delegate to Congress, and winning control of the Territorial senate, and as many seats as possible in the Territorial house of representatives.
>
> They failed in both objectives.
>
> * * * * *
>
> Although a good many voters did not realize during the campaign, and apparently still do not realize the danger inherent in the situation, the fact remains that Hawaii has survived a political ordeal of major proportions.
>
> The fact that it has survived, as it did, makes it possible now for Judge Metzger to say at a statehood commission meeting that the argument that Hawaii should not have statehood because of Communists here, is not a valid argument.

Mr. President, at this time let me say that the Communists came within 10,000 votes of electing a Delegate from Hawaii to the United States Congress.

Lakes—streams, bays, and harbors. The land beds underneath these inland waters undoubtedly and undeniably belong to the States. We also mean other bodies of water along the Atlantic coast, such as Long Island Sound, although not falling precisely within the definition cited above, which have been judicially determined to be inland waters; their land beds thus, likewise, belong to the States.

By "Continental Shelf," we mean submerged lands, beyond the low-water mark, which represent a gradual sloping off of the North American Continent, to the point of the sharp drop to the ocean floor, usually at a depth of from 75 to 100 fathoms. The extent of the Continental Shelf is considerable on the Atlantic coast, and in the Gulf of Mexico, but is sharply limited on the west coast opposite California. In the North Pacific, abutting Alaska, the Continental Shelf is again vast and expansive.

The entire Continental Shelf abutting the United States and its continental Territories, such as Alaska, but excluding the tidelands, is domain in which the United States has certain paramount rights, whose nature and extent are subject to assertion in the international field. Whatever rights do exist obviously pertain to the National Government, since these rights, whatever they are, are incidental to national external sovereignty.

Mr. President, I wonder if the Senator from Massachusetts can give any idea of how long he intends to keep the Senate in session. I dislike to begin my next subject unless I might continue for an hour.

Mr. SALTONSTALL. Mr. President, the Senate convened at 11 o'clock this morning and has now been in session about 3 hours more than it was anticipated it would sit today. It was my thought to suggest that a recess be taken in a very few minutes; perhaps at a point which the Senator from New Mexico would consider a good stopping place. My thought was to have the Senate recess at quarter after five. If this is a good stopping point, we might recess now; or if the Senator from New Mexico would prefer to continue for another 10 minutes, that would be satisfactory.

Mr. ANDERSON. I have long realized that a good stopping place happens to be wherever one is at the moment. However, the Senator from Florida [Mr. HOLLAND] has suggested that since my next point is one on which I had intended to speak at some length, I might stop now.

I appreciate the courtesy of the acting majority leader.

Mr. SALTONSTALL. Mr. President, am I to understand that the Senator from New Mexico asks unanimous consent that he may resume speaking at the opening of the session of the Senate at 11 o'clock tomorrow morning?

Mr. ANDERSON. I ask unanimous consent that I may be permitted to claim the floor at 11 o'clock tomorrow.

Mr. SALTONSTALL. If such request is made I shall have no objection.

Mr. ANDERSON. I so request, Mr. President.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ANNOUNCEMENT OF LONGER SESSIONS

Mr. SALTONSTALL. Mr. President, under the unanimous consent agreement the Senate will convene at 11 o'clock tomorrow morning. The majority leader [Mr. TAFT] has suggested, as I stated at the opening of the session today, and as I repeat for the RECORD, that it is his thought that the Senate should remain in session for longer hours during the next 3 or 4 days, possibly running into the evening. I wish to give notice of that intention.

TITLE TO CERTAIN SUBMERGED LANDS—AMENDMENTS

Mr. MALONE. Mr. President, I submit amendments intended to be proposed by me to 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 amendments relate to the mineral rights of the public-land States. I ask unanimous consent that the amendments be printed in the RECORD, as a part of my remarks.

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table, and, without objection, will be printed in the RECORD.

The amendments are as follows:

On page 10, line 7, insert before "this joint resolution" the following: "Titles I and II of."

On page 19, line 14, insert before "this joint resolution" 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. 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) land 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. 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 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 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. 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 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."

Mr. MALONE. Mr. President, the debate has been proceeding for some time, and it seems as though it might continue for a few more days, on the question of whether or not known minerals in the public lands, the seabottom lands, will be deeded to the States.

For almost a century it has been the established policy of the Federal Government to withhold known mineral rights whenever public lands were deeded to the States or to individuals. The facts are clear that these seabottom lands are public lands. The situation is glossed over by the statement, "We did not believe they were public lands."

No one will deny that the Congress has the authority to deed the public lands to States or to individuals. All this is being made clear as the debate progresses. However, if Congress is going to exercise its authority and break this century-old precedent, and the mineral rights in public lands, that is, the seabottom lands, are to be deeded to the States, then all States must be treated equally and this amendment of mine is designed to treat all the public land States alike. If this

amendment were accepted as a part of Senate Joint Resolution 13 and the joint resolution should be passed and approved by the President, the mineral rights in the public lands would be deeded to the States wherein such public lands were situated.

EXTENSION OF AUTHORITY FOR DIRECT HOME AND FARMHOUSE LOANS BY ADMINISTRATOR OF VETERANS' AFFAIRS

Mr. SPARKMAN. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill to expand and extend to June 30, 1955, the direct home and farmhouse loan authority of the Administrator of Veterans' Affairs under title III of the Servicemen's Readjustment Act of 1944, as amended, to make additional funds available therefor, and for other purposes.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred.

The bill (S. 1621) to expand and extend to June 30, 1955, the direct home and farmhouse loan authority of the Administrator of Veterans' Affairs under title III of the Servicemen's Readjustment Act of 1944, as amended, to make additional funds available therefor, and for other purposes, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. SPARKMAN. Mr. President, I ask unanimous consent to proceed for a few minutes in explanation of the bill I have just introduced.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and the Senator may proceed.

Mr. SPARKMAN. Mr. President, the bill I have introduced would continue the life of the veterans' direct loan program which Congress first authorized in the Housing Act of 1950.

I hope that this bill will receive the wholehearted support that it deserves. It is the only way that the GI loan benefits of the GI bill of rights can be made possible for many of our World War II and Korean veterans who live outside of large metropolitan centers.

It is important to distinguish between the regular GI loan program of the Veterans' Administration and the supplemental direct loan program which is confined to the small towns and rural areas. The "regular" GI-loan program of the Veterans' Administration is the program under which private mortgage capital supported by the VA guaranty has made available the advantageous terms of GI financing to more than 3,000,000 World War II and Korean veterans. These are loans made by private banks, savings and loan associations, and insurance companies, and the loans are partially guaranteed by the VA.

The protection of the VA guaranty has encouraged lenders to make loans at 4 percent interest and on very liberal terms. Most of the regular GI loans have been made with no down payment or with a much smaller down payment than that normally required, and the typical maturity has been for 20 years or 25 years.

VA's direct loan program—with which my bill is concerned—was set up by the Congress in 1950 as a necessary supplement to the regular VA-guaranteed GI-loan program. The reason that Congress authorized the direct loan program is simple. We had found that ever since the GI-loan program was first authorized in 1944, veterans who lived in many of our small towns and semirural communities had been unable to find private lenders willing to make GI 4-percent loans. In many of these areas the only lending institution is a small country bank which just does not have sufficient capital to make long-term mortgage loans. The primary business of these country banks is to supply the commercial and farming credit needed by the community and it usually has very limited funds available for long-term mortgage loans.

Recognizing this basic inequity which in effect denied to veterans living outside of urban areas the benefits of the GI loan law which Congress intended to be available for all veterans, the Congress authorized the Veterans' Administration to make loans direct with Government funds in those areas where private lenders were unable or unwilling to make GI loans.

The sum originally made available to VA for the direct loan program was $150 million—a relatively small amount when compared with the nearly $20 billion which private lenders have made available for GI loans with the VA guaranty. Congress extended the direct-loan program again in September 1951, and authorized $150 million to be used as a revolving fund which permits the VA to make new loans as outstanding loans are repaid or sold to private investors. Later, in April 1952, when VA funds for additional direct loans were exhausted, Congress authorized an additional $125 million to be made available to the VA in quarterly installments. Under existing law the final $25 million allocation was made available on April 1. The VA's authority to make additional loans will expire on June 30 of this year.

If we do not extend the life of VA's direct-loan program and provide additional money, we shall have to face the brutal fact that the GI-loan benefit will be nothing more than a hollow mockery to those veterans who do not happen to live in the larger metropolitan centers. I do not want to see that happen, and I am confident that the other Members of Congress do not want to see it happen either.

My bill would provide a total of $200 million for the year beginning July 1. However, the $200 million would not all become immediately available but, following the present pattern, the money would be made available to the Veterans' Administration in four quarterly installments of $50 million each during the next fiscal year. Also, as under the present arrangement, the $50 million quarterly allotments would be reduced by the amount of sales of loans to private lenders made by VA in the preceding quarter.

Note that my bill would call for quarterly allotments of $50 million or double the $25 million which VA has been receiving each quarter over the past year. I propose that the quarterly allocation be increased, for the very simple reason that the $25 million allocation has fallen considerably short of meeting the demand for GI loans by World War II and Korean veterans in the smaller towns and rural areas. VA statistics show there are more than 25,000 veterans now on the waiting lists hoping to receive GI loans and it is estimated that if the program expires on June 30, the unsatisfied waiting list would still number at least 10,000 to 20,000 veterans. The increase to $50 million should help to reduce the size of that waiting list substantially and more effectively meet the loan demand by veterans in the coming fiscal year.

Please note also that the effect of my bill would be to raise the maximum size of the revolving fund from $275 million to $475 million. If the mortgage money market begins to loosen up later this year—as many financial observers predict—I would hope that VA's efforts to sell its loans would be more successful and that the total fund would revolve more effectively in the future so that more and more veterans in our rural areas can be accommodated with direct loans without a further increase in the revolving fund.

To further the revolving fund feature of the program, my bill proposes an amendment which I think will help VA in its efforts to sell the loans it has already made. Under existing law eligible purchasers must be private lending institutions. My bill would remove that limitation so that VA could sell to charitable funds, to pension funds, and to private individuals as well. Since, when VA sells a direct loan the purchaser is guaranteed against loss just as in the case of a regular GI loan, I am hopeful that my amendment will broaden the market for VA's existing direct-loan portfolio.

Some may oppose the VA direct-loan program on the grounds that it is competitive with private enterprise. Such opposition may have relevance to some other program, but it can have no validity when applied to VA's direct-loan program. It simply is not competitive with private enterprise. It is instead a necessary supplemental program which is designed to supply a need which is not being met by private lending institutions in the areas where VA's direct-loan program operates.

First, it should be emphasized that VA will make direct loans only in areas which it declares eligible. Those areas are confined, as Congress intended, to the smaller towns and semirural areas of our Nation. The larger urban centers are not eligible for VA direct loans—in the continental United States no city of over 50,000 in population is eligible.

In the second place, the law and VA's procedures prevent the making of a VA direct loan whenever a private lender is willing to make the loan. The veteran must show that he is unable to obtain a VA-guaranteed loan from a private lender in his community.

In view of those basic safeguards, I do not see how anyone can argue that the program is competitive with private lenders. It just is not so. In fact some

committee has subpenaed witnesses at considerable expense to the Government, and that, unless the subcommitte is given permission to sit during the afternoon, this vital service must be performed in the hours before the beginning of the sessions of the Senate at 11 o'clock, in order that the hearings may be continued?

Mr. MORSE. I believe the Senator's statement to be very true.

Mr. WATKINS. Notwithstanding that, does the Senator object?

Mr. MORSE. The Senator is correct.

Mr. WATKINS. I desire the record to be clear.

Mr. MORSE. I desire the record to be clear also as to my views.

I call attention of the Senate to section 134 (c) of the Legislative Reorganization Act of 1946, which is as follows:

No standing committee of the Senate or the House, except the Committee on Rules of the House, shall sit, without special leave, while the Senate or the House, as the case may be, is in session.

Mr. President, it is not perfectly clear from the precedents of the Senate—and I have checked the precedents—what is the proper interpretation or application of this rule. Since the Senator from Utah [Mr. WATKINS] is so concerned about the functioning of his committee, I respectfully suggest that he might press for some action under this rule, so that we may have the question decided.

What does "special leave" mean? I am inclined to think it means unanimous consent. It may not mean unanimous consent. It may mean that committees can meet on motion by a majority vote of the Senate. The Senator from Utah might try such action, to see what kind of ruling or what action he might get from the Senate.

I have tried to be fair about this matter, and my position is simply this: For some years I have urged that the Senate ought to meet at 9 or 9:30 o'clock in the morning, continue until a reasonable time for lunch, take off an hour and a half at lunchtime, reconvene in the afternoon, and then continue as long as the Senate desires to transact the business of the Senate in an orderly fashion. If this were done 2 or 3 days a week the other days could be devoted to committee hearings. Such a reform in our conducting the affairs of the Senate would be keeping faith with the purpose of Senate sessions.

I simply say that it is bad parliamentary policy and practice for the Senate, supposedly carrying on the parliamentary business of the people of the United States, to be meeting in assembly with a half dozen, 8, or 10 Senators on the floor of the Senate, supposedly participating in debate which, if we are free men, ought to make possible a change in the votes to be cast. I know it is said that debate in the Senate does not change very many votes; that Senators' minds are made up. But that is not the early history of the Senate. Senators then, I think, voted in accordance with facts and arguments presented in committee hearings and in floor debate.

I think the Senate ought to meet to discuss the issues pending before it, so that the facts may be brought out, and thereby votes possibly changed. During my 8 years as a Senator, I have had my votes changed by debate on the floor of the Senate a good many times.

All I am seeking to do in this discussion is to focus attention on what I believe is a very archaic procedure in the United States Senate. I think we should adopt a procedure or schedule for operating the Senate—indeed, it should have been done long ago—which would result in much greater efficiency than is now apparent.

When the Senate meets irregularly, we do not know how to plan or prepare for our work. That is what I have been trying to bring out in some of the objections I have raised.

I say most respectfully—and I desire the distinguished majority leader to know that I speak with the highest respect when I make these comments—that, in my opinion, we would have saved time in the tidelands debate if we had not scheduled sessions of the Senate in the morning, but had met at high noon, as usual, and gone ahead with afternoon and evening sessions. That would permit morning committee meetings.

Let me say again, as I indicated yesterday in the Senate, that at the first sign of a filibuster connected with this debate, if we ever reach the point where the debate is not in dead earnest and conducted seriously, I shall not object to any committee meetings during sessions of the Senate. But I do say that if we had kept our mornings free, so that committees could have met, I would not have objected to committee meetings. However, the majority leader has forced these morning sessions without any consideration of the convenience of the rest of us. It is the majority leadership which has created this situation. If we do not want to follow the rule I am applying, then why not repeal it?

If the Senate wishes to meet at 12 o'clock and have regular afternoon sessions, perhaps running into the evening, I am not going to object to committee meetings, but if we are going to be forced into holding morning sessions, then, so far as I am concerned, I shall undertake to have the rules applied.

TITLE TO CERTAIN SUBMERGED LANDS

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

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

Under the unanimous-consent agreement which has been entered into, the Senator from New Mexico [Mr. ANDERSON] has the floor.

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

Mr. ANDERSON. I yield.

Mr. TAFT. I wish to announce that at about 12 o'clock I shall ask unanimous consent for the transaction of routine business usually transacted in the morning hour. I think the Senator from New Mexico should proceed if he is prepared to do so at this time.

Mr. ANDERSON. I thank the majority leader. I shall be glad to yield to him at 12 o'clock for the purpose indicated.

Mr. President, Mr. Perlman has written a very good letter to the New York Times, which appeared in that newspaper for Sunday, April 12. Mr. Perlman was the Solicitor General of the United States from June 1947 to July 1952, was fully familiar with all the litigation involved in the dispute over the submerged lands, and prepared a very interesting item which I ask unanimous consent to have printed in the RECORD at this point, since it relates to the subject under discussion.

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

OFFSHORE BILL OPPOSED—RIGHTS OF STATES TO RESOURCES OF SUBMERGED LANDS DISPUTED

(The writer of the following letter was Solicitor General of the United States from 1947 to July 1952.)

To the EDITOR OF THE NEW YORK TIMES:

The largest wholesale looting in history of national assets—the natural resources in oil and other minerals in the submerged lands of the sea—is taking place in Congress with the approval and encouragement of the Eisenhower administration.

A substantial facsimile of Senate Joint Resolution 13 has already passed the House, despite the efforts of a small group of valiant fighters, and the battle against the Senate version is proceeding in the face of overwhelming odds. This legislation would give practically all of the proved deposits of oil and gas in the submerged lands of the marginal sea to three States—California, Louisiana, and Texas—at the expense of the other 45 States. Estimates of the value of the gift vary from $20 billion to $200 billion.

Not a single valid reason has ever been advanced for stripping the Nation of its mineral resources in the submerged lands of the sea—resources of vital concern to its defense, its safety and its economic welfare. No such reason exists, or ever will exist. The way for this unconscionable result has been well prepared. It follows years of lobbying activities in Congress by the representatives of the three States to be especially benefited, and by other States, coastal and inland, which have succumbed to the misleading propaganda and oft-refuted arguments of the intended beneficiaries.

ROLE OF OIL OPERATORS

It would doubtless require a congressional investigation to determine just how great a part the oil operators who are illegal lessees of California, Louisiana, and Texas have played in guiding the fight over the Nation's oil resources in the sea to its present situation. A victory for the three States and their lessees now seems all but inevitable. But it may not be without significance—and I say it most reluctantly—that General Eisenhower allied himself with the States' efforts before he returned from Europe to become a candidate for the Republican nomination for President; and that strong movements in favor of his candidacy were organized in Texas, Louisiana, Florida, California, and in other States which have a special stake, or believe they have, in the outcome of the controversy over the disposition of the Nation's oil resources in the sea.

The results in Texas and in other States normally opposed to Republican candidates and principles take on added significance when it is recalled that Candidate Eisenhower became a champion of State ownership in the sea without bothering to learn what issues were involved—or what facts and law control those issues. When still a candidate he admitted that he did not know that the Supreme Court had passed on the question, although at that time the Supreme Court had decided in three separate cases that California, Louisiana, and Texas had no rights in the submerged lands of the marginal sea, or to the oil, gas, and other mineral resources of such submerged lands. And in still another case the Supreme Court had declared that neither the Original Thirteen States nor their successor States had any such rights.

FEDERAL DOMINION RULING

Moreover, the Supreme Court had ruled that, notwithstanding any State boundaries in the sea, the United States has and always has had, since the first claim was made on behalf of the Nation by Thomas Jefferson as Secretary of State, paramount powers and full dominion over the submerged lands of the marginal sea, beginning at the low-water mark on the shore and extending seaward for a distance of 3 miles.

President Truman was the barrier which the States of California, Louisiana, and Texas and the lobbies maintained by them and by their lessees could not break or surmount. They could always get their quitclaim bills through Congress, but they could not muster enough votes to pass any of them over his vetoes. And he vetoed two of them.

The natural resources in the submerged lands beneath inland navigable waters, such as rivers, harbors, bays, and lakes (including the Great Lakes) are not involved and never were involved. They belong to the States and to the States' grantees.

NO PRECEDENT FOR TITLE

The United States has paramount power and full dominion over the submerged lands of the marginal sea, beginning at the low-water mark and extending seaward for a distance of 3 miles. No State has or ever has had any title to or property rights in such lands, or in the oil, gas, or other mineral resources in such lands, no matter where its boundaries in the sea may be.

Beyond the marginal belt of 3 miles the United States has claimed the oil and other mineral resources of the submerged lands to the edge of the Continental Shelf. No State has or ever has had any title or property interest in such resources.

Senate Joint Resolution 13 embodies rejections of advice given the Senate committee by Attorney General Brownell.

Senate Joint Resolution 13 is free from any tangible provisions for national defense. It omits all the provisions suggested by the Federal Government to successive congressional committees to conserve the Nation's oil supplies. On the contrary, Senate Joint Resolution 13, in section 6 (b), under the caption, "Powers Retained by the United States," contains a provision compelling the United States in time or war or when necessary for the national defense to pay the full market price for the oil, gas, and other natural resources which are to be given to the States without compensation. Under this power, the United States will be compelled, even in time of war, to pay to the States full royalties and rentals and other revenues for being good enough to take the Nation's natural resources away from it.

Senate Joint Resolution 13 not only gives California, Louisiana, and Texas the oil, gas, and other mineral resources of adjacent submerged lands within an indefinite boundary line—resources worth many billions of dollars—but it also compels the United States to surrender such revenues as have been collected from operations in such areas since the dates of the California, Louisiana, and Texas decisions by the Supreme Court. This adds many millions to those already obtained by these States before the Supreme Court decisions.

I still prefer to believe that President Eisenhower, in his support of the proposed gift to California, Louisiana, and Texas, was not motivated by the great political advantages to him that undoubtedly resulted; and that he was misled by unsound information and advice. He owes it to the Nation to study the matter himself and to get information from disinterested sources.

PHILIP B. PERLMAN.

WASHINGTON, *April 6, 1953.*

Mr. ANDERSON. Mr. President, yesterday when the distinguished Senator from New York [Mr. LEHMAN] was speaking—and I am happy to see that he is in the Chamber at this time—some question was raised as to language which was in the so-called Holland joint resolution dealing with seaward boundaries. The Senator from New York took exception to some of that language, pointing out that he wanted for New York only what other States might obtain. At that point in the RECORD, as will be shown on page 3086, the junior Senator from Texas [Mr. DANIEL] stated that the Senator from New York had referred to the come-and-get-it clause, and that he had inferred that the words "or is hereafter approved by Congress," constitute an inference that other States intend to extend their boundaries.

The Senator from Texas wanted an opportunity to say to the Senator from New York that those words were suggested by the New York Port Authority for application to the State of New York. I read from the statement of the Senator from Texas:

> The witness told the congressional committee that the State of New York had not specifically set a 3-mile boundary, and that it had not been specifically approved by Congress; and, in order to be technically correct, he wanted this measure to provide that in the future, Congress could approve the boundary of the State of New York.

The Senator from Texas further stated:

> So I point out that the Senator from New York is going outside the Holland joint resolution and is dreaming up some ulterior motive when he refers to that clause, because it was inserted at the request of New York, and for the benefit of New York.

My information would indicate that is not correct. The text of the Holland joint resolution, as originally drawn, included that very language. It was not included subsequent to the testimony of the representatives of New York. It was included prior thereto.

As a matter of fact——

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

Mr. ANDERSON. I yield.

Mr. HOLLAND. I think the Senator is laboring under a misapprehension as to the facts. The Senator from Texas was talking about the wording of this resolution in earlier years, when he was attorney general and participating in the drafting. He was not speaking about what happened this year.

Mr. ANDERSON. I am glad the Senator from Florida brought out that point, because I am coming to the earlier draft. The Senator from Florida will not deny, I think, that Senate bill 940 was an earlier draft of a previous year. If the Senator from Florida will examine the language of his own bill, Senate bill 940, which appears on page 338 of the hearings on submerged lands in 1951, he will find that section 2 refers to the boundaries at the time such State became a member of the Union, "or as heretofore or hereafter approved by the Congress."

Mr. DANIEL entered the chamber.

Mr. ANDERSON. I am sorry that the distinguished Senator from Texas was not present in the Chamber at the time I started. I was referring to what had been said to the Senator from New York [Mr. LEHMAN] yesterday, to the effect that a particular clause relating to whether or not certain boundaries may be approved was inserted at the request of the State of New York. It was not so inserted. It was in the Holland joint resolution when it was introduced this year. It was in the Daniel bill when it was introduced this year. It was in the Holland bill when it was introduced in 1951, and it has been in proposed legislation for a long time.

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

Mr. ANDERSON. I yield.

Mr. HOLLAND. I invite the attention of the distinguished Senator from New Mexico to the fact that this legislation has been pending for a great many years, and that always, prior to this year, the distinguished junior Senator from Texas has had a very great part in helping to draft such legislation, as the attorney general of his State. The understanding of the Senator from Florida, gained from the Senator from Texas, is that the statement he made yesterday is exactly true, and applies to something which happened in earlier years in the drafting of this legislation.

So the Senator from Florida expresses the hope that the Senator from New Mexico will not too quickly jump to a conclusion which may prove to be entirely erroneous, namely, that the statement made by one of his colleagues on the floor was inaccurate. The Senator from Florida believes that it was accurate and true, notwithstanding the suggestion of the Senator from New Mexico that he does not think it was.

Mr. ANDERSON. I do not jump to that conclusion too quickly. I happen to have examined the testimony of Nathan Goldstein previously. I have gone back as far as I could. However, this is the first time I have known that the former attorney general of Texas—a position which the now junior Senator from Texas previously occupied very effectively—was the author of legislation on the floor of the Senate before he ever came to the Senate. I do not understand the statement.

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

Mr. ANDERSON. I yield.

Mr. DANIEL. I did not make such a statement. Has such a statement been made?

Mr. ANDERSON. It was just made by the Senator from Florida, who stated that the Senator from Texas was interested in this subject, and was fully cognizant of the fact that this provision had been developed by the State of New York.

Mr. DANIEL. I have been interested, not as an author, of course, but as a member of the National Association of Attorneys General, which originally drafted the first proposal which was submitted to the Senator from Nevada [Mr. McCARRAN] soon after the California tidelands decision in 1947. I did work in the drafting of proposed legislation to be submitted to the Senator from Nevada, and in connection with the legislation which he introduced in 1947 and 1948.

The Senator from New Mexico will find that the wording to which he refers was not in the original legislation introduced in 1947. If the Senator will turn to page 886 of the hearings in 1948 on S. 1988 he will find that the representative of the New York Port Authority is the one who suggested the section concerning extension of boundaries to 3 miles, if it had not been done theretofore. That suggestion was placed in the McCarran bill by a committee amendment in 1948. It was thereafter carried forward in the Holland bill in 1951 and 1953 just as it was carried forward in the separate bill which I introduced this year. In order to comply and make the entire bill conform to the proposal by the New York Port Authority, it was necessary to add the wording which was added, to which we referred yesterday when the Senator from New York had the floor.

I make no contention—and I am sure the Senator from Florida did not intend to leave the impression—that I was the author of a bill before coming to the Senate. Certainly not. My work on it was as attorney general of my State, and as an officer of the National Association of Attorneys General. I believe the record will bear me out. That is how this provision originated. It originated with the attorney for the New York Port Authority, who appeared before the Senate and House Judiciary Committees in joint session in 1948.

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

Mr. ANDERSON. I yield.

Mr. LEHMAN. I thank the Senator from New Mexico for his very helpful clarification of certain statements made yesterday, and assure him that my understanding of what the distinguished junior Senator from Texas said is identical with that which has been enunciated by the Senator from New Mexico. I certainly understood that the suggestion to which reference was made was made in the hearings this year, and in direct association with or connection with the pending legislation.

Mr. ANDERSON. That was the understanding I had of the statement which was made.

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

Mr. ANDERSON. I yield.

Mr. DANIEL. The Senator from New Mexico does not find anything in my statement of yesterday to the effect that the suggestion was made this year, does he?

Mr. ANDERSON. I think not. I am happy to have the statement of the Senator from Texas. I had gone back through the hearings during the time I have been a Member of the Senate, beginning in 1949. I must say that the Senator has me at a disadvantage, because I do not know what happened in the Senate in 1948. I am willing to accept the Senator's statement in that connection.

Mr. DANIEL. I thank the Senator from New Mexico.

Mr. ANDERSON. Mr. President, the New York Times on Monday, April 13, carried an article which I think has some collateral interest in this debate. It was an article referring to a book written by Bascom Timmons, dealing with the life of Charles G. Dawes, in which there is reference to the fact that President Harding had originally favored a former Senator from New Mexico, Albert Bacon Fall, for the position of Secretary of State, and that he subsequently changed and substituted Charles Evans Hughes in that post and named Senator Fall as Secretary of the Interior.

I mention this only because oil has a peculiar way of getting around the country and involving itself in appointments, as well as involving itself in the lives of individuals. Probably as well as any living person I ought to know the story of how Albert Bacon Fall became Secretary of the Interior rather than Secretary of State.

It will be remembered that the convention of 1920 was pretty well manipulated by former Postmaster General Frank Hitchcock. It was my good fortune, as a newspaper reporter, to become well acquainted with Frank Hitchcock, who had interests in Arizona, and who stopped in New Mexico regularly on his way to Arizona.

Early in 1920, long before the spring was out of the air, Frank Hitchcock had stopped in New Mexico and told how he would run the 1920 Republican Convention, that he was going to bring out Leonard Wood and Frank Lowden, former Governor of Illinois, as candidates for President; that he would manage one campaign and then the other; that he would run the two horses down the track until they had worn themselves out, and then he would come forward with a candidate as his choice, whoever that candidate might be.

I confess that I did not know by March of 1920 that Harding would be the Republican nominee, but I did know by March 1920 that neither Leonard Wood nor Frank Lowden, who were the principal contestants, would be the nominee.

As the campaign progressed, Frank Hitchcock stated that care would have to be exercised in the selection of the next Republican candidate for governor in the State of New Mexico, because Albert Bacon Fall would go into the Cabinet of the next President of the United States, if a Republican were elected, and the Governor would then appoint a Senator to succeed Senator Fall. Subsequently, he revealed that Albert Bacon Fall would be Secretary of State. He expressed the opinion that Fall, upon coming into the Senate, had quickly impressed the Members of the Senate with his knowledge of conditions in Mexico, and that because of his membership on the Committee on Foreign Relations, and because of knowledge of conditions in Mexico, he would be an ideal man to deal with a situation which was then most troublesome, the Mexican situation.

After the Republican National Convention, as a newspaper reporter, I interviewed Mr. Fall, and asked him if he was about to retire from the Senate. He said the Republican candidate had not picked his Cabinet, but "Off the record, I can tell you that if Harding is elected, I will retire."

We dealt with the individuals who might be involved in that particular situation. At that time it was well understood that an individual in Oklahoma had been extremely active in the negotiations for the support of certain delegations. That individual from Oklahoma was a well-known oilman who had made a substantial fortune and a great reputation. That man had been tentatively selected to be Secretary of the Interior. I speak now, not from personal discussions with the Republican candidate for President, but with Mr. Fall, then a Senator from New Mexico, who had been selected to be Secretary of State. With his own lips he told me that Senator Harding, then only the nominee of the Republican Party, had desired that he should become Secretary of State, and that he had indicated his willingness to accept that position.

The story as it appears from Mr. Dawes' memory, as put together in the very delightful book by Mr. Timmons, is that the President switched his mind later and selected Charles Evans Hughes, and expressed his regret that he was not able to appoint Mr. Fall.

The peculiar circumstance that happened was that after the election was over the distinguished oilman from Oklahoma prepared to sever his connections in Oklahoma and come to Washington. Among his problems he had a domestic situation that was bothering him, and he found it necessary to advise friends whom he had previously had that those friends might not accompany him to Washington. The rest of the story is quite well known. A young lady shot him soon thereafter, and when his death was announced, Senator Fall was approached and was told that, notwithstanding the former desire and intention of the President of the United States to appoint him Secretary of State, the President now had to have someone who could handle the negotiations which were under way in oil matters—which led to Teapot Dome—and that Senator Fall would have to be Secretary of the Interior.

Senator Fall did not take that decision in very good spirit. He protested bitterly. I discussed the matter with him shortly before he became Secretary of the Interior. He was disappointed greatly, because he had expected that he would occupy the most distinguished office in the Cabinet of the new President, and he did not think he would need to be content with the office of Secretary of the Interior.

I mention this only because subsequently he became involved in the negotiations which led to the transfer of Teapot Dome. As a newspaper worker it became my privilege to pick up the first hints that something might be wrong, and to develop the first story

which eventually led to the investigation by Senator Walsh, of Montana.

Many years later in my life, after I had been asked to assume a position in the Cabinet of another President, I went to the then Attorney General of the United States and pleaded with him to pardon Albert Bacon Fall. I took Mrs. Fall with me. She was as fine a woman as ever lived, and a woman who had loyally stood by her husband all through the years. All she asked was that she might have him in her own home to the end that his family could ease his final years and that he might die there with members of the family.

I went to the Attorney General and pleaded that he might release Mr. Fall, because I could testify of my own personal knowledge that had the incident in Oklahoma not happened, Fall would have been Secretary of State, and his name might have gone down in history as one of the great men of this Nation. But oil became mixed into the situation, and oil made it necessary that Fall should become Secretary of the Interior rather than Secretary of State. Oil made it necessary that he should suffer disgrace and humiliation, and be sentenced to the penitentiary, and from that day on I have been greatly interested whenever oil is mentioned as a subject for national discussion.

Mr. MORSE. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I am happy to yield to the Senator from Oregon.

Mr. MORSE. I hope I may be permitted to say that I wish every Member of the Senate could have heard the dramatic account to which I have listened in the last 10 minutes on the part of the Senator from New Mexico. I sincerely hope that every colleague of mine in the Senate will read it. I do not know whether the press was aware of it or not, but I would say to the press that in my judgment they have just listened to one of the greatest dramatic accounts of American politics as "she" is practiced I have ever heard. I believe the country to be indebted to the Senator from New Mexico for being willing on the floor of the Senate this morning to speak out of his great experience in regard to the incidents he has just portrayed, because the implications contain many lessons which the American people ought to study, and illustrate again, it seems to me, the importance of the American people never forgetting that after all, although ours is a Government by law, it is run by men.

Mr. ANDERSON. I thank the Senator from Oregon.

I would only add that the Attorney General of the United States—quite properly, I suppose—was rather cruel that morning. He reminded me that I was taking on a responsibility, and that no man who sat in the office of the Cabinet of the President of the United States should ever expect any kind of clemency if he failed to do his duty and took any sort of improper action.

My only plea was that here was a man who, but for a thread of circumstance, would have gone down in history as one of the great men of this country. He was my political opponent. I have published news stories about him which caused him to curse me more bitterly than I thought I deserved, although perhaps not more than was the custom at that time.

Nevertheless, I went to the Attorney General of the United States and pleaded with him to free this man for the last few hours of his life, in order that the noble woman who had stood beside him might be with him when death came. My only reason for doing that was that if it had not been for oil which had been traded in and trafficked in before the President was elected, that man would have had a secure place in history.

Mr. President, with all the thousands of words of testimony that have been taken in hearings on the matter of oil in the submerged lands lying off the coasts of this country, certainly the evidence which has been developed is adequate to enable anyone who wishes to do so to find sufficient material to enable him to reach a determination in this important question. Even a casual examination of the CONGRESSIONAL RECORD over the past 10 days will reveal that the decisions of the courts of this country have been quoted, requoted, examined, and reexamined; from those decisions there have been extracted words and phrases which mean different things to different people; and, in general, we are not much closer to an agreement as to the meaning of these cases than we were before this debate started, and not much closer than we were when the first debate on this question started in the Senate of the United States years ago.

About the only time when the Senate found itself in agreement on the question of oil in the submerged lands was in 1937, when it adopted the Nye resolution. We have even had some discussion of what the Senate knew or did not know at that time. It has been stated that the resolution was reported to the floor without any sort of hearings, and that it was quickly adopted, to the end that no one might know what was in it. Of course, it seems incredible that a resolution of that importance could be adopted by the Senate without anyone's knowing what was in it. That situation becomes a little clearer to us when we understand that a previous bill, S. 2164, providing for an entirely different approach to the problem, had been under consideration and study, but that when the committee came to a careful consideration of it, it decided that a very much simpler form of resolution would do, and it reported the Nye resolution to the Senate, where it was adopted within a few days.

I know how vigilant and careful Senators are at the present time; and it would occur to me that probably the Senators from California, Texas, and Louisiana were familiar with the subject matter contained in that resolution, and that even some evidence to that effect might have been produced if the Senate thought it was necessary to do so in connection with the determination of its final decision.

At a subsequent time I intend to go into the question of how we changed our terminology with reference to this problem. The very first hearing dealt with submerged lands. How did we get switched to tidelands? Why did we get the term "tidelands"? Mr. President, to find the answer is not too difficult for anyone who will take the time to read the House hearings on the Nye resolution, because then it will be seen that there were court decisions holding that the tidelands proper belong to the States. Therefore, rather than get into a brand new discussion of submerged lands on which there had not been a Supreme Court decision, some very clever, careful propaganda specialists decided to start calling these lands by a term on which there previously had been the Supreme Court decisions, thereby trying to put on the defensive those who owned the land, and trying to make it appear that those who did not own the area were in reality the rightful owners.

I say quite frankly that one of the most astonishing things, I think, in the history of the Senate is that through much of this controversy and through all this long debate, it has been rare indeed when the States of California, Texas, and Louisiana have been regarded as in the wrong. Yet no one can read the Supreme Court decisions without recognizing that those States do not have rights within the area; that the Federal Government has paramount rights in all the land, once the low-water mark is passed; and that every well that has been drilled beyond low-water mark has, as a result been drilled on land of the United States Government, a trespass which not only is forgiven by Senate Joint Resolution 13, but one which is so legitimatized by the joint resolution that the States not only receive title to the land, but as well, receive the proceeds from the years during which the improper operations were conducted. It is hard to understand how that can happen and how at the same time a frenzy be whipped up against the Federal Government. It is, of course, the result of shrewd, calculating, persuasive propaganda, against which the Federal Government possessed no machinery for effective rebuttal.

What has happened in the past perhaps we can forget. At this time, at least, we find in our country persons who believe that in some mysterious fashion title got away from the States and got to the Federal Government. There are some who believe that there have been Supreme Court decisions awarding these lands to the States. I think it is much simpler if we just take the words of these Supreme Court decisions themselves, if we accept the verdict of Justice Reed that these matters had come before the Court for the first time in the California case, and that when they did come before the Court, the ruling of the Court was the same in each one of these cases, namely, a simple declaration that the United States Government has paramount rights beyond low tide, and that the States of California, Texas, and Louisiana are not the owners of any land that lies seaward of low tide.

I must confess that my interests and my thoughts have changed a great deal since I first began to consider this question in the 81st Congress. I was then solely concerned with the effort to bring into production these valuable oil properties which adjoin our seacoasts in the

States of Texas and Louisiana. It seemed to many of us that we could easily reach a point where we would want the oil, and would want it badly; and that if we did want it badly, it would be well for this country if that oil had been developed to a sufficient degree and made accessible in such a way that the oil industry of this country could quickly draw upon this great reserve in time of national crisis. At that time I had little thought as to what reasons might have impelled the Supreme Court to declare that the State of California, for example, had no title thereto or property interest therein. My sole interest was in prompt development of the area to the point where it could contribute to the supply of crude oil available to the refineries of this country in time of emergency.

But life never proves to be that simple. We spend our time in committee and on the Senate floor arguing the questions which were before the Supreme Court. Day by day we try and retry these cases. Day by day we hear the stories of what should have been considered by the Supreme Court and what verdict it might have reached. To me that has never been a very useful occupation. The Supreme Court has reached its decision. It is the one branch of this Government which has a right to say what the law on a certain subject is at a specific time, and not only has the Court passed upon the question of title to these lands, but it has had before it applications for rehearings, and each time it has come to the same conclusion, namely, that as to the land in question the State does not have title thereto or a property interest therein, once low-water mark is passed.

Naturally, steady association with these decisions of the Supreme Court, constant attention to questions asked and reasked about the effect of the decisions, and frequent repetitions of the words of many of the Supreme Court pronouncements bring actual curiosity as to what the final effect of these Court decisions will be. I find myself gradually getting into a frame of mind where I am interested in the constitutional questions themselves, whereas originally I was only concerned with the production of oil. Now I begin to wonder what the Supreme Court decisions really meant, and begin to make guesses—and I frankly label them that—as to why the Supreme Court came to the conclusions it reached. From there it is a very short step to conclusions as to what might happen if the Federal Government were to attempt to give away that which it owns and to confer title upon the States over the submerged lands of the open seas. Strangely, it is the case which advocates of giveaway legislation quote most frequently that has impressed itself most deeply upon my consciousness, and has probably altered in the most complete fashion my own thinking upon this problem. I have heard witness after witness refer to the Illinois Central decision. Probably it would be well if we talked about the Illinois Central case a little, because it seems to me that the Illinois Central case presents a clue as to what might happen if this Congress should proceed with what appears to be its present intention, and should undertake to give away the oil and the land lying within the historical boundaries of the coastal States.

To begin then, sometime in the 1860's the Legislature of the State of Illinois passed the statute which declared—and I am using now the language of one of the witnesses appearing before the committee, because he is an attorney and was active in a great deal of the litigation over submerged lands:

> That the State conveyed to the Illinois Central Railroad the complete right, title, and interest of the State in the portion of the bed of Lake Michigan lying within the city of Chicago. Some 25 years later, the attorney general of Illinois, acting in behalf of the State, instituted a suit to recover these lands comprising the bed of Lake Michigan which the State had purported to convey to the Illinois Central Railroad in the 1860's.
>
> The decision of the Supreme Court was favorable to the State of Illinois. They said that the State of Illinois owned the bed of Lake Michigan in trust for the people of the State of Illinois, and that the legislature could not make a valid conveyance of the bed of that lake to the Illinois Central Railroad because that would be or was in violation of the trust which was vested in the State for the benefit of the people of Illinois.

If I were one of the advocates of giveaway legislation, that decision would cause me some concern. I would want to remember very carefully, and pray quite steadily over the language quoted by the senior Senator from Illinois [Mr. DOUGLAS] in his remarks before the Senate. These are the words which he quoted from the decision that would cause me some worry, if I were an advocate of giveaway legislation. 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.

I think that language is of tremendous significance. Under it the magnificent lakefront in Chicago was saved for the people of that city and the people of Illinois. It was saved for many of us who have come to Chicago and have enjoyed travelling along that lakefront, and, particularly, using the very stretch of country mentioned in this decree as a means of getting to the South Side and on around the borders of Lake Michigan on our way to the east. While the hearings on submerged lands and this giveaway legislation were being held, we had testimony before the Senate Committee on Interior and Insular Affairs from various groups in the Great Lakes area, contending that it was their belief that the Supreme Court decisions of 1947, when placed in proper perspective against this Illinois Central decision case of 1890, gave them cause for great worry and, in their opinion, cast a cloud upon the title to a great deal of their land. They claim that they were worried by the use of the term "paramount rights" by the Supreme Court in the California case. Actually, in my opinion, instead of casting a cloud on the title of the States to the beds of navigable inland waters and to the tidelands, the sense in which the Court used the term "paramount rights" in the California case was that of a confirmation and a reaffirmation of the earlier decisions which the Court had rendered, holding that the respective States own all tidelands and the beds of all navigable lakes, rivers, and bays situated within their respective boundaries. I asked Mastin White, who was formerly the Solicitor for the Department of the Interior, and who was heavily involved in these cases, to explain why, in his opinion, the term "paramount rights" was used, and what significance it might have in connection with the fears of communities as to their inland waters or the Great Lakes States with reference to the title to the beds of the Great Lakes. His reply, as taken from the hearings at page 1131, was:

> With respect to the California decision, the attorneys representing the State of California had placed great emphasis on the many earlier decisions by the Supreme Court holding that the States do own the tidelands within their boundaries and do own the beds of navigable lakes, rivers, and bays. So the Supreme Court had to deal with those earlier decisions, and it proceeded to do so in such a way as to indicate that the Court still adheres to and still believes those decisions to be sound.
>
> The Supreme Court said that if, as we have held in many previous decisions, the States own the tidelands and the beds of the navigable inland waters within their boundaries, the reasoning of those earlier decisions leads to the conclusion that, whereas the States have paramount rights in tidelands and in the beds of navigable inland waters, the United States has paramount rights to the Continental Shelf beneath the open ocean lying seaward of the low-water mark.
>
> The Supreme Court said that the United States has paramount rights out there because of its international interests and responsibilities, and, therefore, that national rights are paramount once you pass the low-water mark and enter the area of the open sea.
>
> So, instead of the use of the term "paramount rights" in the California case casting a cloud on the titles of the respective States to tidelands and to the beds of navigable inland waters, such as lakes, harbors, bays, and rivers, it actually was a reaffirmation by the Supreme Court of the soundness, from the constitutional standpoint, of its many previous cases in favor of the States with respect to the titles to tidelands and to the beds of navigable inland waters.

With regard to the contention by State attorneys general that action by Congress is necessary in order to remove a cloud from the titles of the States to the beds of the Great Lakes and other navigable lakes, rivers, and bays, it is difficult to understand how any lawyer who has really studied the decisions of the Supreme Court relating to submerged lands could entertain a bona fide belief that any cloud exists on the titles of the States to the beds of such inland waters. The Supreme Court has held, plainly and unequivocally, in at least 23 decisions, beginning as early as 1842, that the respective States own the beds of all navigable inland waters, such as lakes, rivers, and bays, situated within their boundaries. There has never been a single exception to this general rule of constitutional law.

With regard to the Great Lakes, which were mentioned in the hearings by the attorney general of Michigan, the Supreme Court has held flatly that the

Great Lakes are inland bodies of water, and that the States bordering on them own the portions of the beds of the Great Lakes that are situated within their respective boundaries.

It should also be kept in mind that the Supreme Court has held at least 13 times, in decisions going back to 1845, that the respective States own any tidelands—that is, lands regularly covered and uncovered by the flow and the ebb of the tide—that are situated within their respective boundaries. Again, there is not a single exception, among the decided cases announced by the Supreme Court, to this general rule of constitutional law.

Therefore, there is certainly no real necessity for any action by Congress to remove a cloud from the titles of the States to the tidelands or to the beds of navigable lakes, rivers, and bays situated within their respective boundaries, since the titles of the States to such submerged lands are firmly established by many Supreme Court decisions.

In any event, if Congress should wish to go through the motion of purporting to confirm the titles of the States to tidelands and to the beds of navigable lakes, rivers, and bays, it could do so without, at the same time, giving away the lands of the Continental Shelf, which are Federal lands and not State-owned lands.

According to the Supreme Court, the Continental Shelf beneath the open sea was acquired by the Federal Government pursuant to actions taken by the executive branch beginning in 1793. These actions were designed to establish the dominion of the United States over a portion of the open sea contiguous to our coast, in order that the Nation might be in a position to protect itself from dangers incident to its location as a maritime power. The coastal States, as such, did not play any part in the establishment of the dominion and power of the United States over the adjacent sea belt; and, consequently, the coastal States, as such, have never had any rights in the bed of that sea belt.

The use by the Supreme Court, in the recent Continental Shelf cases against California, Louisiana, and Texas, of the term "paramount rights" in connection with the control by the Federal Government of the Continental Shelf beneath the open sea does not, as asserted by some of the witnesses, constitute any threat to the rights of the States in the tidelands and in the beds of navigable lakes, rivers, and bays. In deciding the Continental Shelf cases, the Supreme Court used the term "paramount rights" in the following connection: The Supreme Court said that if, as it had held in many earlier cases, the States have paramount rights in the tidelands and in the beds of navigable lakes, rivers, and bays, and other navigable inland waters, the same reasoning upon which the earlier decisions was founded leads to the conclusion that the United States has paramount rights once the low-water mark is passed and the open sea is reached, because in the open sea international interests and responsibilities are of paramount importance, and these have been entrusted by the Constitution to the Federal Government.

The point that I am starting to make and trying to develop is that the Court did not say in its final decrees that the United States had mere title to lands lying seaward of ordinary low-water mark. It did say time after time that the States involved had no title thereto or property interest therein, but it was extremely careful to reject the suggestion of the Attorney General of the United States that it award absolute property title to the United States in these waters. I am going to suggest that if it had mere title the Federal Government might quitclaim that title to the State but it does not have mere title to it. It has something in the nature of paramount rights that may include title, but is not easily divisible and is a matter arising out of sovereignty which the Government cannot quickly pass on to someone not a sovereign, to a State which does not possess the same powers possessed by the Federal Government, or if I may again refer to the words of the Illinois Central case of 1890, not a so-called New Deal case, not anything that developed in recent years, but a case decided by a very conservative Supreme Court a long time ago when it pointed out that the State could not abdicate its trust over property in which the whole people are interested, property such as navigable waters and the soils under them, and it could not do that any more than it could abdicate its police powers in the administration of government and the preservation of the peace.

We have heard discussions about the cases being recent, and one Senator referred to a New Deal Supreme Court. But this is a case decided by a very conservative Supreme Court a long time ago, when it pointed out that a State could not abdicate its trust over property in which the whole people are interested, property such as navigable waters and the soils under them, and it could not do that any more than it could abdicate its police powers in the administration of government and the preservation of the peace.

Similarly, it seems to me that the Federal Government, in the areas where it has paramount rights and where it exercises a trust over property in which the whole people are interested, property such as the soils underneath the seas lying beyond ordinary low-water mark, cannot abdicate its trust any more than it can abdicate its power to regulate commerce or to do any of the other things that are incidents of its sovereignty.

Mr. HOLLAND. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I yield.

Mr. HOLLAND. Am I correct in my understanding that the distinguished Senator from New Mexico is referring to the Illinois Central case?

Mr. ANDERSON. I certainly am.

Mr. HOLLAND. Am I correct in understanding that it refers to filled land along the lakefront of Chicago?

Mr. ANDERSON. It does, and, apparently, the city of Chicago thinks it does. I do not live in Chicago, and it happened that I came across this only accidentally, but many years ago the Federal Government constructed a breakwater out in the open lake. The Federal Government paid the money and constructed the breakwater. No Federal official—I make this statement unequivocally—has ever questioned the title of the city of Chicago to the lakefront. If the Senator from Florida knows of one official who has questioned the title of the city of Chicago to the lakefront, I challenge him to name that official.

Mr. HOLLAND. The Senator has already stated that the decision relates to filled land along the lakefront of the city of Chicago. The Senator has been making a powerful case to the effect that the State of Illinois could not, as he put it, violate its obligation to hold those lands in trust for the whole people of the State of Illinois.

How does the distinguished Senator reconcile his argument with the provisions of his Senate bill 107, which proposes to quitclaim to the State of New York, for instance, and to private parties as well, and to municipalities, lands similar to those involved in the Illinois case, with the exception that in the case of New York the built-up lands are in the waters of the Atlantic Ocean, along the south shore of Long Island, and along the outside shore of Staten Island? The values involved in the New York situation exceed the values involved in the Illinois situation, but the Senator from New Mexico and his associates sponsoring Senate bill 107 propose, as the Senator has stated, to quitclaim those immense values of the State of New York from the Federal Government to public bodies and to private ownership.

Mr. ANDERSON. That is a rather long question, and if I can remember it, I think it relates to why Senate bill 107 provides for quitclaims to filled land in Long Island while my position has been that the Illinois case prevented a quitclaim along the lakefront in Chicago.

Mr. HOLLAND. The lands involved are exactly similar in type, except that the filled land in the case of the city of Chicago lies upon Lake Michigan, whereas the filled land in the case of Long Island and Staten Island lies upon and extends out into the body of the Atlantic Ocean.

Mr. ANDERSON. I have tried to say that I think the Supreme Court, in a series of decisions going back as far as 1842 in the case of filled land, and to 1845 in the case of tideland, has always held that these lands become the property of the State. There is not a single differing decision on the part of the Supreme Court.

We heard a great deal of discussion yesterday about the Pollard case. When the attorney general of the State of Tennessee was testifying before the committee he tried to point out that in the Pollard case a piece of land away out in Mobile Bay, lashed and tossed by the storms in Mobile Bay, was the land under contest, but the actual fact was that it was a city lot inside the city of Mobile, and anyone who was at all familiar with the circumstances knew that this piece of land had become filled-in land and the Federal Government did not claim it. The suit was not filed by the Federal Government; it was filed by a private interest. Never once has the Federal

Government claimed to own this particular piece of land.

The decisions have been uniform for more than a hundred years. Filled-in land along the coasts of the States, on inland waters, and in various other spots, does belong to the States, and no one has ever tried to take such land away from the States.

Testimony was introduced in the hearing in an effort to show that the Federal Government had paid many of the States, and that that was a confession of State ownership. I do not think it was a confession of title, but it shows that the Federal Government has always leaned over backward to recognize that the areas of filled-in land and lands adjoining the coasts ought to be given to the States.

What we object to is not to the doing of that at all. What we object to is the effort to provide that lands 10 miles out in the ocean, and, beyond that, even farther than the eye can see, lying 150 fathoms below the surface, belong to a State.

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

Mr. ANDERSON. Yes; I am happy to yield.

Mr. HOLLAND. Surely the distinguished Senator from New Mexico is not contending, is he, that the filled lands along the south shore of Long Island are upon inland waters, when, in fact, they are out in the bed of the Atlantic?

Mr. ANDERSON. All of Long Island Sound is inland water.

Mr. HOLLAND. I am raising the question as to the south shore of Long Island. Is the Senator for one moment contending that filled lands extending out into the Atlantic Ocean along the south shore of Long Island are fills on inland waters?

Mr. ANDERSON. No; but the Senator from New Mexico is contending that when the Federal Government got ready to take some of the very property to which the Senator from Florida is referring, the Federal Government paid good money for it; but the Senator from New Mexico has never insisted that the filled land belonged to the Federal Government. The course of the Government is clear and plain. For a hundred years it has always taken the same attitude. If the opponents of the substitute, which is now the pending question, the advocates of the Holland joint resolution, would realize that the Government has never tried to take such land away from the States, how much easier it would be.

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

Mr. ANDERSON. I yield.

Mr. HOLLAND. I shall ask my question one more time. How does the Senator from New Mexico reconcile his position in quitclaiming to the State of New York and to other public and private owners title to fills, upon which hundreds of millions of dollars of developments are now located, fills extending into the open Atlantic, when he has so stoutly insisted that the theory and philosophy of the Illinois case is correct, and that those lands should be held in trust for all the public?

Mr. ANDERSON. I defend my position on the ground that that is exactly what we are trying to do. Perhaps such land is held in trust for the public, but the point is that the Federal Government does not regard it as its property, and never has regarded it as such. It has always contended that a contrary feeling is erroneous.

I do not intend to go into the Illinois Central case at any great length, for I do not believe it is necessary to read and rehash the long line of 50 Supreme Court cases which deal with inland navigable waters over submerged lands, as to which the United States has never made any claims. These cases do not deal with submerged lands of the marginal sea. They have been threshed and rethreshed, analyzed and reanalyzed, over and over again in arguments before the Supreme Court. The result has always been the same. The Supreme Court decided in the California case that these precedents did not apply to submerged lands of the marginal sea, and they repeated their conclusions in the Texas and Louisiana cases, so that there might not be any question from that time on.

We have again been through the process of retrying these cases, but it does not matter how many times we analyze and reanalyze those early cases; we have always the same result, always the same answer.

The Supreme Court passed on this question with finality and with clarity, and the interesting thing to me is that the reasoning it used in the Pollard case, and the reasoning it used in the Illinois Central case, it continues to use in the California, Texas, and Louisiana cases. I think it lays a foundation, at least, to suggest to the advocates of giveaway legislation that they had better be careful as to the constitutionality of the measure they are seeking to pass.

We now know completely and beyond argument, or twisted or tortured interpretation, where the title to the submerged lands of the marginal sea is vested or is not vested. If Senators desire to know completely, all they have to do is to read the order, judgment, and decree of the Supreme Court in the California case. It is printed in 332d United States Reports, at page 805, and is as follows:

> And for the purpose of carrying into effect the conclusions of this Court, as stated in its opinion announced June 23, 1947, it is ordered, adjudged, and decreed as follows:
>
> 1. The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over the lands, minerals, and other things underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California, and outside of the inland waters extending seaward 3 nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California.

Then there is this comment:

> The State of California has no title thereto or property interest therein.

I ask Senators to compare that language with what they have been hearing about these cases. The joint resolution, Senate Joint Resolution 13, proposes to "restore and confirm" title to the States. Finally, when the measure was before the Senate Committee on Interior and Insular Affairs there were added the words "to assign."

I turned to the chairman and said, "Is that the granting clause?"

He said, "Yes; that is the granting clause."

So we are not to confirm, we are not to quitclaim; but we are to grant title to those lands to the States, because the United States Government is now, and at all times has been, possessed of paramount rights, and the State of California has no title thereto or property interest therein.

Then, in the Louisiana case, there was the same language:

> For the purpose of carrying into effect the conclusions of this Court as stated in its opinion announced June 5, 1950, it is ordered, adjudged, and decreed as follows:

Then follows almost identical language:

> 1. The United States is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico, lying seaward of the ordinary low-water mark on the coast of Louisiana, and outside of the inland waters extending seaward 27 marine miles and bounded on the east and west, respectively, by the eastern and western boundaries of the State of Louisiana.

The question has been raised, Why did the Court say 27 miles in the case of Louisiana and only 3 miles in the case of California? The difference was that the State of Louisiana was claiming 27 miles. Therefore the Court settled that claim, along with the claim to the first 3 miles.

In the Texas case the same kind of language was used with reference to the situation there.

If it is desired to know who owns this area, all that is necessary is to read those decisions and it will be quite easy, I think, to ascertain the answer.

I have been moving in the direction of a discussion of whether the Federal Government can quitclaim or give away the marginal sea and the title to the lands under the marginal sea. Possibly we can obtain a little help from the discussion of the United States Supreme Court in the California, Louisiana, and Texas cases.

In the case of United States against California the Court said at page 29:

> Third. The crucial question on the merits is not merely who owns the bare legal title to the lands under the marginal sea. The United States here asserts rights in two capacities transcending those of a mere property owner. In one capacity it asserts the right and responsibility to exercise whatever power and dominion are necessary to protect this country against dangers to the security and tranquillity of its people incident to the fact that the United States is located immediately adjacent to the ocean. The Government also appears in its capacity as a member of the family of nations. In that capacity it is responsible for conducting United States relations with other nations. It asserts that proper exercise of these constitutional responsibilities requires that it have power, unencumbered by State commitments, always to determine what agreements will be made concerning the control and use of the marginal sea and the land under it.

The Court was not confused, and the Congress should not be confused, by the bare aspects of legal title. The Court

tried to make it clear—and I think did make it abundantly clear—that the rights of the United States transcend those of a mere property owner. The United States asserts its rights as the protector of the security and tranquillity of its people, and also as a member of the family of nations. No matter how many arguments are made for State rights, no matter how much is said about historic boundaries—which, I think, are quite different from the question of title—we come down to the cold, bare fact that under our system of government no individual State can maintain an army or navy, and no individual State can take its place in the family of nations.

We read on, at page 33 in the California decision:

> It did happen that shortly after we became a nation our statesmen became interested in establishing national dominion over a definite marginal zone to protect our neutrality. Largely as a result of their efforts, the idea of a definite 3-mile belt in which an adjacent nation can, if it chooses, exercise broad, if not complete dominion, has apparently at last been generally accepted throughout the world.

There is something which I think the Congress needs to be very careful about. This Government of ours started on the theory of the 3-mile zone, and largely because of the work started in the presidency of George Washington and under his direction, and carried on by his Secretary of State, Thomas Jefferson, the idea of a definite 3-mile belt was developed, a belt within which an adjacent nation, as the Supreme Court says, can, if it chooses, exercise broad, if not complete, dominion. As the Supreme Court has said, this idea has apparently at last been generally accepted throughout the world.

This is something with which we should deal with great care. This is something which we should not throw away hastily. Through 150 years of hard work by its representatives abroad, the United States Government has finally brought about the idea that there should be a 3-mile belt. That idea has been accepted throughout the world, and I think it is one that we should not hastily toss away.

(At this point Mr. ANDERSON yielded to Mr. TAFT, who asked and obtained unanimous consent that routine morning business be transacted. The business so transacted appears in the RECORD following Mr. ANDERSON's speech.)

Mr. ANDERSON. Mr. President, I was discussing the California decision and what it had to do with the 3-mile belt. I now refer again to what the Court said, commencing on 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. (See *Jones* v. *United States* (137 U. S. 202); *In re Cooper* (143 U. S. 472, 502).) The belief that local interests are so predominant as constitutionally to require State dominion over lands under its landlocked navigable waters finds some argument for its support. But such can hardly be said in favor of State control over any part of the ocean or the ocean's bottom. This country, throughout its existence, has stood for freedom of the seas—a principle whose breach has precipitated wars amongst nations. The country's adoption of the 3-mile belt is by no means incompatible with its traditional insistence upon freedom of the seas, at least so long as the National Government's power to exercise control consistently with whatever international undertakings or commitments it may see fit to assume in the national interest is unencumbered.

I merely call attention to this discussion of the 3-mile rule. I am going to have quite a little bit more to say about it later, but for the present let us just bear in mind that the Supreme Court is conscious of this 3-mile rule, just as the State Department was conscious of it in its testimony before the Senate committee this very year.

We have heard a great many people talking about the actions of a politically inspired court. I have thought that unfortunate, but it is extremely necessary that we keep in mind now that this discussion of the 3-mile rule needs to be read again in connection with testimony, to which I refer shortly, by State Department representatives who are interested in the 3-mile rule. But to come back to that 3-mile rule and the comments of the Court, I read again on page 35 of its decision, where the Court said:

> The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interest of its revenues, its health, and the security of its people from wars waged on or too near its coasts. And insofar as the Nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt, will most naturally be appropriated for its use. But whatever any nation does in the open sea, which detracts from its common usefulness to nations, or which another nation may charge detracts from it, is a question for consideration among nations as such, and not their separate governmental units. What this Government does, or even what the States do, anywhere in the ocean, is a subject upon which the Nation may enter into and assume treaty or similar international obligations. See *United States* v. *Belmont* (301 U. S. 324, 331–332). The very oil about which the State and the Nation here contend might well become the subject of international dispute and settlement.

I have concluded the quotation from the Supreme Court. The Supreme Court there pointed out pretty clearly that it believed we had better be careful in considering the 3-mile belt. I believe the words of the Supreme Court add a great deal of importance to the testimony of the Attorney General when he came before the Committee on Interior and Insular Affairs. We are not dealing with some narrow, vague, 3-mile belt that is of no importance to this country. We are dealing with a 3-mile rule which has been developing since the days of the very first President. I call attention again to this language of the Court:

> 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.

Much has been said about why the States should control the 3-mile belt and about their needs and responsibilities for taking on the 3 miles, but the Court points out very properly that that is not a controlling factor.

Now we begin to get to the heart of this matter, as far as oil is concerned. Now we begin to recognize that the very oil about which we are disputing here today might become the subject of international dispute later on, and, therefore, the decisions we reach here today in attempting to divide this oil in some fashion between the Federal Government and the States that are clamoring for it might be a nullity later when some international argument arises and this country would not be in position to assert the claims of individual States, but would be forced again to assert its own claims as a sovereign. This is something the proponents of give-away legislation have considered very lightly, if they have considered it at all. But I say to my colleagues today that the interests of 3 or 4 States should never blind us to the interests of the Nation. The welfare of all the people of the United States is paramount, and the Court commented on it when it said, on page 35 of the California decision:

> And as peace and world commerce are the paramount responsibilities of the Nation; rather than an individual State, so, if wars come, they must be fought by the Nation. (See *Chy Lung* v. *Freeman* (92 U. S. 275, 279).) The State is not equipped in our constitutional system with the powers or the facilities for exercising the responsibilities which would be concomitant with the dominion which it seeks. Conceding that the State has been authorized to exercise local police power functions in the part of the marginal belt within its declared boundaries, these do not detract from the Federal Government's paramount rights in and power over this area.

No; national sovereignty cannot be lightly transferred to the States. Congress lacks authority or power to give away the national sovereignty. The powers of Congress are broad indeed, but they are not unlimited. Under our system of Government, the State does not exist that can carry on the functions which the Supreme Court outlined in its California opinion.

The supporters of quitclaim, give-away legislation find little comfort when they finish the reading of the California decision and turn to the Louisiana decision. The opinion of the Court there followed the California case. Look at it in 399th United States Reports, at page 699. The Court said the question involved was as to the power of a State to deny the paramount authority which the United States seeks to assert over the area in question, that is, the 3-mile belt. In speaking of that 3-mile belt, which we are going to be talking about more later on, the Court said, commencing on page 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.

Protection and control of that area are indeed the functions of national external sovereignty. Does any Senator think for a minute that Congress can quitclaim to a State that external na-

tional sovereignty, any more than it can delegate to a State its power to regulate commerce under the commerce clause? No; it is not possible, and the proponents of this legislation, recognizing that, have inserted elaborate separability clauses to take effect if and when the Supreme Court is faced with the decision on the right and power of Congress to try to quitclaim and transfer and assign to an individual State these elements of national sovereignty.

Oh, but some contend that the waters along the shores of Louisiana are shallow, that a man can wade out far to sea without getting into very deep water. But the Supreme Court listened when the State of Louisiana set forth certain particular legal theories in its argument, and then brushed them aside in these words, found on page 705 of the opinion:

> We have carefully considered the extended and able argument of Louisiana in all its aspects and have found no reason why Louisiana stands on a better footing than California so far as the 3-mile belt is concerned. The national interest in that belt is as great off the shoreline of Louisiana as it is off the shoreline of California.

But in the Louisiana case the Supreme Court went even farther, and touched the question of the ocean area seaward of the marginal belt, out into the area of the Continental Shelf, where we ought to be determining that the rights of this Government are supreme, no matter what kind of legislation we pass for the 3-mile area.

I wish to say that I tried to make the joint resolution a little more specific; I tried to strike from it the negative approach, so as to include simple language to the effect that the rights of the United States to the Continental Shelf are hereby confirmed. However, we could not get such a provision through the committee, because a majority of the members of the committee seemed unwilling to concede that the rights of the United States in that area should be confirmed. Yet in the Louisiana case the Supreme Court of the United States dealt with that matter.

In commenting on Louisiana's claim to rights extending 24 miles seaward of the 3-mile belt, the Court said:

> We intimate no opinion on the power of a State to extend, define, or establish its external territorial limits or on the consequences of any such extension vis-a-vis persons other than the United States or those acting on behalf of or pursuant to its authority. The matter of State boundaries has no bearing on the present problem. If, as we held in California's case, the 3-mile belt is in the domain of the Nation rather than that of the separate States, it follows a fortiori that the ocean beyond that limit also is. The ocean seaward of the marginal belt is perhaps even more directly related to the national defense, the conduct of foreign affairs, and world commerce than is the marginal sea. Certainly it is not less so. So far as the issues presented here are concerned, Louisiana's enlargement of her boundary emphasizes the strength of the claim of the United States to this part of the ocean and the resources of the soil under that area, including oil.

Mr. President, I wonder why we cannot in some way write into the pending joint resolution a declaration that the Continental Shelf beyond historic State boundaries does belong to the United States. Why must we handle this matter in a negative way, by saying that nothing in this act shall be construed to affect in any way the rights of the Federal Government?

Now we come to the Texas case. I am willing to admit that the Texas case was far more difficult for the Court and has been far more difficult for citizens of that great State, because Texas was entitled to make one contention—that of prior sovereign status—which was not available to the other States. It complicated very materially the study which had to be made of the Texas claims, and the Court split very closely on that contention, and the decision was a very difficult one to reach. Nonetheless, in the Texas case, the Court disposed of all the claims of the State of Texas, which attempted to set forth entirely different facts as to its status upon admission to the Union. Texas claimed that she retained her imperium—her governmental powers of regulation—over the marginal sea. But the Court disposed of these claims in short order, on the ground that any claim Texas may have had to the marginal sea was relinquished to the United States when Texas ceased to be an independent nation and was admitted to the Union on an equal footing with the existing States. The Court said the requirement of equal footing was designed, not to wipe out those diversities, but to create parity as respects political standing and sovereignty.

In the case of *United States* v. *Texas* (339 U. S. 707), the Court said, at page 717:

> When Texas came into the Union, she ceased to be an independent nation. She then became a sister State on an equal footing with all the other States. That act concededly entailed a relinquishment of some of her sovereignty. The United States then took her place as respects foreign commerce, the waging of war, the making of treaties, defense of the shores, and the like. In external affairs the United States became the sole and exclusive spokesman for the Nation. We hold that as an incident to the transfer of that sovereignty any claim that Texas may have had to the marginal sea was relinquished to the United States.

After quoting from the previous decision in the California case, the Court said in the Texas case opinion, at page 719:

> Yet, as pointed out in *United States* v. *California*, once low-water mark is passed the international domain is reached. Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign. Today the controversy is over oil. Tomorrow it may be over some other substance or mineral or perhaps the bed of the ocean itself. If the property, whatever it may be, lies seaward of low-water mark, its use, disposition, management, and control involve national interests and national responsibilities. That is the source of national rights in it. Such is the rationale of the California decision, which we have applied to Louisiana's case. The same result must be reached here if equal footing with the various States is to be achieved. Unless any claim or title which the Republic of Texas had to the marginal sea is subordinated to this full paramount power of the United States on admission, there is or may be in practical effect a subtraction in favor of Texas from the national sovereignty of the United States.

To me, Mr. President, that is important language. I was strongly attracted to the statement of Mr. Justice Douglas that property rights coalesce and unite in the sovereign, once the low-water mark is reached. I do not have a legal dictionary at my home, where this statement was dictated a few nights ago, nor would I perhaps understand the legal terms if I had a legal dictionary. But I did have an ordinary Webster's Dictionary, and in it I looked up the word "coalesce," to find what it might mean. Here is what I found:

> Coalesce: (1) To grow together; to unite by growth into one body; (2) to unite in one body or product; to combine into one body or community.

Mr. President, if these rights—property rights and political rights—have grown together into one body, how can they be separated without loss of life to that body?

Mr. President, a short time ago several surgeons, located in a certain city, tried to separate twins who were joined together at their heads. Shortly after the conclusion of the operations, one of the twins died. Since that time the other has been failing. Surely we know that there does not live a Solomon who can divide one body. So I ask the Senate how it will do away with what the Supreme Court has said has happened, namely, that property rights and political rights have grown together until they have coalesced. How do Senators now propose to separate them without loss of life to that body? How can we fail to kill the political rights of this Nation in the waters lying seaward of the ordinary low-water mark if we are going to subtract from that now-united structure the property rights, and if we then start to return them to the respective coastal States?

One additional decision of the Supreme Court has been of interest to us, and it was pointed out by Mr. Philip Perlman, former Solicitor General of the United States, in his testimony before the committee. He said to us:

> It should be noted that on June 8, 1948, after the decision in the California case and before the decisions affecting Louisiana and Texas, the Supreme Court, in the case of *Toomer* v. *Witzell* (334 U. S. 385), said:
>
> "While *United States* v. *California* (332 U. S. 19 (1947)), as indicated above, does not preclude all State regulation of activity in the marginal sea, the case does hold that neither the Thirteen Original Colonies nor their successor States separately acquired 'ownership' of the 3-mile belt."
>
> The situation is, therefore, that the Supreme Court has said, at least 4 times, in 4 separate cases, that the States do not have, and never have had, any title to or property interest in the marginal sea. Moreover, the decrees in the California, Louisiana, and Texas cases vest all rights, paramount rights, and full dominion and power over the submerged lands, the minerals, and other things, in the United States. The Supreme Court ordered accountings to the United States and held that the United States was entitled to injunction to restrain those States, or their lessees, from continuing to take or remove the natural resources of the submerged lands of the marginal sea.
>
> There is no question as to where the title to these resources is, and always has been. They belong to the United States, and they will continue to belong to the United States

unless the Congress enacts, and the President approves, a valid method of taking them away from the United States.

At this point, Mr. President, I have a memorandum which was submitted to me by a senior member of the bar of Oklahoma. I do not subscribe to its accuracy; I do not attempt to pass on the soundness of his judgments. This individual was extremely anxious that the memorandum might find a place somewhere in the literature of this discussion. I, therefore, ask unanimous consent that this memorandum, submitted by J. Hugh Turner, a senior member of the bar of the State of Oklahoma, be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. Is there objection?

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

MEMORANDUM

The decisions of the Supreme Court in the California, Texas, and Louisiana cases find support in many other decisions of that Court, such as *Alaska Pacific Fisheries* v. *United States* (248 U. S. 87); *Borax Consolidated, Ltd.*, v. *Los Angeles* (296 U. S. 10); *Hynes* v. *Grimes Packing Co.* (337 U. S. 86); and *Knight* v. *United States* (142 U. S. 161). In these cases there is no suggestion that the rights of a State extend seaward beyond the mean low tide of the ocean.

The State of California did not exist at the date of the ratification of the Treaty of Guadalupe Hidalgo, hence it acquired no rights under that treaty in and to the offshore subsea lands in question. Moreover, the Treaty of Guadalupe Hidalgo was between two sovereign nations, to wit, the United States of America and the United Mexican States. By that treaty the United Mexican States ceded to the United States of America a vast territory which included the area now within the State of California. Absolute title to the ceded area thereby became vested in the United States.

About 2 years after the ratification of the Treaty of Guadalupe Hidalgo, the State of California was admitted into the Union. The act of admission contained the following pertinent provisions:

"The said State of California is admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and the right to dispose of, the same shall be impaired or questioned."

Clearly, the State of California acquired no right to or interest in the public lands situated within its boundaries. Whether the offshore subsea lands are public lands within the meaning of that term is a question now pending in the courts, not involved in this discussion. It may be said generally, however, that all lands belonging to the United States are public lands, except such as have been withdrawn, reserved, or set apart for military, naval, or other special uses and purposes (30 U. S. C. A., sec. 181).

There is another phase of the proposed congressional legislation that appears to have had scant, if indeed any, consideration and that is, whether Congress has power under the Constitution to give away the offshore subsea lands of the Continental Shelf, or the lands within the marginal 3-mile belt. In other words, would the so-called quitclaim legislation, if enacted, be constitutional? In our view of the matter, such legislation would contravene the Federal Constitution.

It is true, of course, that Congress has very broad powers under the Constitution, but its powers are not unlimited. For example, Congress has power: to "provide for the common defense and general welfare of the United States * * * to regulate commerce with foreign nations * * * to declare war * * * to raise and support armies * * * to provide and maintain a navy * * * to suppress insurrections and repel invasions" (Constitution, art. I, sec. 8). But Congress has no power to impair or surrender the national sovereignty or any part thereof, for any purpose whatsoever.

Congress may not pass laws for the accomplishment of objects not entrusted to it by the Constitution (*Ashwander* v. *Tennessee Valley Authority* (297 U. S. 288); *Carter* v. *Carter Coal Co.* (298 U. S. 238)). It can pass no laws except such as the Federal Constitution expressly or impliedly permits (*Pine Grove Tp.* v. *Talcott* (86 U. S. 666)).

The Federal Constitution imposes upon and entrusts to Congress the duty, as well as the power, to enact legislation to promote the general welfare (Preamble of the Constitution); and general welfare is determined by whether the problem presented is national in scope or merely local. (*Helvering* v. *Davis* (301 U. S. 619, 640); *First Fed. Sav. & L. Assn.* v. *Loomis* (97 F. 2d 831); *Davis* v. *Boston & Maine R. Co.* (89 Fed. 2d 368); *Township of Franklin* v. *Tugwell* (85 F. 2d 208); *Kansas Gas & E. Co.* v. *City of Independence* (79 F. 2d 32)). The proposed gift by Congress to California of offshore subsea lands and resources valued at many billions of dollars would not promote the general welfare of all the people of the United States; on the contrary, such legislation would inure to the sole benefit of the people of a few coastal States and deprive the people of all of the other States of their interests in said lands and resources. The proposed gift is, therefore, for the particular welfare of the people of California, and other coastal States, and not for the general welfare of all of the people of the Nation; and, hence, the gift would violate the general-welfare provisions of the Constitution.

In many reported cases the general welfare clause of the Federal Constitution (art. I, sec. 8) has been construed in connection with tax levies, or expenditures for other than general welfare purposes. Such levies and expenditures have been condemned and held invalid.

In Story on the Constitution (fifth edition), at section 922, it is said:

"A power to levy taxes for the common defense and general welfare of the United States is not in commonsense a general power. It is limited to those objects. It cannot constitutionally transcend them. If the defense proposed by a tax be not the common defense of the United States, if the welfare be not general, but special, or local, as contradistinguished from national, it is not within the scope of the Constitution."

In *Kansas Gas & E. Co.* v. *City of Independence* (79 F. 2d 32), the Court, after quoting from Story and from numerous cases, said at page 41:

"We conclude that section 8 of article 1 gives Congress the power of taxation and limits the purposes for which taxes may be levied and appropriated, namely, to pay the debts and provide for the common defense and general welfare of the United States.

"We further conclude that the phrase 'general welfare' is not limited by the specifically enumerated powers, but that the welfare must be national or general as contradistinguished from local or special."

Legislation by Congress must, therefore, be for the general welfare under the Constitution and authorities above cited, and many more that could be cited. If legislation does not meet this test, it is contrary to the constitution and invalid. The quitclaim legislation proposed would give to a small minority of the people property that belongs to all of the people of the United States, and such legislation cannot be sustained under the general welfare clause of the Federal Constitution.

There is another and even more serious constitutional objection to the proposed legislation, namely, the transfer of the offshore subsea lands of the Continental Shelf to the State of California would impair the sovereign power of the United States to defend the people thereof. In other words, such a transfer would impair the sovereignty of the Nation, which would, of course, be opposed to the general welfare of all the people of the United States. One of the powers granted by the States or by the people to the United States was that of acting in the national defense. Only the national sovereign is capable of exercising such power; it cannot be left to the separate States. The power mentioned is referred to in *United States* v. *State of California* (332 U. S. 19, at p. 35), as follows:

"The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interest of its revenues, its health, and the security of its people from wars waged on or too near its coasts. And insofar as the nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt, will most naturally be appropriated for its use. But whatever any nation does in the open sea, which detracts from its common usefulness to nations, or which another nation may charge detracts from it, it is a question for consideration among the nations as such, and not their separate governmental units (that is, the States). * * * The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement."

In *United States* v. *State of Texas* (339 U. S. 707) the Court said, in this connection, at page 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.

"It is said that there is no necessity for it—that the sovereignty of the sea can be complete and unimpaired no matter if Texas owns the oil underlying it. Yet as pointed out in *United States* v. *State of California*, once low-water mark is passed the international domain is reached. Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign. Today the controversy is over oil. Tomorrow it may be over some other substance or mineral or perhaps the bed of the ocean itself. If the property, whatever it may be, lies seaward of low-water mark, its use, disposition, management, and control involve national interests and national responsibilities. That is the source of national rights in it."

The advocates of the proposed legislation to give to the coastal States the offshore subsea lands have erroneously assumed that under the equal footing doctrine the States admitted after the adoption of the Federal Constitution acquired offshore subsea rights. This amounts to a claim that each such State acquired a part of the national sovereignty, that is, the right to own and the power to deal with property within the international domain. Such power has never existed in any of the States of the Union.

In *United States* v. *Curtiss-Wright Export Corporation* (299 U. S. 304), the Supreme Court made clear the proposition that in matters pertaining to external affairs—matters within the international domain—the Federal Government is supreme and its powers exclusive. It also made clear that the States never possessed international rights or powers, even during the colonial period, but that such rights and powers were vested in the Crown and later in the Federal Government. The Court said, among other things:

"And since the States severally never possessed international powers, such powers could not have been carved from the mass of State powers but obviously were transmitted to the United States from some other source. During the colonial period, those powers were possessed exclusively by and were entirely under the control of the Crown. * * * 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. * * * When, therefore, the external sovereignty of Great Britain in respect of the Colonies ceased, it immediately passed to the Union. * * * 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. * * * 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 been vested in the Federal Government as necessary concomitants of nationality. * * * As a member of the family of nations, the right and power of the United States in that field are equal to the right and power of the other members of the international family. Otherwise, the United States is not completely sovereign."

The principles stated in the foregoing decisions of the Supreme Court are in accord with international law. One of the most recent statements thereof is the following:

"The territory of a coastal nation includes (not only a belt known as the territorial sea but) * * * also the airspace above the territorial sea, as well as the bed of the sea and the subsoil." (The Hague (1930) Conference on Codification of International Law, Hudson Cases, 2d ed., p. 401.)

The sovereignty of this Nation is indivisible. It cannot be shared with or exercised by California or any other State. Only the national sovereign has power equal with that of other nations in the international domain. The offshore oceanic area is in the international domain and, under international law and the decisions of the Supreme Court construing the Constitution, is the property of the United States and is essential to the national defense and general welfare of the Nation as a whole. It may not be surrendered to a State or to a group of States less than all of the States of the Union, since to do so would amount to a surrender or serious impairment of the national sovereignty contrary both to the letter and spirit of the Constitution.

Respectfully submitted.

J. HUGH TURNER.

Mr. ANDERSON. Mr. President, the distinguished Senator from Rhode Island [Mr. GREEN] has indicated that he would like me to yield to him for about 5 minutes for remarks regarding Pan-American Day. Would it be agreeable to the majority leader if I were to do that at this time?

Mr. TAFT. I should be very glad if the Senator would do that. I shall not object to his yielding the floor to the Senator from Rhode Island for that purpose.

Mr. ANDERSON. Mr. President, I ask unanimous consent that I may yield 5 minutes to the Senator from Rhode Island [Mr. GREEN].

The PRESIDING OFFICER. Without objection, the Senator from Rhode Island is recognized for 5 minutes.

[Mr. GREEN addressed the Senate on the subject of Pan-American Day. His remarks appear in the RECORD at the conclusion of the speech of Mr. ANDERSON.]

Mr. ANDERSON. Mr. President, I now move to the second main point which I want to consider. I have been talking about the difficulty that may lie in the way of those who seek to give away to these States elements of external sovereignty. I say that the whole project may be difficult, may be impossible, but even if it were constitutional and feasible to grant these areas to the adjoining States, these areas where the Federal Government has paramount rights greater than mere political rights and greater than mere property rights by virtue of its position as a sovereign and its membership in the family of nations, even if that could be done I submit that Senate Joint Resolution 13 contains provisions which should cause us to pause and to adopt something similar to the suggestion of the distinguished senior Senator from Tennessee [Mr. KEFAUVER] when he proposed a commission to study the whole question of mineral deposits lying off our shores. We need to determine once and for all whether this country of ours will change a pattern which has stood since the first functioning of this Nation under the Constitution, a policy which this Nation has had since the Presidency of George Washington, and that is the policy that we shall stand for, the freedom of the seas, and we shall oppose any boundary which is more than 3 miles in width; that we shall oppose it not only in this Nation, but in any other nation, and that our whole pattern of international diplomacy will be conducted with that principle in mind.

Let me say that this is no partisan issue. I hope no one is going to stand up and begin arguing that Dean Acheson has left the Department of State, and therefore we are open to new ideas if we desire to have them. Let it be remembered that this policy of a 3-mile marginal sea was laid down during the Presidency of George Washington, and at his explicit instructions, by Thomas Jefferson, his Secretary of State. Let us remember that it has been followed by every subsequent Secretary of State who has been called upon to express himself upon it, and that it was continued as a national policy through Herbert Hoover's administration, when representatives of this Government went abroad to the Hague Conference in 1930. I understand that the distinguished representative of this Government was Dr. Boggs, author of the Boggs formula, which was referred to on the floor of the Senate a day or two ago in connection with the boundaries of inland waters within the State of Massachusetts. We have not only maintained the same doctrine, but we have also tried to hold onto some of those who attended the Hague Conference as representatives of President Hoover in 1930. Some of them are still in the State Department, trying to delineate boundaries. I speak of President Hoover, because many persons will find it in their hearts to be argumentative over the respective merits of the Franklin Roosevelt and Harry Truman administrations. I do not see what they could complain about in the years that Cordell Hull was our Secretary of State. I have heard him spoken of in rather glowing terms, not only during the years that he was a member of the President's Cabinet, but in the years of retirement when he is revered and honored throughout the Nation as one of our most able and distinguished elder statesmen. I see the distinguished Senator from Tennessee [Mr. KEFAUVER] now on the floor. I am saying that the policy relative to the 3-mile limit has been followed by every Secretary of State since Thomas Jefferson, and was followed by that great Tennessean, Mr. Cordell Hull. I do not mean to question that others who have served as Secretary of State, including Governor Byrnes of South Carolina, Edward R. Stettinius, and many others have had wide experience and possessed great talents. But the fact remains that not one of them advocated a national boundary greater than 3 miles. Still the cry persists that we must now carry the rights of the States but to what are termed their historic boundaries, and since no one is willing to have those boundaries limited to 3 miles on the Atlantic and Pacific, I must assume that someone is interested in a distance greater than 3 miles, and, hence, is in favor of doing violence to an international policy which we have long pursued, and, furthermore, is in favor of involving us in trouble with other nations all over the earth.

Mr. HILL. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I yield.

Mr. HILL. The distinguished Senator from New Mexico has spoken of the different Secretaries of State under various administrations, coming down to the time of the great Cordell Hull. Is it not true that representatives of the State Department who appeared before the Senate Committee on Interior and Insular Affairs during the recent hearings were representing the Eisenhower administration? Mr. Tate, the representative of the Secretary of State who testified before the committee, was testifying for the Eisenhower administration.

Mr. ANDERSON. That is correct. He not only stated that Mr. Dulles knew that he was coming before the committee, but he had checked his testimony with the aides of the Secretary of State.

The Secretary of State, representing the Government of the United States, cannot do business if he recognizes boundaries greater than 3 miles. It would make us the laughingstock of the world if we should talk about increasing the limits to more than 3 miles.

In the year 1890 it was proposed that we redefine the length of a marine league to make a league measure 6 miles instead of 3 miles. Accordingly, boundaries of nations might go out to that distance. Who opposed that? The Government of the United States. I do not happen to know who was President at that time, but I can assure the Senate that he must have been a very conservative and steadfast man, because he rejected the

idea of extending our boundaries out more than 3 miles.

Mr. HILL. Is it not true that Mr. Tate, testifying for the Eisenhower administration, stated as follows before the committee:

The maintenance of the traditional position of the United States is vital.

Note that word "vital."

Mr. ANDERSON. I think the word "vital" means something.

Mr. HILL. He went on to say:

It 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 extension of sovereignty over high seas. A change of the traditional position of this Government would be seized upon by other states as justification for broad and rather extravagant claims over adjacent seas.

Mr. ANDERSON. The Senator from Alabama has been helpful, and I thank him for reading that testimony.

Before the representative of the Secretary appeared before the committee I stated that I was in possession of certain information with reference to boundaries extending more than 3 miles, and that if the representative of the Secretary of State wanted me to do so, I would submit a list of the questions I wanted to ask so that I would not be asking any questions which might be embarrassing. The Department did not bar any of my questions, and, therefore, I asked if the Government of the United States was not then negotiating with the Government of Saudi Arabia on the question of boundaries?

What does Saudi Arabia want to do? It wants to extend its boundaries from 3 miles to 6 miles. We oppose that. Then Senators propose to extend the boundaries of the State of Texas and the State of Florida from 3 miles to 10½ miles. But what do we say to Saudi Arabia? We say, "So sorry. It is all right for us to do it here, but it is not all right for you to do it there. We have oil, and it is all right for us. You have oil and it is all wrong for you."

If that makes any sense I do not know what it is.

We spent days on the Senate floor discussing who would be the Ambassador of our Government to Russia. I was very happy to state privately and publicly that I was going to vote for the nomination of Mr. Bohlen when it came before the Senate, not because I attempted to pass on his qualifications, although I think they are high; not because I thought he was the smartest man for that job who ever lived, although I had a conversation with him which almost persuaded me that he was. It was because I felt that the President of the United States, with extreme pressure on him from all over the world, had a right to have in Russia the man he wanted there, whether I liked him or not. I said at that time that if the President tried to send Joe Doakes to Cuba, and Joe Doakes was interested in the sugar business, I might oppose him, but I did not care whom the President assigned to Russia, that the great President of the United States was entitled to my help in having the man he wanted in that spot.

Why do I think this has any bearing on this situation? Because Russia is trying to extend its boundaries to 12 miles, and this Nation is opposing that extension. So we say to Russia, "You cannot extend your boundary 12 miles; that is wrong. Meanwhile, we will extend the boundaries of certain States to 10½ miles, because that is right."

How can we explain that situation to the persons representing this country abroad?

Mr. KEFAUVER. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I yield.

Mr. KEFAUVER. I was very much interested in the statement which the distinguished Senator from Alabama [Mr. HILL] read as having been made by the representative of the present Secretary of State as to the problems which might be created by the extension of boundaries. Has the Senator discussed, or will he tell us about, the present dispute we are having with Mexico with reference to fishing boats which have been seized by the Mexican Government on the ground that Mexico has extended its boundaries to 9 miles?

Mr. ANDERSON. Mexico claims that it has extended its boundary to 9 miles. This country denies that. The State Department contends that the Texas boundary goes out only 3 miles, because it says a State cannot have boundaries greater than those of the Nation. I think that is a sound statement.

I am not trying to enter into the question of whether the State of Texas may have some rights to oil under 10 miles of submerged land; I am speaking only of the question of extending boundaries out that distance. The Federal Government, in a letter to former Senator Connally when he specifically raised that question, pointed out—and the State Department has never changed its opinion—that it does not recognize a boundary for the State of Texas greater than 3 miles. This Government has taken the position that the Mexican Government is wrong when it attempts to interfere with American shrimp boats operating 9 miles out to sea.

Mr. KEFAUVER. If Congress passes legislation authorizing States to extend their boundaries out 9 miles, what kind of a position will we be in in protesting the seizure of shrimp boats by the Republic of Mexico on the ground that they are within the territorial waters of Mexico?

Mr. ANDERSON. We shall be in a ridiculous position, of course.

The resolution seeking to extend our boundaries can make our diplomatic representatives the laughingstock of the world. We have been contending that Saudi Arabia cannot extend its boundaries, but we say we can extend our boundaries; that Russia cannot extend its boundaries, but we can extend ours.

I asked the representative of the State Department with reference to an American airplane being shot down over the waters of the Baltic Sea. I asked whether it was between the 3- and 12-mile zones. He replied that he did not know. I accepted that statement, of course, but I believe there was something involved in it which had to do with the extension of boundaries.

Furthermore, I think we should bear in mind that when the State of Texas sought to extend its boundaries to the edge of the Continental Shelf that action was followed by Chile and Peru extending their boundaries 200 miles to sea.

The senior Senator from the great State of Massachusetts [Mr. SALTONSTALL] had some things to say yesterday afternoon about the dangers to the city of Boston by reason of the Government claiming some filled-in land. The Senator should be far more concerned about what would happen to the fishing fleets of New England if Canada should suddenly decide to extend its boundaries 200 miles at sea, or if Canada should take the more conservative figure as set forth by the States of Louisiana and Texas and extend its boundaries only 150 miles at sea. If Canada should do that, the fishing fleet of the New England States would be dead, because the fish do not exist along our own shores to keep that fleet alive.

Furthermore, before the Senate Committee on Interior and Insular Affairs, I displayed a map showing where the future fishing areas were located along the Northern American Continent. Where were they on the west coast? Off the coast of California? If the California fishing fleet had to depend on the coast of California for a distance of 3 miles, 30 miles, or 150 miles straight west to sea, there would be no California fishing fleet. The fish go into the warmer waters of Lower California and in the more southerly waters of Pacific areas. Our fleet must fish off the coast of Lower California and areas south of that.

That is not all. There is a fishing industry on the eastern coast that sails south into the Caribbean Sea. If we have a right to extend our boundaries 150 miles, then every small nation can extend its boundaries 150 miles and not only prevent our fishing fleets from operating, but can extend its restrictions to the very entrances to our own Panama Canal.

The State Department comes before us with a warning. It says, "This is vital." Congress proceeds to say, "Why should we care whether it is vital? We will pass this legislation anyway, because oil is involved, and oil is money. We want money."

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

Mr. ANDERSON. I yield.

Mr. KEFAUVER. I think the Senator from New Mexico is making an excellent point. I wonder if he would yield for the purpose of my suggesting the absence of a quorum.

Mr. ANDERSON. The Senator from Ohio has been very agreeable in trying to provide time for me. I do not blame anyone for not wishing to be on the floor to hear the reading of court opinions, and the like, which I have been reading. I do not believe in inflicting my own brand of punishment on innocent persons. So I do not desire to have the Senator suggest the absence of a quorum, unless the distinguished majority leader actually wishes to have that done.

I have said repeatedly that it is hard to conceive of a type of legislation which would place boundaries where it is proposed to place them under Senate Joint

Resolution 13. That is why I was very much attracted to the suggestion made by the Attorney General of the United States. No one can accuse me of being partisan when I say I was attracted to the opinion of the Attorney General of the United States, because I think it is reasonably well known that I have been as partisan a Democrat as a human being can be. God willing, I hope to stay that way the rest of my life. I remember that the people of the Orient have a proverb to the effect that light is good in whatever lamp it is burning. When the Attorney General of the United States came before our committee, he did not say to us that we had to discard all questions of boundaries and historic boundaries, but he did say we might simplify some of the constitutional problems if we merely gave rights to the oil underneath the ground. That is what I have sought to do in S. 107. It is a matter of degree only between the Attorney General of the United States and myself.

I have said that oil lying 3 miles off the coast should be treated like oil in the public-land States. Three-eighths should be given to the States of Louisiana, Texas, and California. The Attorney General of the United States felt that 100 percent should be given to those States. That is a matter of degree. I am not highly concerned over whether the State take 100 percent, 50 percent, or 37½ percent. What I am concerned about is that we shall not make ourselves the laughingstock of the diplomatic world by trying to extend boundaries in such a fashion as is provided in Senate Joint Resolution 13.

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

Mr. ANDERSON. I yield.

Mr. HOLLAND. I should like to have the Senator from New Mexico indicate at this time just what part of Senate Joint Resolution 13 he relies upon for his repeated statements that the joint resolution would extend boundaries. As the author of the joint resolution, I have frequently stated, and I now restate, that there is not one word within the joint resolution which would extend boundaries beyond the 3 geographical mile limit of any State of the Union; and that as to the two States which claim to have boundaries 3 leagues out—Texas, for all its frontage, and Florida for a portion of its frontage—they would have to rely upon this provision of the joint resolution:

> Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

I wonder if the Senator from New Mexico can point to any word within the four corners of the joint resolution which, in his opinion, would extend the boundary of any State, as the Senator has so frequently stated, beyond 3 geographic miles.

Mr. ANDERSON. I may say that the Senator from Florida is reading my mind, because I plan to discuss that point. I do not say that I will give to him what will be a satisfactory answer. I only say there are certain things which act as red flags to me, and I intend to mention them. I hope that later on my statement will answer his question in some detail.

Mr. HOLLAND. I appreciate the Senator's candor. I will be listening attentively. I have discussed this question with a great many people, and I have yet to find one who can put his finger on one word within the joint resolution which even purports, in any case, to extend the limit beyond 3 geographic miles.

I have one more question.

Mr. ANDERSON. Please let me finish my answer to the first question.

The PRESIDING OFFICER (Mr. IVES in the chair). The Senator from New Mexico declines to yield.

Mr. ANDERSON. No; I do not decline to yield. The Senator from Florida may ask his question.

Mr. HOLLAND. With reference to the other point made by the distinguished Senator from New Mexico, which has been mentioned in the RECORD so frequently that I almost hesitate to bring it up again, I wonder how the Senator interprets the first words in the Treaty of Guadelupe Hidalgo, between the United States and the Republic of Mexico, relating to boundaries; reading, in substance:

> Beginning at a point 3 leagues in the Gulf of Mexico off the mouth of the Rio Grande and running thence to the mouth of the Rio Grande—

And so forth. Likewise, I wonder how the Senator interprets the map by the Department of State, shown at page 411 of the printed hearings. This Department of State document contains the very words:

> International boundary begins 3 leagues from land and opposite the mouth of the Rio Grande.

I wonder how the Senator interprets that statement in light of the fact that the Department of State more than 100 years ago negotiated two solemn treaties, which were reported to the Senate, confirmed, and ratified. How does the Senator interpret those words except as a recognition of the 3-league boundary, not only for Texas, which was on one side of that boundary line drawn by the Department of State, but also for the Republic of Mexico, which was on the other side of the boundary line?

Mr. ANDERSON. These maps deal with that very question, and I had intended to cover that question subsequently, and I shall do so.

I will say to the Senator from Florida that we all have a right to our hobbies, and perhaps foolish avocations. One of mine has been the collection of books dealing with the history of the Southwest, and the occasional collection of maps dealing with the Southwest. I must say to the Senator from Florida, as sincerely as I can, that I can assure him that in a case in court there is about as much reliance to be placed on the fact that some engineer working for the State Department put certain wording on maps, as there is to be placed upon a miscellaneous article in a daily newspaper as a matter of real evidence in court.

The Senator cannot find a court decision in the United States holding that because some cartographer puts words upon a map they are binding on anyone. If there is such a decision, I am going to have the pleasure of kicking it around this afternoon, because I shall produce some maps which purport to show where the boundary of Texas starts, and these maps fail to show that it starts 3 leagues at sea.

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

Mr. ANDERSON. I yield.

Mr. HOLLAND. I heard the distinguished Senator from New Mexico express his complete disregard of the works of the unnamed cartographer, without mentioning the fact that this particular map comes to us as an official State Department map, delivered by the State Department to the committee in the course of the hearing. I wonder if the same observation just made by the distinguished Senator with reference to his complete disregard for what is done by others would apply also to the Treaty of Guadalupe Hidalgo. The opening words in that treaty place the boundary between Mexico and the United States 3 leagues out into the Gulf of Mexico from the mouth of the Rio Grande. I call particular attention to the fact that that treaty was ratified by the Senate.

Mr. ANDERSON. I intend to deal with that question later; but briefly now it should suffice to say that the description of 3 leagues from the mouth of the Rio Grande was placed in the treaty according to those who were engaged in making the survey subsequently, and who had possibly been responsible for the language, so that the best channel up the Rio Grande might be determined. That language is repeated over and over again, and I think it is of some importance.

Perhaps it might be worth while to introduce a little lighter note into the proceedings at this point. It is difficult to discuss these matters of historical significance. It is difficult to establish titles. The distinguished junior Senator from Texas [Mr. DANIEL] has done an amazingly fine job in trying to trace this matter through from the beginning to the end, and I should say that he has done a fine job in connection with boundaries. However, I am impressed by the fact that the Supreme Court refused to hear him on the subject of boundaries, because it was not boundaries, but titles, in which the Court was interested.

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

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Texas?

Mr. ANDERSON. In a moment.

The PRESIDING OFFICER. The Senator from New Mexico declines to yield.

Mr. ANDERSON. I wish to deal with the question of title, and then I shall be through.

The Post Office Department at Washington, so the story goes, was making a careful investigation of the titles to proposed post-office sites in Louisiana. In due course the Department received an

abstract of title to a tract under consideration.

Replying, the Post Office Department commented on the fact that the title record began with the year 1803, and stated that while the title seemed satisfactory as far as it went, still, as a justification for the investment of the sum contemplated, the Department would require to know more of the origin of the title involved in the records back of 1803.

In due course a reply was received from one who signed himself as attorney for owners of the land. He wrote:

I note your comment upon the fact that the record of title sent you as applying to lands under consideration dates only from the year 1803 and your request for an extension of the record prior to that date.

Please be advised that the Government of the United States acquired the Territory of Louisiana, including the tract to which your inquiry applies, by purchase from the Government of France, in the year 1803.

The Government of France acquired title by conquest from the Government of Spain.

The Government of Spain acquired title by discovery of one Christopher Columbus, traveler and explorer, a resident of Genoa, Italy, who, by agreement concerning the acquisition of title to any lands discovered, traveled, and explored under the sponsorship and patronage of Her Majesty, the Queen of Spain.

The Queen of Spain had verified her arrangements and received sanction of her title by consent of the Pope, a resident of Rome, Italy, an ex officio representative and vice regent of Jesus Christ.

Jesus Christ was the Son and heir apparent of God.

God made Louisiana.

I trust this complies with your request.

I say that the question of title is about that difficult. I recognize the difficulty. I am not trying to say to the Senator from Florida that I know where the boundary is or is not. I suggest that boundaries are difficult to ascertain, difficult to follow, and that we do not always know exactly where the boundary of a State is.

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

Mr. ANDERSON. I yield.

Mr. DANIEL. Will the Senator from New Mexico admit that the Republic of Texas, when it was an independent nation, in 1836 fixed its boundary, or attempted to do so, 3 leagues from shore in the Gulf of Mexico? In other words, we are not doing it here today.

Mr. ANDERSON. I agree; but since we have maps before us, I should like to show the junior Senator from Texas some maps which do not show that.

Mr. DANIEL. Yes; the Senator has already said that maps are not controlling.

Mr. ANDERSON. That is correct.

Mr. DANIEL. Will the Senator concede that, not as of recent date, but in 1836, the Republic of Texas fixed its seaward boundaries 3 leagues into the Gulf of Mexico?

Mr. ANDERSON. Yes, I will.

Mr. DANIEL. Would the Senator from New Mexico like to know what the author of the State Department's own set of works has to say with regard to where the 3-league boundary originated in the Treaty of Guadalupe Hidalgo between the United States and Mexico? I refer to Mr. Miller——

Mr. ANDERSON. To whom is the Senator referring?

Mr. DANIEL. I refer to Mr. Hunter Miller, editor of the State Department's own publication——

Mr. ANDERSON. The Senator from Texas has quoted an author with whom I am utterly unfamiliar. When did Mr. Miller become the expert of the State Department? I know Emory. I know that the United States Government, when it decided to survey the land following the Treaty of Guadalupe Hidalgo, and following the Gadsden Purchase, established some surveyors in the field; and I have read every one of their reports. Has the Senator from Texas read Emory, or Graham, or Bartlett? I have read them all; but I do not know who Miller is. Who is Miller?

Mr. DANIEL. Mr. Hunter Miller compiled the "Treaties and Other International Acts of the United States of America." I have here the book edited by him and published by the State Department, which I obtained from the Senate Library. That is the Miller to whom I refer. The book is published by our own State Department.

Mr. ANDERSON. I have no comment on what the Senator says. I thought he was trying to introduce Miller as an authority in the field of the boundaries of the southwestern part of the United States, and the Senator had covered me with chagrin, because I had never encountered Miller in my travels.

Mr. DANIEL. He is also an authority on the subject of treaties and other international acts of the United States

Mr. ANDERSON. I have no doubt of it.

Mr. DANIEL. With reference to the 3-league boundary stated in the Treaty of Guadalupe Hidalgo, I invite the Senator's attention to the fact that the footnote after the words "3 leagues" on page 315 of this book, volume 5, refers to the Texas Act of December 19, 1836, fixing its boundary 3 leagues out into the Gulf of Mexico.

I call the Senator's attention to the fact that this is not a new thing so far as Texas is concerned. For all these years we have claimed our boundary to be 3 leagues out in the Gulf of Mexico. Certainly I did not offer any evidence to the Supreme Court on boundaries because, as the Senator has so well said, it was not a question of boundaries that was before the Supreme Court in the recent submerged-lands case. It was a question of ownership within those boundaries. I am sure the Senator from New Mexico will agree that, in the recent litigation, the Supreme Court did not pass upon the validity of the 3-league boundary of Texas.

Mr. ANDERSON. Earlier in the day I stated exactly that. We are not trying to say what the 3-league boundary was. I have tried to concede to the Senator that I recognize that in 1836 the Republic of Texas attempted to fix the boundary 3 leagues out at sea. All I was saying was that reliance on maps is a rather unsatisfactory procedure.

A very fine map was published dealing with Sonora, which shows all the area of Texas. That was published in 1836, the very period the distinguished Senator from Texas has been discussing. I refuse to be bound by this map because the half of New Mexico lying east of the Rio Grande is all in Texas. If the Senator is at all curious about that, I may say to him that my farm lies now west of the Rio Grande, but at that time it lay east of the Rio Grande, or at least my house did. The Rio Grande passed within a few yards of where my house now is. I reject this map, because it would have made me a citizen of Texas and ineligible to hold my position in this distinguished body. I would be well represented, I grant, but I do not like this particular map.

One can find maps which show a great deal about various sections of the country. I have one published in 1856 which I acquired many years ago, which deals with New Mexico, Louisiana, and other States, and by an interesting circumstance, New Mexico and Louisiana were shown as owning everything from the Atlantic to the Pacific, according to this map. That happy, condition, I suppose, will never exist again. Florida is shown in rather small caps compared with the glory and the magnificence of Louisiana and New Mexico.

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

Mr. ANDERSON. In a moment. I subsequently found a map which indicated that Florida had swept across, and went almost from the Atlantic to the Pacific Ocean. I would like to have the privilege of picking out the maps which show the best for my section of the country, and not for some other sections.

Mr. HOLLAND. Does the Senator state that the maps to which he has so interestingly referred are maps prepared by the State Department of the United States?

Mr. ANDERSON. No. I may say to him that it is most interesting that he will not find many maps produced by the State Department back of 1875. He can go through the Library of Congress and search and search, and it will not take a truck to bring back maps produced by the State Department prior to 1875.

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

The PRESIDING OFFICER (Mr. IVES in the chair). Does the Senator from New Mexico yield to the Senator from Texas?

Mr. ANDERSON. I yield.

Mr. DANIEL. Opposite page 411 of the hearings on Senate Joint Resolution 13, the Senator will find a map which was published by the State Department.

Mr. ANDERSON. Published when?

Mr. DANIEL. In 1911; and it shows the boundary between the United States and Mexico as three leagues out in the Gulf of Mexico.

Mr. ANDERSON. That was in 1911. I said the Senator would not find many maps published by the State Department of the United States prior to 1875. We are not in dispute about that. I pointed to that may, and I said I knew what was on the map of 1911, but I also

stated that it does not give any more significance to have some clerk in the State Department put some printing on a map than for me to stand up and say that there are no Republicans in the Senate of the United States. There are, and they are in the majority.

Mr. DANIEL. Does the Senator mean that this map showing the boundaries between Mexico and the United States was prepared without an official survey?

Mr. ANDERSON. I say that the map to which the Senator has alluded would have no more standing in court than the opinion of the corner grocer.

Mr. DANIEL. May I identify the map?

Mr. ANDERSON. Certainly, I have looked at it a hundred times. I should like to have the Senator identify it.

Mr. DANIEL. It says:

Department of State. Proceedings of the International Boundary Commission, United States and Mexico. Joint report of the consulting engineers on field operations of 1910–11. American section (Department of State, 1913).

If the Senator will read the report of the engineers who drew the 3-league boundary on this map, he will see that they went in a boat 3 leagues from shore and surveyed the boundary between the United States and Mexico. How anyone can dispute that today the boundary between the United States and Mexico is 3 leagues from shore the Senator from Texas cannot understand. Our Government has made two treaties, approved by this body, stating that the boundary was 3 leagues from shore, and our own engineers went out in the waters of the Gulf once in 1857 and again in 1911, and marked the boundary, sounding the sea bed, and the depth of the water along that line. It is so marked on the State Department map opposite page 411 of the hearings on Senate Joint Resolution 13.

Mr. ANDERSON. While the Senator from Texas says he cannot understand how anyone can come to the conclusion he cited, I wish he would read the reply made by the Department of State to the distinguished former senior Senator from Texas, Tom Connally, in which the State Department made exactly that contention.

Mr. President, it is a little difficult, in discussing the pending joint resolution, to consider the problems of boundaries. I am reminded of a young boy about 6 years of age who was given a wrist watch by his parents for his birthday. He did not know how to tell time, but he was very proud of the wrist watch, and he went out to show it to the 4-year-old boy living next door. He said, "I have a watch now so that I can tell time." The smaller boy said, "What time is it?" That was a problem for the 6-year-old. He looked at the watch again and shoved it in the other boy's face and said, "There she is." The smaller boy, who could not tell time either, looked at the watch and said, "Shucks if she ain't." [Laughter.] That is the situation we find in respect to boundaries in the pending measure. Whatever they are, they are.

Mr. GORE. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I yield to the Senator from Tennessee.

Mr. GORE. I noticed that in reply to the distinguished junior Senator from Texas the able Senator from New Mexico stated twice that the Republic of Texas "attempted" to fix its boundary at three leagues. Did the Senator mean to imply that that was a unilateral action not given recognition by the family of nations, and that the act may not have been consummated?

Mr. ANDERSON. I do not care to go into that constitutional question. I merely say that the United States Government has always refused to recognize a boundary more than 3 miles from the shore.

Mr. GORE. Assuming, for the sake of the argument, that the boundary was fixed, that it was a de facto boundary recognized by the family of nations, did the Republic of Texas, when she became a member State of the United States, have anything by way of a sovereign right as a nation which she could carry with her and bring with her into the Federal Union of the United States; or did she not lose her sovereignty as a nation, and therefore all rights of a sovereign nation to which she, as a republic, was entitled.

Mr. ANDERSON. That is my opinion, but I think I ought to say also that if we really got down to trying to solve that question, the junior Senator from Texas would have a great deal to say, and properly so. He presented the case of Texas before the Supreme Court. I tried to say that I thought he made the most thorough study of it that has been made in this country. He did very excellent work in that regard, and in the hearings I tried to allude to the number of times the Texas case had been reargued. I said the Senator had asked for one rehearing, and he corrected me and pointed out that he had gotten two rehearings, and I was happy to put in the RECORD that the Senator from Texas has been doubly diligent, and that the Supreme Court had taken judicial notice of that fact. Therefore, I do not wish to get into an argument with him on this point. I am not nearly so worried about the boundaries of his State as I am about the boundaries of some other States. If his State has a boundary 3 leagues from the shore—which it may have—the Supreme Court can decide that. The boundary of Texas is fairly simple. There are no islands to cause trouble. It is merely a question of having the representatives of Texas say to the Court, "We think Texas has a boundary 3 leagues from the shore. The Government of the United States thinks our boundary is 3 miles from the shore. A great deal of money is involved in the royalties which come from the oil obtained from that area"—although the amount of royalties obtained from oil which is found in that belt is not nearly so large as some persons would believe—"and we would like to have this question settled."

I hope the State of Texas will do so. I hope its case will be settled. But I say that is a matter the Supreme Court will have to settle, and those are questions which must be handled by the Supreme Court.

However, the treatment of other factors which are involved is not so simple. The situation in the case of the boundary of the State of Louisiana is not so easy to handle as is the boundary of the State of Texas. So I am far more worried about the boundary of Louisiana and, possibly later on, the boundaries of Mississippi and Alabama, and subsequently the boundary of California, as California seeks to extend its territorial jurisdiction beyond the farthest reef of the farthest island, 50 miles from the shore of California, than I am worried about the situation with respect to the boundary of the State of Texas.

In order to help a little regarding this point, I now ask unanimous consent to have printed at this point in the RECORD, a letter dated April 2, 1951, from Mr. Philip B. Perlman, the then Solicitor General of the United States, to the Honorable Joseph C. O'Mahoney, then chairman of the Senate Committee on Interior and Insular Affairs.

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

APRIL 2, 1951.

Hon. JOSEPH C. O'MAHONEY,
Chairman, Committee on Interior and Insular Affairs, United States Senate, Washington, D. C.

MY DEAR SENATOR: I desire to bring to the attention of the committee a matter which was not fully discussed during my appearance at the hearing held March 28, 1951, relative to S. 940. This relates to the area of submerged ocean lands which the proposed legislation would purport to surrender to the respective coastal States of the Union.

Section 2 (a) of S. 940 would define the area to be affected by the measure as that extending seaward to a line 3 geographical miles distant from the coastline of each coastal State and to the boundary line of each such State where in any case such boundary, as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward beyond 3 geographical miles.

It is the position of the Department of Justice that such a provision, if enacted, would inject into this matter a problem which has no real relation to the issues involved. As I advised the committee when I appeared before it on February 19, 1951, the Supreme Court has held that the question of boundary is one thing and the matter of ownership of, or paramount rights over, the lands and resources within that boundary is something entirely different. It is for this reason, as I informed the committee, that the United States sought successfully in the cases of *United States* v. *Louisiana* (339 U. S. 699), and *United States* v. *Texas* (339 U. S. 707), to exclude the question as to the validity of the unilateral claims presently asserted by those States to jurisdictional boundaries situated farther seaward than the 3-mile limit claimed by the United States. Louisiana presently claims, by State statute, a line 27 marine miles from shore, while Texas, by act of its legislature, has purported to extend its seaward boundary to the outer edge of the Continental Shelf, a line varying from 60 to 140 miles offshore.

The Department of Justice is, as has been indicated, strongly opposed to the enactment of S. 940 in any form. However, since the measure proposes to surrender to the coastal States rights of the United States which begin at low-water mark, regardless of the

claimed jurisdictional boundaries of a particular State, the bill, if enacted, would result in an inequality of treatment as between the several coastal States to be benefited by its provisions.

In this connection, it may be mentioned that the contentions which would probably be made by certain coastal States as to their original or subsequently approved seaward boundaries would undoubtedly lead to much difficulty and confusion. A few examples of such probable contentions are as follows:

The State of Texas claims that it entered the Union with a seaward boundary situated 3 leagues from shore, this being the boundary theretofore claimed by the Republic of Texas, although the joint resolution of December 29, 1845 (9 Stat. 108), admitting Texas to the Union, referred to the area covered thereby only as "the territory properly included within, and rightfully belonging to, the Republic of Texas * * *." As we advised the Supreme Court during the argument of the Texas case, the concept of the marginal sea, as we know it today, did not exist in international law in 1845.

The State of Florida, when admitted to the Union by the act of March 3, 1845 (5 Stat. 742), made no specific claim with respect to its seaward boundary. However, by the third State constitution adopted February 25, 1868, Florida claimed a seaward boundary situated in the Atlantic Ocean along the edge of the Gulf Stream (4 to 25 miles off the east coast) and in the Gulf of Mexico the seaward boundary of the State was fixed in this 1868 constitution at 3 leagues from shore. The act of Congress recognizing this constitution as "republican" in form (act of June 25, 1868, 15 Stat. 73) made no mention whatever of the boundary provisions set forth in the constitution.

It has been indicated that certain other States may possibly assert that their seaward boundaries are situated more than 3 miles from shore, although their boundaries have never been specifically so described. For example, the seaward boundaries of the States of Alabama and Mississippi are originally described as "the Gulf of Mexico * * * including all islands within 6 leagues of the shore." (See act of March 2, 1819, 3 Stat. 489 (Alabama) and the act of March 1, 1817, 3 Stat. 348 (Mississippi).) Similarly, the original seaward boundary of Louisiana was not set forth in its act of admission of April 8, 1812 (2 Stat. 701), as the "Gulf of Mexico * * * including all islands within 3 leagues of the coast."

In the view of this Department, the inclusion of all islands within a certain distance of the coast does not extend the seaward boundary of a State to a line that distance from shore or enlarge the marginal sea so as to embrace all waters between the mainland and any island within such distance. Indeed, some of the early colonial charters granted by the English crown included all islands within such distance as 5 leagues, 10 leagues, or even 100 miles of the coast, but it was never suggested that all waters within such distances were within the boundaries of the Colonies. As a matter of fact, the first State on the Atlantic seaboard to extend its seaward boundary out to the 3-mile limit was Massachusetts, and this action was not taken until 1859 (Mass. Acts, 1859, c. 289, p. 640). It may also be mentioned that this interpretation of the meaning of the language "including all islands within 3 leagues of the coast" seems to have been concurred in by the attorney general of Louisiana, who, in a 1934 opinion, ruled that at that time the southern or seaward boundary of the State of Louisiana, as described in the 1812 act of admission, was the Gulf of Mexico (Opinions and Reports of the Attorney General of Louisiana, 1934–36, p. 685).

Another difficulty may be encountered as a result of a claim recently made by the State of California. The Constitution of California, referred to in the act of admission of September 9, 1850 (9 Stat. 452), describes the western boundary of the State as located 3 English miles in the Pacific Ocean and as including "all the islands, harbors, and bays along and adjacent to the Pacific coast." By an act of its legislature approved April 25, 1949 (ch. 65, California Statutes, 1949), California has attempted to implement this description of its seaward boundary by providing that the baseline from which the 3 English miles are to be measured shall be a series of straight lines drawn along the outer side of the outermost of all the islands, reefs, and rocks along the coast of California, some of which are almost 60 miles from the mainland. Some of the coastal States have not yet claimed a boundary of 3 miles from the low-water mark. Any effort to give rights in submerged lands according to claimed boundaries would result in great discriminations and cause pressure for more legislation.

Such difficulties as those I have described would result not only in unequal treatment of the various coastal States but also in potential embarrassment to the Federal Government in its conduct of foreign relations. As I recently advised the committee, the United States, as a Nation, has adhered to the doctrine of the freedom of the seas, and to a maximum limit of 3 miles as the width of territorial waters. It has been determined to be in the interest of the United States, as a Nation, to maintain this position and to protect certain claims by other nations to marginal sea belts of greater width. Some of these situations are in various stages of present discussions, and it is fair to say that they are of great importance because of their impact on many aspects of international relationships. It is obvious, therefore, that any congressional recognition of State boundaries situated more than 3 miles from shore, particularly in a bill of this character, which was apparently prepared without any full study of the international problems involved, would result in considerable difficulty for the United States in the conduct of foreign relations.

It will be greatly appreciated if this communication is made a part of the printed record of the hearings on this matter.

Sincerely yours,

PHILIP B. PERLMAN,
Solicitor General.

Mr. ANDERSON. Mr. President, perhaps my anxiety that under Senate Joint Resolution 13, boundaries are indefinite will be understood a little better if I read from page 277 of the hearings. At that point the witness was Mr. LeBlanc, the attorney general of Louisiana, the chief law officer of that State. I had been examining him as to the boundary of the State of Louisiana. I read now from that point in the hearings:

Senator ANDERSON. Do I understand that you endorse all the provisions of Senate Joint Resolution 13? There is a provision in there that puts it back to the historic boundaries when you came into the Union. That would cut Louisiana back to 10 miles, would it not?

Mr. LEBLANC. We endorse it in its entirety, whatever the courts should determine that our boundaries were at the time, in the event there were litigation on the subject.

Senator ANDERSON. Is there a controversy as to what they were when you came into the Union?

Mr. LEBLANC. We do not know.

Senator ANDERSON. What do you think the boundaries were when you came into the Union?

Mr. LEBLANC. I am not prepared to answer that question, Senator.

Senator ANDERSON. If you cannot, how could we?

Mr. LEBLANC. It is a little bit obscure. It has never been officially determined.

Senator ANDERSON. Then this legislation must be bad. This legislation prescribes that we should use the boundaries when you came into the Union, and here is the attorney general of the State of Louisiana who says, "I do not know what they were."

So there the Attorney General of the State of Louisiana said he had not the faintest idea of where the boundaries of Louisiana were.

A reading of page 47 of the hearings reveals that the Senator from Florida [Mr. HOLLAND] thought the boundaries of Louisiana did not extend more than 3 miles. I am sorry the Senator from Florida is not in the Chamber at this time. I wish to say that he has been as straightforward and upright as any man could be on the question of boundaries. He has consistently stated that he believes the boundaries of Texas and the boundaries of the west coast of Florida are 3 leagues from the shore and that the boundaries of other States are 3 miles from the shore; and he did not change his statements when representatives of Louisiana were present.

The junior Senator from Texas [Mr. DANIEL] expressed his opinion that the boundaries of Louisiana extend 3 miles from the shore. But when the Governor of Louisiana testified before the committee—and his testimony is to be found at page 1093 of the hearings—he felt that the boundaries of Louisiana extended 3 leagues. However, the Louisiana Legislature went a little better than that and extended the boundaries of Louisiana 27 miles as sort of a temporary move out into the ocean. We do not know whether the boundaries of Louisiana are 3 leagues, 3 miles, or 27 miles. Yet the pending joint resolution provides that the boundaries are to be the boundaries which existed when that State entered the Union.

At the hearings I asked some questions of the Governor of Louisiana, Mr. Kennon, and I inquired about the boundary of Louisiana.

Finally he said:

I might say, incidentally, that our seaward boundary is the same 3 leagues as the State of Texas. We just do not bellow—we just do not talk so loud or so often about it. Our act of admission to the Union, the act of the Congress in 1812, and the act of 1803 or between 1803 and 1812, which set up the Orleans Territory which, with the addition of the Florida parishes, became the State of Louisiana, gives us a 3-league jurisdiction into the Gulf of Mexico and includes islands within 3 leagues of the shore.

So the Governor of Louisiana is sure that the Louisiana boundary is 3 leagues off the shore; the author of the pending joint resolution is sure that boundary is 3 miles off the shore; the Louisiana Legislature is sure the Louisiana boundary is 27 miles off the shore; so we do not know what the correct answer is.

I remember that on one occasion a friend of mine discussed what a neighbor was like. He said, "The man who runs that household is Dr. Jekyll in the front room, Mr. Hyde in the kitchen, and God knows who in the basement."

In this case we are told that the boundary of Louisiana is 3 miles from the shore, according to the statement made by the very distinguished and able author of the pending joint resolution, and his statement is concurred in by the distinguished junior Senator from Texas [Mr. DANIEL], who has a very similar

measure. They agree that the boundary of Louisiana is 3 miles from the shore.

The Senator from Louisiana [Mr. LONG] is, of course, quite willing to have the courts pass on that question, because he does not wish to compromise in any way the claims of his State. I must say that in the committee he was very helpful to that effect.

So in one instance the boundary of Louisiana is said to be 3 miles from the shore; in another instance it is said to be 3 leagues from the shore; and the Legislature of Louisiana says the boundary is 27 miles from the shore.

Because of that situation, I have attempted to have a clarifying amendment adopted. The manner in which the amendment was submitted was unfortunate. At first it was prepared, in a committee print, as an amendment to Senate Joint Resolution 13. The committee print is dated March 25, 1953; and it lists the committee amendments proposed to be submitted by myself, the Senator from Louisiana [Mr. LONG], and the Senator from California [Mr. KUCHEL] to the Committee Print No. 4 of Senate Joint Resolution 13.

However, the Senator from Louisiana [Mr. LONG] objected; he said he wanted no part of my amendment, and I was happy to absolve him of all crime in that connection, and to say that he had no part in my amendment.

After all the States had attempted to extend their boundaries on and on, and so I thought we should have some final limitation of the boundaries. I wished to have provided, by means of my amendment, that "but in no event shall the seaward boundaries of any State extend more than 3 miles into the Atlantic Ocean, or the Pacific Ocean, or more than 3 marine leagues into the Gulf of Mexico."

Mr. President, would you believe it? I could get only one vote in addition to my own for the amendment.

I wonder why that was. Do you suppose, Mr. President, that if there was no intention eventually to extend the boundaries beyond 3 miles or 3 leagues, there would not have been immediate and universal acceptance of the suggestion embodied in my amendment? Why did the members of the committee refuse to be bound to 3 miles in the case of the Atlantic and the Pacific Oceans, and to 3 leagues in the case of the Gulf of Mexico? But when the amendment was submitted, there was no material support for it.

I say to you, Mr. President, that it is rather hard to understand the situation under these circumstances.

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

Mr. ANDERSON. I yield.

Mr. DOUGLAS. Yet is it not true that on the floor of this body the sponsors of the pending joint resolution keep insisting that the joint resolution does not grant any rights beyond the 3-mile limit and the 3-league limit, respectively?

Mr. ANDERSON. That is entirely true; there is no question about it. It is repeated over and over again that no one is arguing for a boundary beyond 3 miles, in the case of all the States except Florida, on its west coast, and Texas.

Of course as to Florida the situation is that previously there had been an East Florida and a West Florida, and West Florida was Spanish in its laws; and therefore it was claimed that as a result of that situation, the boundary of the west coast of Florida was 3 leagues from the shore. Statement after statement has been made that that is where the boundary of the west coast of Florida is.

However, Mr. President, just try to propose to the pending joint resolution an amendment limiting the boundaries to 3 miles in the case of the Atlantic and the Pacific coasts, and to 3 leagues in the case of the coast on the Gulf of Mexico, and see what happens to the amendment.

Mr. LEHMAN. Mr. President, will the Senator from New Mexico yield to me?

Mr. ANDERSON. I yield.

Mr. LEHMAN. When the Senator from New Mexico said that on his amendment there was only one favorable vote in addition to his own, I understand that the Senator was referring to the action taken in committee.

Mr. ANDERSON. Yes.

Mr. LEHMAN. Of course I am sure that on the floor of the Senate his amendment would receive much more support than that, for a number of Senators have joined the Senator from New Mexico in insisting upon the position he has maintained.

Mr. ANDERSON. I was simply pointing out that at the time when the amendment was brought up in the committee, the Senator from Montana [Mr. MURRAY] was then present. The Senator from Washington [Mr. JACKSON], who had been voting with us with great frequency, was not present in the committee at that time. Therefore, when the question of agreeing to the amendment was put, the amendment received my favorable vote, and I was deeply appreciative that the amendment also received the favorable vote of the distinguished senior Senator from Montana [Mr. MURRAY]. However, the amendment was snowed under by an avalanche of "noes."

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

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. ANDERSON. I yield.

Mr. MORSE. Am I correct in my understanding that the Senator is going to call up his amendment on the floor of the Senate in due course?

Mr. ANDERSON. I am going to call it up, but I am hopeful, of course, that the Senate in its wisdom will follow the much wiser course of passing my bill, S. 107, instead of Senate Joint Resolution 13. However, if by any chance the Senate should reject Senate bill 107, which does not propose to surrender our position in international affairs, and if it should finally come to a vote on Senate Joint Resolution 13, I am going to try once more, though I am not saying I am too hopeful.

Mr. MORSE. Mr. President, I want to say to the Senator that when we reach that point—if we do—he is going to have more than two votes for his amendment.

Mr. ANDERSON. If the Senator is saying that he is going to vote for it, and if I vote for it, that will make two, and we shall have to be missionaries for the other votes.

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

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

Mr. DOUGLAS. When the Anderson substitute is voted on, will it not furnish a very good test of whether the sponsors of this measure really want legislation to give to the Federal Government the rights beyond the 3-mile and 3-league limits, respectively? It will be the acid test, will it not?

Mr. ANDERSON. I think it might be. There may be sound reasons why it is not desirable, though I do not know what they can be.

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

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

Mr. DANIEL. I may say to the Senator from New Mexico that I do not recall the particular vote to which he referred. I am sure he is correct about it. But those of us who are coauthors of this measure have always understood that it was not necessary to write into the pending legislation a specific provision that it shall not apply to lands beyond 3 miles, or 3 leagues, because all the States are claiming is 3 miles, except in the Gulf of Mexico where historic boundaries are 3 leagues from shore. I would welcome an amendment from the Senator from New Mexico that would clarify this point. Let it be known that what the authors of this measure are trying to say on the Senate floor is that we are not trying, by this measure, to give the States lands beyond their historic boundaries of 3 miles or 3 leagues, as the case may be.

Mr. ANDERSON. I have expressed many times the admiration I have for the junior Senator from Texas for the way in which he has approached this matter. But, I remind him that the legislature of his State passed a bill that extended the Texas boundary to the Continental Shelf. While the Senator himself has been as fine as a human being could be during the discussion of this measure, how do we know that at some subsequent time there may not be someone sitting on this floor who will say, "Yes, but all the time it was understood that the rights of Texas went to the edge of the Continental Shelf; did we not pass our legislation long before the Congress acted?" Therefore, I would be very happy to have the support of the Senator from Texas.

I do not say the language I proposed is perfect. It was not drawn by the legislative drafting service. It was written by me—and I am neither a lawyer nor a legislative expert. But, I say that before we pass legislation on this subject we ought to do two things, so that no question can be raised in the future. I am assuming that we may not succeed with Senate bill 107. I am assuming the Congress may finally accept some of the provisions of Senate Joint Resolution 13.

I said that the day after the election, and I have said it on 2 or 3 radio broadcasts since. So I am not saying anything different now from what I have said all along. But, Mr. President, we ought to limit, definitely, the area to which a State may extend its boundaries, and we ought to make provision to see to it that the Continental Shelf belongs to the United States. I will go along with the Senator from Texas when he tries to permit the State of Texas to exercise some powers it may need on the Continental Shelf. He has a very good case, which we will consider in committee later on, but not presently on the Senate floor. But, I think it would be too bad if Senate Joint Resolution 13 should pass, and fail to state clearly that the United States owns the Continental Shelf.

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

Mr. ANDERSON. I yield.

Mr. DOUGLAS. Do I understand that the Senator from New Mexico is proposing that lines 12 to 18 at the end of section 4 on page 17 of Senate Joint Resolution 13 should be altered? At present, this provision reads:

> Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by the Congress.

Now do I understand the Senator from New Mexico is proposing to strike that language——

Mr. ANDERSON. No.

Mr. DOUGLAS. And to say that beyond 3 miles "title to and ownership of the submerged lands on the Continental Shelf shall remain with the Federal Government"?

Mr. ANDERSON. No; I do not propose to strike that language, because I do not propose to try the case of Texas on the Senate floor. The State of Texas thinks it is entitled to 10½ miles, or 3 marine leagues. I want that determined in a lawsuit which the State of Texas may bring. All I am trying to say is that I think there ought to be placed a limitation on how far imagination can run, and that we ought to say "Beyond 3 miles, on the Atlantic and Pacific, and beyond 3 leagues in the Gulf, we will not go." Then, in a separate section, which I believe is section 9, where there is reference to the Continental Shelf, I would not take the negative approach. If the Senator from Illinois will permit me, the language reads:

> 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.

I do not like to begin it with the words "nothing shall be deemed to affect," and therefore I propose to strike everything down to the words "the rights of the United States to the natural resources," and add the words "are hereby confirmed."

My proposal is that we state in language that everyone can understand, that the rights of the United States to the Continental Shelf are established. I am not prejudicing the question of where the Continental Shelf starts—it may start 3 leagues off Texas and 3 miles off Louisiana and 3 leagues off Florida—but wherever the Continental Shelf starts, then going seaward, the rights of the United States to the Shelf should be confirmed. I think that is important and ought to be done. The question is too important to be left to chance. I hope that when that time comes we can have some help in obtaining such an amendment.

The Senator from Illinois [Mr. DOUGLAS] referred to the fact that there is nothing on the eastern shore that could cause any trouble. I tried to refer the other day to the boundaries of the State of Florida. The boundaries of the State of Florida, if they are 3 leagues on the western coast because of the Constitution of 1868, must follow the language of the Constitution of 1868 on the eastern coast. Florida contends that it left the Union temporarily in the difficulties between the States, and that when it came back, before its representatives could sit in the House and the Senate, it had to amend its constitution. It did amend its constitution, and added the sections that made it republican in form but it also added some words about boundaries. It said that the boundary on the eastern side should follow a certain course, which I shall not read now, but regarding which the distinguished Senator from Florida helped me out by saying, "It goes from the northern limit of the State clear down below Miami, following the exact coastline"—not 3 leagues out in the sea, not 3 miles out in the sea, but following the coast line. I say he helped me out, because the Senator is fair and honest, and he was frank to say that the boundary ran there. But he also said it was extended 3 miles on the Atlantic coast by other general legislation. The interesting thing is that below Miami the boundary in the 1868 constitution follows the Gulf Stream, and the Gulf Stream varies—it moves in and out with the years and with the seasons. When women's clothes were changing in pattern years ago, a designer said:

> An imaginary line is the waist
> Which seldom stays long where it's placed,
> But ambles and skips
> Twixt the shoulders and hips
> According to popular taste.

So goes the boundary of the State of Florida—out to sea, and back, meandering here and there, out 25 miles to sea. Why should we not confine it to 3 miles, if we want to? Why do we have to reject the idea that a 3-mile limitation can be placed on the boundary of that State? So I want to say that I shall appreciate, when the time comes, the possibility of help on an amendment of that nature because I think it important.

Mr. President, I have here a map, and I am sure most people believe that a map can indicate something or other with reference to the boundaries of a particular State. I have stated that I am not worried about the actual boundaries of the State of Texas; whatever they may be, the Court will have to determine them. But here is a map which covers the State of Texas, a map made by David H. Burr. Collectors know it as the Colton map. It does not show any boundary out into the ocean from the Rio Grande or the Sabine River.

Mr. DANIEL. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I yield.

Mr. DANIEL. What is the date of that map?

Mr. ANDERSON. The date is 1834.

Mr. DANIEL. That was 2 years before there was a Republic of Texas and before our boundaries were fixed.

Mr. ANDERSON. I am coming in the direction which the Senator from Texas has indicated. I now produce a map of Texas by F. A. Lee, published in 1836. If I had better eyes I could read the fine print which is on it. It says that the Rio Grande runs a course of some 800 miles in length. This map contains no indication of a boundary which reaches out into the ocean.

I now come to the Tanner map, published in 1837. It deals with the area between the Rio Grande and the Nueces. It does not show any boundary out into the ocean, but it lists areas granted to the State for development purposes.

Here is a map of the State of Texas compiled from surveys on record in the General Land Office of the Republic of Texas in the year 1839, by Richard S. Hunt and Jesse Randel. The map bears the notation that "the undersigned have inspected the map and have given it their approval as being a compilation from the best and most recently produced authorities." It was signed by Mr. Webb, who was Secretary of State of the Republic of Texas, and by John Woodward, who was consul general of the Texas area, and approved by the Commissioner of the General Land Office. He certifies that the map was compiled from records of the office. Curiously, this map does not show any 3-league limit out into the Gulf of Mexico.

I have a photostatic copy of the Arrowsmith map of about the same period. It shows a good deal of detail of the Republic of Texas, but, again, there is no showing of any three-league boundary.

I now come to the War Department map of 1844. It is a map of Texas and the countries adjacent, compiled in the Bureau of the Corps of Topographic Engineers for the State Department, under the direction of Col. J. J. Abert, Chief of the corps, by 1st Lt. W. H. Emory. No collector of western items, particularly if he happened to live in New Mexico, would go without a copy of Abert's Examination of New Mexico, or a set of Emory's boundary discourses. To me, Mr. President, these are very interesting names.

This map does not show a boundary 3 leagues out into the Gulf of Mexico. It contains some interesting material. It describes the course of the Arkansas River from James Peak to its source, which is due west. Then it contains the very interesting comment that the boundaries of Texas are fixed by an act of the Texas congress approved December 19, 1836.

(At this point Mr. ANDERSON yielded 2 minutes to Mr. MORSE, who spoke on the question of committee meetings during sessions of the Senate. Mr. MORSE's re-

marks appear in the RECORD following Mr. ANDERSON's speech.)

Mr. ANDERSON. Mr. President, on the map which I was last exhibiting it is stated that the present boundaries of Texas are defined by an act of 1936 to be as follows:

> Beginning at the mouth of the Rio Grande, thence up the principal stream of the said river to its source.

That covers the entire boundaries of New Mexico and Texas as well, so far as they were then listed; and nothing is said about 3 leagues.

Mr. DANIEL. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I yield.

Mr. DANIEL. Will the Senator give the date of the boundary act referred to on the map?

Mr. ANDERSON. It is December 19, 1836.

Mr. DANIEL. I am sure the Senator would be glad to have the exact words of the 1836 boundary act of Texas read into the RECORD at this point, because it is quoted incorrectly on the map from which the Senator has just read.

Mr. ANDERSON. I should be happy to know the correct words.

Mr. DANIEL. On page 136 of the volume entitled "Treaties and Other International Acts of the United States of America," volume 4, I read the following:

> That description of the boundaries of Texas was taken almost literally from the Texan Act of December 19, 1836—

That is the same act that is incorrectly quoted on your map; but the correct quotation from this volume continues—

> which contained the following provisions: "That from and after the passage of this act, the civil and political jurisdiction of this Republic be, and is hereby declared to extend to the following boundaries, to wit: Beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico 3 leagues from land, to the mouth of the Rio Grande."

So I wonder if the Senator from New Mexico will concede that this is just another instance in which a map can be wrong.

Mr. ANDERSON. I did not know that the language I had read was incorrect. I am glad the Senator has pointed out the correction, because I do not care to have the information incorrect. However, I admit that maps can be wrong. Persons working with maps jot down enough to fill a space, and do not always get the information correct. I have never tried to question the fact that the Senator from Texas is thoroughly familiar with the situation, I admit that we cannot depend on maps to fix boundaries, we had better let the Court do that.

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

Mr. ANDERSON. I yield.

Mr. DOUGLAS. Is it not true that while there was such a provision in the Texas law of 1836, the makers of these maps evidently did not think it was particularly noteworthy or binding and, therefore, did not include this boundary, so far as the Gulf of Mexico was concerned?

Mr. ANDERSON. I do not believe it was a question of thinking it was not binding. I think they were more interested in the cross-hatching they were doing on the map. They were more interested in the fine little pictures they were drawing.

The next map was drawn by Colonel Abert. His people were greatly interested in showing where the land was raised and where the water was shallow. They were not nearly so interested in the land farther at sea.

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

Mr. ANDERSON. I yield.

Mr. DOUGLAS. While it is probably true that the Republic of Texas sent copies of its law to other sovereign States after 1836, has the Senator from New Mexico ever found any indication that other States recognized the 3-league seaward boundary of Texas?

Mr. ANDERSON. I would not wish to answer that question, because that might infer that I had made some study of that question. I have not.

Mr. DOUGLAS. Has the Senator from New Mexico ever heard it claimed that other States had supposedly recognized the 3-league boundary?

Mr. ANDERSON. I have stated the only thing I know, which is that the State Department, in answering the letter of Senator Connally, replied to him to the effect that the State Department did not recognize the 3-league boundary of Mexico, and, apparently, did not recognize the 3-league boundary of Texas as binding on the United States. The State Department has constantly contended that the United States has followed the 3-mile limit, and that the borders of a State cannot exceed the borders of the sovereign.

Mr. GORE. Mr. President, will the Senator yield so that I may propound an inquiry to the distinguished senior Senator from Illinois?

Mr. ANDERSON. I yield.

Mr. GORE. Does it essentially matter what the Republic of Texas thought its boundaries were, since thereafter Texas became a State of the Union? Is it possible for Texas to be both a nation and a State? When Texas became a State of the United States did she not thereby shed all rights of national sovereignty? Whatever sovereign national rights the Republic of Texas had, became the rights of the United States.

Mr. DOUGLAS. I think the Senator from Tennessee has placed this issue in its proper perspective, namely, that whatever rights the Republic of Texas may have possessed in excess of the rights of other States, nevertheless, when Texas became a member of the American Union she of necessity came in on an equal footing with the others.

Since the Supreme Court has found and ruled that the other States have no valid claim to title in or ownership of submerged lands seaward from the low-water mark, therefore Texas has no valid claim to the submerged lands of the marginal sea, either beyond 3 miles out from the shore line or between the low-water mark and the 3-mile limit.

Mr. GORE. Mr. President, will the Senator from New Mexico yield further?

Mr. ANDERSON. I yield.

Mr. GORE. I find myself in full agreement with the statement of the distinguished senior Senator from Illinois.

Mr. ANDERSON. I do not wish unduly to burden the RECORD, but I desire to refer to the fact that the map of the Republic of Texas, compiled by Hunt and Randel in 1847 from surveys of the General Land Office, makes no showing of the 3-league boundary.

The map of Texas published by Eppinger and Baker in 1851, compiled from surveys of the General Land Office, makes no such showing.

The very well known map published in 1851 by Creuzbauer, of Houston, likewise makes no such showing.

I do not know whether the maps have tried to show the boundaries of Texas as something other than what was determined by the people of Texas. I say that boundaries are difficult to establish. It is difficult at this late date to go back and try to prove what the boundaries of a particular State were in 1836, 1840, 1850, or even somewhat later than that. Therefore, it has seemed to me to be much wiser to take the suggestion made by the new Attorney General of the United States, Mr. Brownell, before our committee, to the effect that we start at the shoreline and make some sort of royalty adjustment to the States involved.

The claims of Texas are treated at great length in the appendix to the minority views presented by the distinguished senior Senator from Montana [Mr. MURRAY] and the distinguished junior Senator from Washington [Mr. JACKSON] and me. We believe that this has something to do with the question of whether or not Texas did believe that it was giving up its outer boundaries. In the minority views, at page 71, there is this statement:

> The United States Department of State for over 100 years consistently interpreted the Treaty of Guadalupe Hidalgo as not establishing the international seaward boundary off the coasts of Mexico and Texas.

That position was restated by the Department of State in its letter of December 30, 1949, to Senator Connally.

So I propound the question, Why did they go 3 leagues out to sea? The only answer I can give is the one contained in the minority views, as follows:

> It was desirable to mark the main channel entering the Rio Grande for the purposes of navigation control.
>
> Both the text of article V of the Treaty of Guadalupe Hidalgo and the memorandums and letters which passed between the United States and Mexican officials charged with the actual plotting of the line indicate that the line was to be used to show the main channel into the river, and soundings were to be carried out on each side of the line to expedite the entrance of vessels. It is especially noteworthy that the boundary between lower and upper California established by this same treaty did not represent a navigable river and thus the line was not carried into the sea.

I merely wish to point out that if the Republic of Mexico was so insistent upon a 3-league boundary running out into the ocean, it would have had a 3-league boundary running into the Gulf and a 3-league boundary running into the Pacific Ocean. Mexico did not do that.

Why? Because when it got to the west coast, it came to a coast where there was no river mouth. But when it was concerned with the east coast, where the Rio Grande had poured silt and sediment into the Gulf of Mexico, it was desirable to mark a channel. Therefore a line was run 3 miles from the coast.

Some of the questions I have asked about the 3-mile limit—questions about what our relationships might be with other countries—are asked partly for the purpose of suggesting to the proponents of this measure that it might be well for them to find out what the President of the United States intends to do with such a measure if it should reach him. How much simpler it would be if the proponents of the bill were to take some bill like Senate bill 107, follow the suggestions of the Attorney General of the United States, and, for whatever belt they thought was desirable, establish whatever division of royalties they thought appropriate, and yet not tear down everything the State Department has been attempting to do since 1797 in establishing the 3-mile belt. I do not see why it is necessary, merely in order to get hold of oil money along the borders of the country, to destroy what State Departments, both Republican and Democratic, have done for 150 years. The State Department has warned us in this connection; and I think it is time to pay a little attention to what it has said.

Mr. Tate, the deputy legal adviser of the State Department, appeared before our committee. He brought with him Raymund T. Yingling, assistant legal adviser. We asked them for their opinions. I turned to them frequently and questioned them as to what the exact situation was with respect to the Continental Shelf, and with respect to the 3-mile limit. I asked them, "Has not the State Department actually mapped the boundary with Mexico?" The Senator from Texas [Mr. DANIEL] also asked questions. We went into all the questions relating to the Treaty of Guadalupe-Hidalgo. Finally we got down to the thing with which the State Department concerns itself. I asked Mr. Tate about international relations, and whether a State could get boundaries greater than those of the Nation. He said:

> What I mean to say there is that the territorial claims of the State and the Nation are indivisible. The United States conducts the foreign relations, and there can be no greater claim in the international community than that made by the United States.

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

Mr. ANDERSON. I yield.

Mr. LONG. The Senator agrees, does he not, that the Federal Government cannot reduce the boundaries of a State without the consent of the State?

Mr. ANDERSON. No; I do not.

Mr. LONG. Then it is no use to pursue the question further, because we are too far apart.

Mr. ANDERSON. Please let me finish my answer.

I think there are some instances in which the Federal Government has been granted permission by a State to adjust its boundaries, the State of Texas being one example. However, in general, I agree with the statement made by the Senator from Louisiana.

Mr. LONG. The Federal Government cannot reduce the boundary of a State without the consent of the State.

Mr. ANDERSON. Yes.

Mr. LONG. To take a different illustration from what the Senator has in mind, the Federal Government, in the case of Florida, expressly recognized the State's boundaries as extending for 10 miles beyond the shore when Florida came back into the Union, and it was readmitted by a law enacted by Congress. Does the Senator take the position that the State Department has more power than Congress in the making of law?

Mr. ANDERSON. No; but I will say that any time the State of Florida wishes to test that boundary, it has a good opportunity to do so. It might find that the decision of the court would be that the Federal Government did not recognize such a boundary. The Senator from Louisiana is as familiar with that case as are the rest of us. The State of Florida was required, after the War Between the States, to submit a new constitution. That new constitution had to be republican in form. That was the only requirement imposed on the State of Florida. It had a constitution. The Federal Government contended that that constitution was still in force. We had fought a war in which millions of dollars were spent and thousands of lives destroyed trying to prove that the State of Florida could not secede from the Union. The war proved that it could not secede from the Union. Therefore, its old constitution was still in effect.

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

Mr. ANDERSON. Let me finish what is in my mind, please.

If the old constitution was in effect, then all Florida had to do was to amend that constitution to make it republican in form. But Florida said, "No; we were out of the Union. We were on vacation for a while, and we are coming back into the Union with a new constitution."

In the new constitution they put something that was not in the old constitution. They put boundaries. I say that when the State of Florida did that it went beyond the request of the Federal Government. All the Congress did was to say that the constitution should be republican in form. It suggested that certain amendments be made to that constitution. Whether or not those amendments were made the Congress never knew, because the constitution never came back. Florida was allowed to send its representatives to Congress without the test on the final question, without a final vote of approval on its constitution. I suggest that that is a matter for the Supreme Court to pass upon some day.

I specifically deny that the State of Florida had the power to extend its boundaries unilaterally, and I deny that the Federal Government approved such action.

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

Mr. ANDERSON. I yield.

Mr. LONG. Of course, I completely differ with the argument the Senator is making. The Committee on Interior and Insular Affairs has just had a similar problem posed to it with regard to statehood for Hawaii. The question was raised as to the boundaries of Hawaii. The answer given to those of us on the committee was that the boundaries of the new State of Hawaii would be the same as the boundaries of the Territory of Hawaii. We were looking into those boundaries to see just what they would be. When Congress looks into them and determines what the boundaries of a State are, it seems to me that Congress should be bound by that determination.

In the instance we have an express case of Florida in which the boundaries were spelled out. We have examined these constitutions before. We would certainly examine the constitution of Hawaii before it came into the Union. A short time ago we examined the constitution of Puerto Rico, in order that that Territory might enjoy home rule. Some of us found objections to certain provisions of that constitution. We did not agree that that constitution should go into effect in Puerto Rico until it was modified to the satisfaction of the Congress. The Senator is familiar with that case. We insisted that there be an agreement for modification before Puerto Rico could become self-governing.

Mr. ANDERSON. I completely agree with the Senator from Louisiana. All I point out is that a single test was laid down for Florida, Georgia, and several other States; namely, that they amend their existing constitutions so as to make them republican in form. Some of those States took the position that they had been out of the Union, and that therefore they had to adopt new constitutions. They put new matter in their constitutions, matter which had nothing whatever to do with the requirement to amend their constitutions so as to make them republican in form.

Congress proceeded to pass upon the question as to whether or not the Florida constitution was republican in form, and decided that if and when the State of Florida did certain other things it would have met the test. It never touched the question of boundaries. There never was a moment's discussion of boundaries. The entire debates have been read and examined by many people, including the junior Senator from New Mexico. There is not a word in them that touches the question of boundaries.

The Senator from Louisiana has been very diligent, as we have all tried to be, in connection with the question of Hawaiian statehood. I must say that the subject of Hawaiian statehood has been revived in my mind by this dispute over submerged lands.

The Senator from Louisiana understood that when we were looking at the map of the Hawaiian Islands we found that the Territory of Hawaii claimed open ocean for 60 miles in one case between two main islands and for nearly 1,000 miles in another case, and also claimed an archipelago running 1,800 miles in another case. We have been getting information to the effect that those things do not count. I suppose that if there were a meeting of the com-

mittee tomorrow morning the committee could reject the views of the Senator from Louisiana, the Senator from New Mexico, and the Senator from Texas, and report a bill that fixed the boundaries of Hawaii as those of the old Hawaii as defined by the King. There would be 1,000 miles of open water between Honolulu and Palmyra, and the Hawaiians claim that long ocean stretch would be inland waters. The Senator from Louisiana and I would dispute that to our dying breath, and therefore until that matter is adjudicated in court, I would say they could not extend their boundaries in any such fashion.

I am only attempting to show that the boundary question is extremely difficult. Personally I think it would be wise to follow the suggestion made by the Attorney General of the United States, Mr. Brownell, when he proposed an alternative.

While the Senator from Louisiana was out of the Chamber, I said that so far as I was concerned, if we dealt with only the 3-mile strip, I might allow the State 37½ percent of royalties. Someone else might want to give them 50 percent, and someone else might want to give them 100 percent. It is a matter of degree, and not of principle. It could be done, and while it would be done over my protest, I recognize the right to provide such a division and therefore it would not do violence to my feelings to go a step further and make an even larger allowance, as I have suggested.

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

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

Mr. LONG. When a State comes into the Union, generally its boundaries are spelled out in the enabling act which brings it into the Union, or its boundaries are described by reference to previous statutes describing its boundaries as a Territory, or by some other description which can be located somewhere, so that it can be determined what the boundaries of the State are. For example, with regard to the boundaries of Hawaii, we were told we could find them by going back into the history of that Territory, and into the history of the statutes of the United States relating to Hawaii.

With regard to my own State of Louisiana, the Congress spelled out the boundaries in the enabling act. With regard to the State of Florida, when Congress admitted the State, its boundaries were described in its constitution. If the boundaries of Florida are to be found in its constitution, it seems to me that since Congress had that constitution before it and considered it, Congress would be more or less bound by the act it passed admitting the State into the Union. Likewise it would seem to me that when Congress admitted the Republic of Texas as it existed at the time it became a part of this Nation, the laws of Texas, which spelled out its boundaries, should have been known to the Congress, and the Congress should have been held to have been admitting a definitely described area, and obviously the law of the Territory was the only thing to which one could refer, unless Congress attempted to spell out the boundary itself.

Mr. ANDERSON. Is the Senator familiar with the fact that in the controversy between my State and the State of Texas, the courts established the boundaries? I say it is a matter for decision in the courts, just as the question of the boundary between Texas and New Mexico was made by the Court.

Mr. DANIEL. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I yield.

Mr. DANIEL. Will the Senator from New Mexico permit me to read at this time from the decision of the Supreme Court in the case of Texas against New Mexico?

Mr. ANDERSON. Yes.

Mr. DANIEL. In 1928 the Supreme Court in that case said:

> New Mexico, when admitted as a State in 1912, explicitly declared in its constitution that its boundary ran "along said 32d parallel to the Rio Grande * * *." This was confirmed by the United States by admitting New Mexico as a State with the line thus described as its boundary.

Will the Senator permit me to refer to another case, just one sentence, in which his own State made the argument to the Supreme Court that the United States could not change the boundaries of New Mexico after New Mexico came into the Union, without the consent of New Mexico? The court said in that case, New Mexico against Colorado, 1925, in discussing the right of the State to rely upon its established boundary lines at the time of admission, that the boundary lines cannot be impaired by any subsequent action on the part of the Nation.

Mr. ANDERSON. Mr. President, I would agree with that, but I merely point out that it might have been a case in which Congress had the right to speak.

I read now from the testimony of Mr. Jack B. Tate:

> Senator ANDERSON. Whenever you deal with the subject of matters that are out in the ocean you have to deal sovereign to sovereign; do you not?
>
> Mr. TATE. Yes.
>
> * * * * *
>
> Senator ANDERSON. * * * When you are in the international domain your dealing has to be sovereign to sovereign?
>
> Mr. TATE. That is right.
>
> Senator ANDERSON. Therefore, the United States could not recognize a boundary larger than that which the United States itself claims?
>
> Mr. TATE. That is correct.
>
> Senator ANDERSON. Some question arose a moment ago as to the rights which Texas may have acquired under the treaty of Guadalupe Hidalgo. I do not want to get into the field that the Senator from Texas wishes to question you about, and I am not moving into this just because he raised the question because I had my material here in advance. I have put previously into the record the letter which the Honorable Tom Connally, former Senator from the State of Texas, addressed to the Secretary of State, October 12, 1949. Are you familiar with Senator Connally's letter?
>
> Mr. TATE. I do not recall it.
>
> Senator ANDERSON. Are you familiar with the reply which the Under Secretary of State, Mr. Webb, sent to Senator Connally?
>
> Mr. TATE. I probably saw that, Senator, but I do not recall it at the moment.

Finally I said, "Would you agree with this interpretation?"

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

That was from the letter which the State Department wrote. I said, "With that language before you," because it was a previous administration which had written it, I asked the representative of the State Department:

> With that language before you, would you agree with that interpretation?

He answered:

> I would say that is correct.

Mr. DOUGLAS. Mr. President, will the Senator from New Mexico yield?

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

Mr. DOUGLAS. Is it not true, reciprocally, that the United States will not recognize any claims of Mexico beyond the 3-mile limit?

Mr. ANDERSON. That is correct.

Mr. DOUGLAS. Therefore the adoption of the 3-mile rule of national sovereignty by us is not so much a self-denying act on our part as a principle of international law which we apply against other nations, and which serves to protect our fishermen and nationals. Is that not true?

Mr. ANDERSON. That is correct. It is not a question of whether we apply it against other nations. We are the sponsors of it. We have lived with it for 150 years. We have never gone to an international conference that we have not endorsed it. We have never gone to an international conference in which we have not maintained it. There has never been an occasion when the United States has been at an international conference on boundaries when we have not restricted ourselves to the 3 miles, and sought to restrict every other nation to the 3 miles, and to come at this late hour to a different decision is going to be embarrassing in the extreme.

Mr. HILL. Mr. President, will the Senator from New Mexico yield to me?

The PRESIDING OFFICER (Mr. COOPER in the chair). Does the Senator from New Mexico yield to the Senator from Alabama?

Mr. ANDERSON. I yield.

Mr. HILL. In other words, it might well be said to be our baby; and for 150 years we have been the leader in world affairs in fighting and laboring to get it established. Is not that true?

Mr. ANDERSON. Not only is it our baby but it has grown up to be a beautiful child. It has helped us all over the earth. It has been greatly instrumental in helping to secure control of oil in certain areas of the earth, as against Russia, when Russia was trying to seize it. After having used it, not for 1 generation but for 6 generations, why we should suddenly abandon it I do not understand.

Mr. DANIEL. Mr. President, will the Senator from New Mexico yield to me?

Mr. ANDERSON. I yield.

Mr. DANIEL. I ask the Senator from New Mexico if it is not true that Mr. Jack Tate, of the State Department, conceded that the United States had made at least two exceptions to the 3-mile rule, in accepting Texas into the Union with a 3-league boundary and in the approval by Congress of a 3-league boundary in the case of the west coast of Florida?

Mr. ANDERSON. I thought the language used at that point by Mr. Tate was not too good. At that time he was being pressed rather hard. He tried to get away as best he could from the Senator from Texas. However, I do not think Mr. Tate got away without getting his head a little bloody. I do not think he wanted to admit what he had to admit.

Mr. DANIEL. Mr. President, will the Senator from New Mexico permit me to read Mr. Tate's answer?

Mr. ANDERSON. Yes. I shall appreciate it if the Senator from Texas will tell us the page of the hearings from which he is about to read, so that we may follow his reading from the hearings.

Mr. DANIEL. I shall read from page 1078 of the hearings, toward the bottom of the page.

Mr. ANDERSON. Very well.

Mr. DANIEL. Without reading all my questions about Texas' 3-league boundary, and so forth, I shall begin at the part of my questioning following the small type:

I just want to ask you again, it is not your contention that by coming into the United States our Nation went back on its word on Texas' boundary and let these riches outside of the 3 miles go back into the ownership of the family of nations, is it?

Mr. TATE. I am not making any contention on that score, Senator.

Senator DANIEL. As to the State of Florida, its constitution, after the Civil War, provided that on the Gulf coast side, that is the shallow-water side, its boundary should go out 3 leagues from shore, and that was approved by the United States Congress. You are familiar with that, are you not?

Mr. TATE. I understand that to be true; yes.

Senator DANIEL. So there at least are 2 instances in which our Nation by official action has recognized boundaries in the Gulf of Mexico a greater distance than 3 miles from shore; is that not correct, sir?

Mr. TATE. I think so; yes.

Mr. ANDERSON. In reading from the testimony at that point, the Senator from Texas has emphasized the word "yes." I wish to emphasize the fact that at that point Mr. Tate said—and I watched him very carefully:

I think so; yes.

The actual meaning of the word "yes," as used in that connection by Mr. Tate, depends upon the emphasis or lack of emphasis placed on the various words by him.

I wish to remind the Senate that a man convinced against his will is of the same opinion still.

I wish also to remind the Senate that earlier in the hearing, the Senator from Texas pressed Mr. Tate on this point. I will say for the Senator from Texas that when he presses a man on a point, he really presses him. Earlier the Senator from Texas said:

Senator DANIEL. In other words, Mr. Tate, because the United States had previously followed a 3-mile rule generally, you do not think that when Texas came into the Union, everything outside of 3 miles off Texas was thrown back to the family of nations; do you?

Mr. TATE. I think that is a matter for the Supreme Court to pass on; not for the State Department.

I wish Mr. Tate had maintained that position. His subsequent testimony shows how far a man can go when he begins to weaken.

Mr. HUMPHREY. Mr. President, will the Senator from New Mexico yield to me?

Mr. ANDERSON. I yield.

Mr. HUMPHREY. I think the language bears careful examination. I read now from page 1078:

The Supreme Court not only failed to dispute our boundary at 3 leagues, but the Court went on to say:

"We assume that as a republic, Texas had not only full sovereignty over her marginal sea, but ownership of it, the land underlying it, and all the riches which it held."

I just want to ask you again, it is not your contention that by coming into the United States our Nation went back on its word on Texas' boundary and let these riches outside of the 3 miles go back into the ownership of the family of nations; is it?

That is the part to which the Senator just referred.

I make special note of the language of the Court's decision regarding Texas, because the important words are "as a republic," because in the case of United States against Texas, the Court made note of this very particular language, and pointed out that when Texas was a republic it did have paramount rights, full sovereignty, and, as the Court said, ownership of the land underlying those waters; but then the Court went on to point out that, under the equal-footing clause, when Texas became a State, she lost those rights, and that then the rights which the nation of Texas had had were transferred to the rights of the Nation of the United States of America.

I point out specifically that that language of the Court is very germane to this argument, because as a republic, Texas had rights which she does not have as a State.

Mr. ANDERSON. Yes; and I tried to point that out in connection with the discussion of these decisions.

Mr. President, there is constant repetition of what Mr. Justice Black said or what Mr. Justice Douglas said or what some other Justice of the Supreme Court said half way along the road, from which those who favor extended boundaries for the States derive some comfort. They point out that Mr. Justice Black said that in the Pollard case to the effect that in other cases the Supreme Court had made various statements, which I shall not attempt to quote exactly, but statements which seemed almost strong enough to suggest that the States owned the lands not only beneath the navigable waters inside inland waters but also beneath the navigable waters beyond the tidelands to their boundaries. Those who make contentions of State ownership attempt to obtain aid and comfort from those words. However, I point out that we should observe who was awarded the final decision.

In that connection, I may state that only a few evenings ago, while I was watching the television, a prize fight was going on. In the fourth round, one of the fighters almost knocked out the other. However, in the fifth round the fighter who had been almost knocked out in the fourth round got in a lucky punch and succeeded in knocking out his opponent. Mr. President, what do you suppose happened when the decision of the judges was made, in determining who was the winner of the contest? Do you suppose the judges awarded a part of the decision to the fighter who almost knocked out his opponent in the fourth round, or do you suppose the judges awarded the entire decision to the fighter who actually knocked out his opponent in the fifth round?

That situation is very analogous to the one now confronting us.

"Let not your hearts be troubled," the Supreme Court said over and over again. Then it proceeded to say that the United States owns this area, that the Government is the only sovereign there can be in this area, that the United States Government has to administer this area, and its responsibilities to defend this Nation are such that it must never give up this belt. The latter statements are the ones which I think are important and controlling, and not the words "Let not your hearts be troubled."

Mr. GORE. Mr. President, will the Senator from New Mexico yield to me?

Mr. ANDERSON. I yield.

Mr. GORE. Is the able junior Senator from New Mexico suggesting that the able junior Senator from Texas [Mr. DANIEL] has been knocked out in both the first, second, and third rounds, and yet is coming back again?

Mr. ANDERSON. I wish to say that if he is, the Senator from Texas has the greatest recuperative powers possessed by any man I have ever known in all my life. [Laughter.]

Mr. DANIEL. Mr. President——

Mr. ANDERSON. In order to be fair about the matter, I yield now to the Senator from Texas.

Mr. DANIEL. Mr. President, I thank the Senator from New Mexico for giving me this opportunity to say to the Senator from Tennessee that the decision against Texas by a 4 to 3 vote of the Supreme Court was a decision denying Texas the right to introduce evidence in the lawsuit. That was the first time the Supreme Court ever denied a State the right to introduce evidence in a contested lawsuit.

I say to the Senate that I do not consider myself knocked out until I get someone to hear the evidence regarding the claims of Texas to these lands. Thank goodness the Senate and the House of Representatives of the United States Congress are hearing the evidence. Thank goodness, my colleagues in the Senate are hearing it. I shall be satisfied with the decision made by the Congress, and then we shall see who will be the final winner.

Mr. ANDERSON. I may not be as satisfied with the decision of the Congress

as I was with the decision of the Supreme Court.

Mr. HUMPHREY. Mr. President, will the Senator from New Mexico yield to me?

Mr. ANDERSON. I yield.

Mr. HUMPHREY. We recur repeatedly to the argument of Texas that she did not have a chance to be heard on the evidence she wished to present to the Supreme Court. However, the point is that the Supreme Court decided that the evidence which Texas wished to present was evidence upon issues upon which the Court did not see any reason for having to rule, because in that lawsuit the Court considered Texas to be in the same position in which Texas stands in other respects, namely, as one of the States in a Union of 48 States, with no more rights or no less rights than those possessed by any of the other States. The Court considered Texas to be what Texas is in the law, namely, a State in the Union of 48 States, with no more rights and with no fewer rights than the other States. I refuse to believe that Texas has any less rights than the State of Minnesota or the State of New Mexico; and I refuse to agree that she has any more rights. The Supreme Court simply said that, while the evidence which the attorneys for Texas may want to present, may be interesting, the real truth is that when Texas ceased to be a nation, she came into the Union as a State; and when she came in as a State, she came in on an equal footing, with the other States, and with no more and with no less.

Mr. DANIEL rose.

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

Mr. ANDERSON. I will yield to the Senator from Louisiana in a moment. The Senator from Texas wants me to yield, and then I will yield to the Senator from Louisiana.

Mr. DANIEL. Merely to make it clear, let me say that we do not deny anything the Senator from Minnesota has said. All we asked the Court to do was to hear and interpret our contract and international agreement. Along with all the treaties with other nations, there will be found listed in the State Department books as an international agreement the Annexation Agreement with Texas. It has the same binding effect as any treaty between nations. All we asked the Court to do was to read that provision of the Annexation Agreement which says that Texas—and she was the only State required to do so—shall pay her own debts, and in exchange, Texas shall retain all unsold lands lying within its limits. We asked the Court to determine that question, and to hear the evidence of 100 years' interpretation of that agreement, and, if the Court found that Texas and the United States did agree that Texas was to retain all its lands, then the United States Supreme Court should not take them away from us by an equal footing clause which was put into the formal act of admission, as a subsequent unilateral act of the United States. That was our only argument.

It is the same, as I said the other day, as if the United States should offer an agreement of annexation to Australia, and say in that agreement, "Australia shall keep all its submerged lands out to its 3-mile or 3-league limit," and after Australia agreed to that, then the Congress of the United States passed a formal act of admission saying in effect, "Australia has accepted our position; Australia has agreed to our proposition; now, therefore, we admit Australia as one of the States of the Union, on an equal footing." Would Senators stand on this floor to argue that the words "equal footing" meant that the United States should supersede her rights and take away from Australia the lands we specifically said that Australia should keep?

That is the argument I made in court, and the court refused to hear the evidence on that agreement between Texas and the United States. If that agreement meant what it said, that Texas was to keep all the lands lying within her limits, I say, Mr. President, that no one in the United States Congress should say that, in 1845, the Congress intended to go back on that agreement and take away our lands by subsequently putting this so-called equal-footing clause into the formal unilateral act of admission. That clause had never been submitted to Texas, and it had never been interpreted, up until 1947, as taking anything away from any State.

Mr. ANDERSON. I only want to say that that would open up a large field, if we should enter into it. I do not intend to go into it, but I am aware that at one time Texas disposed of a great deal of the remainder of its public lands to a syndicate in Chicago, and that from that transaction came the great XIT Ranch. I think they thought they were buying the great residue of the lands which the State of Texas had, but they did not get any of the submerged lands, and if those lands belonged to Texas, the syndicate perhaps failed to get their just share. But I say that would be a long discussion, and I am anxious to yield to my friend, the Senator from Louisiana.

Mr. LONG. I hope the Senator from New Mexico does not mean to imply by the argument he is making, or that any other Senator is implying, that the Court has decided that Texas does not have a boundary 10½ miles from its shore.

Mr. ANDERSON. No.

Mr. LONG. So far as I know, the United States Supreme Court had the opportunity of so deciding, and the Supreme Court declined to decide that question. The Senator is arguing with some support from certain officials of the State Department, but he is not basing his argument upon the decisions of the United States Supreme Court in that connection.

Mr. ANDERSON. No; if I have said anything to indicate that I thought the Supreme Court, in the Texas case——

Mr. LONG. Or in any other case.

Mr. ANDERSON. Or in any other case, including the Louisiana and California cases, passed on the boundaries of Texas and Louisiana, I have not made myself clear. I have not made that contention at any time, and I do not make it. Specifically, the Supreme Court brushed that question to one side, because it pointed out clearly that it was not interested as to whether the boundary was out 3 miles, 10 miles, 300 miles, or 3,000 miles, inasmuch as everything seaward from ordinary low tide belonged to the Government of the United States, and it would not matter whether the boundary was out 3 feet, 3,000 feet, or 3,000 miles, since the net result was exactly the same, because the Government owned that land anyway.

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

Mr. ANDERSON. I yield.

Mr. LONG. The Senator is putting the law more correctly, as it was applied in these cases, to the best of my knowledge. I wish he would further correct his statement by saying that the Court did not say that the United States actually owned the submerged lands, although that inference might be drawn. However, the Court said that the United States had paramount rights in that area, and that the States did not have title. It did not say the States had no rights; nor did it say that the United States actually owned that property.

Mr. ANDERSON. Unfortunately, I allowed the material which I would like to read now to go to the Official Reporters. But I tried to point out earlier that, while the court did not specifically say that the Government had title, it said clearly in the Texas case—and I apologize for the way I must carry on this discussion, for it should be carried on by lawyers, and not by insurance people—that property rights and political rights in this case were such that they coalesced in the national sovereign. Then I pointed out, earlier this afternoon, what "coalesced" meant. It meant to join together in one body, and I said that the Government has both political and property rights. I do not see how anyone can contend that the Court did not say the United States had rights of title to the submerged lands. I believe they did; but that is something that I do not intend to argue.

Mr. HILL. Mr. President, will the Senator yield in that connection?

Mr. ANDERSON. I will yield in a moment. What I am trying to say is that if the Court did not hold that the Government possesses political and property rights in the property, it used some language that was pretty strong. We spent considerable time in the Senate committee at one time listening to the discussion of dominion and imperium. When we got through, after a long discussion of those two words, I said, "Who got the land? The Government?" I did not care what the exact meaning of the two words was. It was a little hard for me to understand it. As a matter of fact, what I thought was the most interesting episode of our hearings was when a former Solicitor General of the United States said the Court used the word "dominium," and the former Attorney General of the State of Texas, now the junior Senator from Texas, said, "No, the Court did not use the term 'dominium,' it used the word 'dominion' "—ion instead of ium. And here was a man who had tried the cases on one side in the Supreme Court, and he had carried in his mind an erroneous spelling of the term. The reason was that he had suggested one spelling, the Court had

used another spelling. What is the difference between the two of them?

Mr. DANIEL. Does the Senator mean that the Solicitor General was wrong?

Mr. ANDERSON. I am sorry.

Mr. DANIEL. Does the Senator mean that the Solicitor General used the wrong term?

Mr. ANDERSON. I said so. Yes, the Solicitor General. I am sorry. Did I not say that?

Mr. DANIEL. I missed that.

Mr. ANDERSON. The Court used the wrong word, so far as the Solicitor General was concerned. He had suggested the word "dominium" and the Court used the word "dominion," and the Senator from Texas was right in pointing that out. I thought it was an interesting point, indeed, in the discussion of this subject.

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

Mr. ANDERSON. I yield to the Senator from South Dakota.

Mr. CASE. The Senator from South Dakota would like to ask a question purely for information. Is there any public domain within the State of Texas, apart from this submerged land?

Mr. ANDERSON. Remaining?

Mr. CASE. Yes. Is there any public land remaining?

Mr. ANDERSON. I think not.

Mr. DANIEL. Yes; there is.

Mr. ANDERSON. There is?

Mr. DANIEL. Yes—a great deal of dry uplands.

Mr. CASE. Are they forest lands?

Mr. DANIEL. No. I refer to school lands—all of the lands, including the submerged lands.

Mr. ANDERSON. No; I think the question referred to the Federal public domain.

Mr. CASE. Yes.

Mr. ANDERSON. That is the way we use that term. There are no public lands remaining in Texas.

Mr. DANIEL. No Federal lands, only State-owned public lands.

Mr. ANDERSON. That is correct.

Mr. DANIEL. For all these years, Texas kept every foot of land within its boundaries. This is the first time anybody has ever claimed to own any land for the United States within the boundaries of Texas, except by purchase or express cession.

Mr. CASE. Was there ever a period of homesteading in Texas?

Mr. ANDERSON. No.

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

Mr. ANDERSON. I yield.

Mr. LONG. Referring to the question of ownership, I should like to point out that there are some very good legal minds who believe that the United States Supreme Court did not hold that the Federal Government had actual title or ownership to these lands.

I am reading from the minority opinion of Mr. Justice Frankfurter in the case of United States against Texas. I emphasize that it is the minority opinion. I do not assert that it is the opinion of the majority of the Court, but there is a statement made by Mr. Justice Frankfurter which should have the attention of the Senator.

In his minority opinion in the Texas case Mr. Justice Frankfurter said:

> It is relevant, however, to note that in rejecting California's claim of ownership in the offshore oil the Court carefully abstained from recognizing such claim of ownership by the United States. This was emphasized when the Court struck out the proprietary claim of the United States from the terms of the decree proposed by the United States in the California case.

Then there appears an asterisk, and there we find an interesting point. Following the asterisk at the bottom of the page the following appears:

> The decree proposed by the United States read in part:
>
> "1. The United States of America is now, and has been at all times pertinent thereto, possessed of paramount rights *of proprietorship* in, and in full dominion and power over, the lands, minerals, and other things underlying the Pacific Ocean. * * *"
>
> The italicized words were omitted in the Court's decree.

Everyone knows that to be the fact. The United States Supreme Court struck out the words "of proprietorship," obviously, for some reason. That is the point made by Mr. Justice Frankfurter, when he states that the Court has never held that the Government owns these lands. It has been held instead that the Government has paramount rights.

Mr. ANDERSON. I have tried to say, over and over again, that I recognize that. If the Senator from Louisiana had been here a little earlier in the day he would know that I spent quite a bit of time in referring to the fact that the Supreme Court so held. I thought it was a favorable circumstance, because the Court recognized that the question was *not one of mere title. If it had been a* matter of mere title, the Congress might have passed the title on to the States. But, obviously, it was a question of rights which the Government got from its external sovereignty which it could not pass on to the States.

So I agree with the Senator that the Court did not use the words to which he has referred.

Mr. LONG. Does the Senator, then, agree that the Federal Government does not actually own this property in the usual sense in which we think of ownership?

Mr. ANDERSON. Yes; I think that is probably true, in an unusual sense. When the Court got through with the case it came so close to it that there was not much difference.

Mr. HILL. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I yield.

Mr. HILL. Of course, the ownership of the land, exactly like the ownership of the States in the bed of inland waters, is not what we know ordinarily as a proprietary ownership. That is the distinction which I suggest to my friend from New Mexico.

The Court said:

> But there is a difference in this case which, Texas says, requires a different result. That difference is largely in the preadmission history of Texas.
>
> The sum of the argument is that prior to annexation Texas had both dominium (ownership or proprietary rights) and imperium (governmental powers of regulation and control) as respects the lands, minerals, and other products underlying the marginal sea. In the case of California we found that she, like the Original Thirteen Colonies, never had dominium over that area.

The Court went on to say:

> Texas prior to her admission was a Republic. We assume that as a Republic she had not only full sovereignty over the marginal sea but ownership of it, of the land underlying it, and of all the riches which it held. In other words, we assume that it then had the dominium and imperium in and over this belt which the United States now claims. When Texas came into the Union, she ceased to be an independent nation. She then became a sister State on an "equal footing" with all the other States. That act concededly entailed a relinquishment of some of her sovereignty. The United States then took her place as respects foreign commerce, the waging of war, the making of treaties, defense of the shores, and the like. In external affairs the United States became the sole and exclusive spokesman for the Nation. We hold that as an incident to the transfer of that sovereignty any claim that Texas may have had to the marginal sea was relinquished to the United States.

Confirming exactly what the Senator from New Mexico has stated.

Mr. ANDERSON. Mr. President, I desire to deal rather briefly—and then I shall be through—with one other aspect of the pending proposal.

Mr. HOLLAND. Mr. President, before the distinguished Senator from New Mexico goes to another point, I wonder if he would yield to me for a question.

Mr. ANDERSON. I yield.

Mr. HOLLAND. I remember that the Senator stated he was interested in the last-round results, but I see he has refrained from going into the testimony of Mr. Tate which appears at page 1086 of the hearings, and I ask him if he will address himself to that at this time. It is the last testimony of Mr. Tate, and it bears so completely on the right of the United States in connection with the Continental Shelf, so far as international relations are concerned, that I should like to read it into the RECORD. It is as follows:

> Mr. TATE. I assume what the Court was saying there was that as far as the territorial waters are concerned, 3 miles anywhere, the United States had paramount rights; and as far as the Continental Shelf rights are concerned, there would be paramount rights in the subsoil and the seabed, and they would extend out as far as the Continental Shelf extended.
>
> Senator KUCHEL. So you would find no conflict between the traditional policy of the State Department and the paramount rights holdings in the Texas and Louisiana cases?
>
> Mr. TATE. I am aware of none.
>
> Senator KUCHEL. If there is no conflict, then for the purpose of the committee in considering the claims of the States in these various bills, any action by Congress to restore or give to the States any or all of the paramount rights which the United States Supreme Court holds that the Federal Government has, would not in any respect violate the policy of the State Department.
>
> Mr. TATE. That is correct. I assume that as far as our international relations are concerned, the United States could divide up with the States any rights which it had, and those rights would be certainly the traditional right to the 3 miles, plus the right to the Continental Shelf as set forth in the 1945 proclamation.
>
> Senator KUCHEL. And to the extent that the Court held in each of those cases that the

paramount rights doctrine went considerably seaward of the 3-mile belt?

Mr. TATE. Whatever the United States has as far as the international aspect is concerned, it may divide up with the States as it pleases.

I wonder what comment the Senator from New Mexico has upon that last-round statement of Mr. Tate, the Deputy Solicitor of the State Department.

Mr. ANDERSON. I think it shows the danger of a man commenting on matters not within his own field. If he had remained within the international field he would have been sound. When he departed from it he went far astray.

Mr. HOLLAND. Then the Senator does not want to take the testimony of his witness which was last-round testimony?

Mr. ANDERSON. I take his testimony in the field in which he belongs. He said we would be in trouble all over the world if we abandon the 3-mile limit principle. When he passed on these other matters he was completely out of his field. Quite obviously, he did not know what he was talking about, and we got exactly the result we always get by offering a witness who does not know what he is talking about.

Mr. President, I regard this as one of the greatest appropriation measures for other than defense purposes in the history of the country. I do not know when the Congress of the United States has been called upon to make an appropriation of this size without a hearing before the Appropriations Committee. It is an attempt to take tremendous sums of money and give them to the States.

Some persons may contend that if we are going to give title to the States, we ought to give the States all the rentals that have accrued in the meantime. I do not think that that necessarily is true. I do not think that if a man owned a house, and he decided to will it, upon his death, to his son, daughter, or niece, everything that the house had earned during his lifetime should be taken from his estate and given to the legal beneficiary.

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

Mr. ANDERSON. I yield.

Mr. HOLLAND. I think the Senator is proceeding upon the theory that the United States Supreme Court in these cases ruled that the Federal Government held title. That is not so. The Supreme Court held that the United States Government had paramount rights.

I wish to ask the distinguished Senator if he has noted that in the stipulations—and there were several—between the Attorney General of the United States and the attorney general of California, governing the continuance of operations in the submerged belt of California, in every instance they retained the specific provision that the stipulation shall not be applicable in the event that Congress sees fit to act prior to the time covered by the stipulation. Has the Senator noted that?

Mr. ANDERSON. Yes, and I also noted that the stipulation covered areas where the money was to be held in trust, because a determination could not be reached as to inland waters until the special master had made his report to the Supreme Court. Most of the moneys that are impounded in the State of California are certainly in that category.

Mr. HOLLAND. If the Senator will yield further, I should like to call his attention to the fact that in the original press announcement, and in the original stipulation, as well, entered into between the Honorable Tom C. Clark, Attorney General of the United States, and the Honorable Fred M. Howser, attorney general of California, approved by Hon. J. A. Krug, Secretary of the Interior, dated August 21, 1950, applicable to the disposition of all moneys under that stipulation that might accumulate, there is found the following:

The above provisions of this paragraph are not intended to preclude any other proper disposition at an earlier time by reason of an order of the Supreme Court of the United States or of an act of Congress.

I should like to call the distinguished Senator's attention to the fact that almost those identical words, if not exactly those words, occur in each of the extensions of the stipulation made from time to time, each of which was approved by Mr. Krug, as Secretary of the Interior, or later by Mr. Chapman, as Secretary of the Interior.

I should like to call the Senator's attention to the fact that that was true even when the nature of the stipulation was changed and when, under the new stipulation, funds began to be payable into the Treasury of the United States rather than into the treasury of California. In every case the same wording was carefully continued, showing that it was in the minds of both the Attorney General of the United States and of the Secretary of the Interior of the United States, acting for the Federal Government, that Congress at all times had a perfect right to dispose of the funds other than in the way provided by the stipulation.

Mr. ANDERSON. I have never questioned the right of Congress to give the funds away. I simply say that this is one of the greatest appropriation measures I have ever seen for purposes other than defense.

Mr. HOLLAND. The Senator speaks of giving the funds away, but again he overlooks the fact that the most the Supreme Court has said is that the Federal Government has paramount rights. The Supreme Court has never said that the Federal Government has title, and it has constantly refused so to say.

Mr. ANDERSON. In its decisions, the Supreme Court has constantly said that it granted the injunctive relief which the Government applied for. Surely the Senator from Florida knows what the Government sued for. If the Government received injunctive relief, the Senator certainly would not say that it did not take title to that money.

Mr. HOLLAND. The Senator knows what the Government sued for and knows also that the Government did not get all that it sued for.

Mr. ANDERSON. But the Senator from Florida cannot deny that the Government obtained injunctive relief.

Mr. HOLLAND. In each case the applicant very clearly asked for a declaration that the States did not own the area and that the Federal Government did own it; and it also asked for a declaration that the Federal Government had paramount rights. The United States Supreme Court constantly refused to hold other than that the Federal Government had paramount rights and that the State governments did not own title.

I will say in complete fairness to the Department of Justice that it realized that title to lands all over our coastal areas were plunged into such hopeless disorder and confusion by such a ruling that the Government went back to the United States Supreme Court and filed a petition for rehearing, asking that the Court correct the terrible situation by finding that title was in the Federal Government. This the Supreme Court refused to do.

So the stipulations and the notice which I am about to read, if I am permitted to do so, applicable to the Louisiana and Texas areas of the controversy, show that at all times the Federal Government officials believed that Congress had power to act, and they placed in the stipulations and in the notice a clear warning that the right of Congress to act was preserved even as against third parties, including both the States and the private corporations which were concerned.

If the Senator will permit me to complete this point, I should like to do so, because I think any argument could apply just as well to the notice as to the stipulation.

On page 11 of the hearings held on March 28 and April 10, 1951, there is a print of a notice signed by the Hon. Oscar L. Chapman, Secretary of the Interior, under date of December 11, 1950. This was the document under which drillings and production were continued in the gulf areas, that is, in the submerged lands lying offshore Texas and Louisiana.

On page 11, under part III, the Senator will find words used which are not the words of the States or of private drillers, though they are applicable to both the States and private drillers. The announcement is as follows:

(1) The remittance will be deposited in a special account within the Treasury of the United States under 31 United States Code, 1946 edition, section 725r, subject to the control of the Secretary of the Interior, the proceeds to be expended in such manner as may hereafter be directed by an act of Congress or, in the absence of such direction, as the Secretary of the Interior may deem to be proper, which may include a refund of the money to the person who paid it.

I have simply called attention to this matter so that the Senator may see, whether he realizes it or others debating the matter realize it, what the officials representing the Federal Government clearly realized. In the agreements worked out with California, which were not ex parte agreements, and also in their own ex parte notice in the cases of California and Texas, they showed that they were very carefully providing that the rights of all concerned could be affected by a controlling act of Congress. There is no possible escape, no possible evasion of that point.

Whether the point has been in the minds of Senators or not, it has been at all times clearly within the minds of executives representing the Federal Government, both the Secretary of the Interior and the Attorney General, that Congress does have such a right, and I think the right was asserted over and over because of the fact that uncertainty had followed the Supreme Court decisions and that the Federal Government did not have title to these lands.

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

Mr. ANDERSON. I will yield after I have made some comments on the remarks made by the Senator from Florida.

Mr. DOUGLAS. Is it not true that in the Texas case the Supreme Court, after reviewing the claims of Texas, said that Texas claimed that prior to her admission to the Union she had both dominium and imperium, the Court defining "dominium" to be ownership, or proprietary rights? Then, toward the end of the decision, the Court held, with regard to the marginal sea off the Texas coast:

> 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.

In other words, the Court held that the property and the sovereign power—dominium and imperium—were in the possession of the Federal Government, and that the property right of the Federal Government followed from the fact that it had to exercise its sovereign power over this marginal zone in order to protect commerce, in order to defend the shores of the United States and in order to exercise the other international and national duties assigned to it.

Mr. ANDERSON. Not only is that correct, but earlier in the afternoon I read the language of the Supreme Court to the effect that property rights and political rights coalesced in the national sovereign. I read the definitions of "coalesce" which ought to be sufficient to persuade anyone that the two are joined together. I called attention to the decree in the California case, a part of which says that the United States has been possessed of paramount rights and full dominion or power over these minerals. The next paragraph says that the United States is entitled to the injunctive relief prayed for in the complaint.

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

Mr. ANDERSON. I yield.

Mr. HILL. I invite the Senator's attention to the following language from the Texas case, confirming exactly what the Senator has said:

> 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.

The Court goes on to say:

> It is said that there is no necessity for it—that the sovereignty of the sea can be complete and unimpaired no matter if Texas owns the oil underlying it. Yet, as pointed out in *United States* v. *California*, once low-water mark is passed the international domain is reached. Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign. Today the controversy is over oil. Tomorrow it may be over some other substance or mineral or perhaps the bed of the ocean itself. If the property, whatever it may be, lies seaward of low-water mark, its use, disposition, management, and control involve national interests and national responsibilities. That is the source of national rights in it.

That is the entire gist and basis of the decision of the Court, as the Senator from New Mexico has so well brought out.

Mr. ANDERSON. I tried to point out earlier today that "coalesce" means to grow together, to unite by growth into one body, to unite in one body or product, to combine into one body or community. And if property rights and political rights have coalesced into one body, and the Government owns that body, does it have property rights?

What happened in these cases? There has been reference to a stipulation. No one could sit, as I have sat, through hours and hours of hearings in Congress after Congress and not know what has been taking place with respect to stipulations. Of course there was a stipulation. There was a question whether the Attorney General had any right to sign the stipulation. I do not believe he did, but he signed it, nevertheless. Justice Frankfurter pointed out on one occasion that there was some question about it.

There was the contention that the Secretary of the Interior had no right to do what he did, and an action was started in the courts to persuade the Secretary of the Interior that he had no authority under the act to sign his name to the stipulation. Finally there was a general agreement to leave that question alone. Why? Because there were other moneys involved in this pot. Moneys of all kinds are gathered by the city of Long Beach and the State of California. Extreme care was taken until Congress could draw a line, or until the special master could draw a line, that disputed funds were to be allowed to go into a pot.

I have sat on the committee day after day and tried to draw the line. I have said that if I had my way about it I would have drawn it far seaward of where the United States Government and the State of California stipulated. Nevertheless, the money is held by stipulation until Congress draws a line or the Court draws a line. It is action with respect to a new line to which this language refers. We spent considerable time on that question.

Let us go into the Texas case and see what the Court said. In the Texas case the Court not only gave an order, but it made the statement that there should be an accounting for the money. We are not merely dealing with the situation in the State of California.

There is a provision that the United States is entitled to a true, full, and accurate accounting from the State of Texas of all or any part of the sums of money derived by the State from the area described in paragraph 1, to June 5, 1950, which are properly owing to the United States under the opinion entered in this case.

After the decision in the Texas and California cases the State of Texas initiated a leasing program. After the decision in the California case it obtained $8,300,000 in bonus payments. That money belonged to the United States Government. We can appropriate it. We can give it away. I am not questioning that right. But, I say that we ought to label this for what it is—the greatest nondefense appropriation measure I know anything about in the history of the country.

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

Mr. ANDERSON. I yield.

Mr. DANIEL. The Senator from New Mexico says that the $8,300,000 which we received for these leases belongs to the Federal Government. That issue was tried out in the Supreme Court. The Federal attorneys asked the Court to give them judgment for that money, and the Court refused. If the Senator is going to stay with the Court opinion when it is in favor of the Federal Government, why not stay with the Court opinion when it goes against the Federal Government? The Court let us keep every dime of that money, and refused the plea for judgment with respect to the $8,300,000.

Mr. ANDERSON. I am willing to do what the Senator suggests if the Senator will agree that those are the equities which the Court mentioned in its decree. The Court says the Congress can be expected to deal fairly with the States. If the Congress is dealing fairly with the States, then I agree that the $8,300,000 should remain in Texas. That is dealing fairly with Texas. The proposed legislation would accomplish that purpose. But over and completely above the original money gathered in, there remains the possibility that $10 billion may be received in the future. I say that this is a great appropriation measure, and ought to be considered by the Appropriations Committee.

Mr. DANIEL. In all fairness, the Senator would not want to continue to include in this measure as an appropriation the $8,300,000 which Texas was never required to pay over to the Federal Government, because that issue has already been settled. This joint resolution does not appropriate that money. The Supreme Court said, "Texas was in good faith. She can keep that money."

Mr. ANDERSON. I agree with the Senator from Texas that that is exactly what the Supreme Court said. I do say that the usual practice in a lawsuit is that, when it is determined that someone is the possessor of property, that person is entitled to the accumulated returns from the property.

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

Mr. ANDERSON. I yield.

Mr. HILL. Does not the action of the Supreme Court in not making Texas pay over the $8,300,000 show how tender, considerate, and sympathetic the Supreme Court was in dealing with Texas?

Mr. ANDERSON. Yes. On the other hand, I believe it should be pointed out that for a long time the State of Texas has had an excellent leasing program and an excellent conservation program.

If the Federal Government had been leasing the land, I doubt whether the Federal Government would have received any bonus money. On that basis I am willing to concede that the State of Texas is entitled to it.

But this is not the end of the road. Senate Resolution 21 of the State of Kansas has now been officially submitted to the Senate Committee on Interior and Insular Affairs. It provides as follows:

Whereas there is pending in the United States Congress a bill commonly known as the Holland bill, which the sponsor contends simply recognizes, confirms, establishes, and vests in the States the submerged lands and the natural resources therein; and

Whereas similar legislation has been passed by two former Congresses, which bills were vetoed: Be it

Resolved by the Senate of the State of Kansas, That we respectfully urge, request, and memorialize the Congress of the United States, that in the event they pass legislation granting to the border or coastal States, the mineral rights in and under and mineral deposits, including oil and gas, in the property commonly referred to as the tidelands, whether it be the Holland bill or any other similar bill, that said Congress likewise pass a law granting unto the State of Kansas, all mineral rights owned by the United States, or any agency of the United States, and all mineral interests in and under land owned by the United States, and lying within the borders of the State of Kansas.

That is not an unusual suggestion. Kansas will not be the only State to take such action. If we are to grant to certain States the rights to all the oil 10 miles from shore, lying 100 fathoms under water, then certainly we should not confine the public-land States of the West to three-eighths of their royalties.

There are tremendous areas of public lands in my State producing oil. If in the areas lying far out at sea, certain States are entitled to all the oil, then surely from the land we can look at, that we can drive over, or over which the State of New Mexico maintains highways, in which the State of New Mexico maintains a police power, all revenue ought to go to the State of New Mexico, as should revenues from similar land in Wyoming in other States. If New Mexico were to be given the $6 or $8 million a year produced by royalties on such lands we could do quite well with the money.

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

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

Mr. DOUGLAS. Is it not true that the junior Senator from Nevada [Mr. MALONE] yesterday offered an amendment to do precisely what the Senator from New Mexico has just said he fears, which amendment is printed on page 3006 of the CONGRESSIONAL RECORD? In conclusion the Senator from Nevada said:

If Congress is going to exercise its authority and break this century-old precedent, and the mineral rights in public lands, that is, the seabottom lands, are to be deeded to the States, then all States must be treated equally and this amendment of mine is designed to treat all the public land States alike. If this amendment were accepted as a part of Senate Joint Resolution 13 and the joint resolution should be passed and approved by the President, the mineral rights in the public lands would be deeded to the States wherein such public lands were situated.

So that a measure proposing to do what the Senator from New Mexico fears has already been submitted.

Mr. ANDERSON. It is only a matter of simple justice. How can we say to the State of Wyoming, which has produced a hundred million dollars' worth of oil royalties and poured the money into the Treasury of the United States, that that money is sacred to the United States, but that oil money which shall come from the Gulf of Mexico 10 miles out belongs to the State of Texas, or to the State of Louisiana?

Mr. CARLSON. Mr. President——

The PRESIDING OFFICER (Mr. BUTLER of Maryland in the chair). Does the Senator from New Mexico yield to the Senator from Kansas?

Mr. ANDERSON. I yield.

Mr. CARLSON. The distinguished Senator from New Mexico read the resolution adopted by the Senate of the Legislature of the State of Kansas memorializing Congress on the issue he is discussing. I should like to ask him a question in regard to that. The State of Kansas has issued bonds for the construction of highways under which there are deposits of oil, gas, and other minerals. Does the Senator feel that those minerals belong to the Federal Government, or that such minerals which are under our streams now listed as navigable, but which are not navigable in fact, belong to the Federal Government?

Mr. ANDERSON. I should like to say to the Senator from Kansas, a former governor of his State, and one who loves it sincerely, that in my opinion his State has just as much right to all the minerals underlying its public land as the State of Texas, the State of Louisiana, and the State of California have in the minerals underlying the open ocean off their shores. We are dealing with ocean oil. It is not tidelands oil; it is oil from out in the open ocean, and I believe the State of Kansas has just as much right to the oil under the highways and the public areas of that State as these other States have in the oil under the ocean, even if someone retained the Kansas area for the Federal Government long ago.

I go further and say that the State of New Mexico has just as much right to the oil in the fields which are being developed in that State as the State of Texas, the State of Louisiana, or the State of California has a right in the oil which lies miles out at sea, under the subsoil. Indeed, I think New Mexico has a better right because, under a more liberal land policy, greater areas might have been granted to Kansas, New Mexico, Wyoming, Colorado, Arizona, and Nevada, but I doubt seriously whether the Federal Government can grant rights out in the open sea which it gets as a member of the family of nations. Does that answer the Senator's question?

Mr. CARLSON. Yes; but I should like to ask an additional question. Kansas has historically and factually received mineral rights, and is receiving those rights at the present time under streams which are listed as navigable streams, and I desire to have the rights of Kansas preserved, which is what I think the legislature meant when it adopted the resolution memoralizing Congress in regard to the matter covered in the resolution.

Mr. ANDERSON. In my humble opinion, the State of Kansas is in no danger. If the Senator will read the Pollard case, and a few more of the cases cited, and if they are applied in the way in which the Supreme Court meant they should be applied, I do not believe he will find Kansas in any danger whatever in the matter of recovering the oil under her navigable streams.

Now, Mr. President, just a few closing words. I have said many things about the provisions I like in Senate Joint Resolution 13. Of course, I like my own bill, Senate bill 107. I am not trying to say that everything in it is perfect. Not everything in Senate Joint Resolution 13 was perfect when the committee started work on it. The Senate committee wanted to work on one bill or another, and a motion was made that we try to perfect Senate Joint Resolution 13. In good faith, we did all try to perfect it.

Mr. HOLLAND. Mr. President, will the Senator from New Mexico yield?

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

Mr. HOLLAND. Before that motion was made, was not a motion made to work on the bill of the Senator from New Mexico, Senate bill 107, and was not that motion decisively rejected?

Mr. ANDERSON. No. I was coming to that in a few seconds. I am proceeding in proper sequence. A motion was made that the Senate proceed with Senate Joint Resolution 13. I made a motion, as a substitute, that it proceed with Senate bill 107. I was not in doubt as to the outcome. I knew the motion would be voted down, and it was voted down by a vote of 9 to 4, as I recall.

Then the committee proceeded to work on Senate Joint Resolution 13. If we had spent the same time on Senate bill 107, we might have found some difficulties in that bill and corrected them. We have done the best we knew how with Senate Joint Resolution 13.

I believe it is far less dangerous, far more in keeping with the traditions of this country, that we proceed in accordance with the decisions of the Supreme Court, than to set them aside. Senate bill 107 is designed to follow the pattern of the decisions of the Supreme Court of the United States. It is designed to see if we cannot operate oil-drilling equipment in the areas involved, where long ago it should have been put into operation. I have been trying to get support for that program for 4 or 5 years, to have the drills and wells put into operation. If that is done, and if the Congress, in its wisdom, sees fit to change the royalty provision in the pending bill and increase it, then I say I do not quarrel too much about it, because Congress has that right, but I think we are on dangerous ground when we start to permit the boundaries of the States to be changed, when we undertake to recognize boundaries which may run 10 miles into the Gulf of Mexico, while this country has historically contended for a 3-mile belt. I believe the whole effect of

what is proposed should be achieved if the Congress will adopt some such approach as that carried in Senate bill 107, if Congress will also make its position perfectly plain as to the Continental Shelf by clearly declaring it to be the property of the United States, even if it uses the vehicle of Senate Joint Resolution 13 to accomplish its will. I believe that when that is done, we will then guarantee for the future a great deal of the revenue which this country can well afford to have, and which will be useful in balancing the budget in the days to come.

Mr. HOLLAND. Mr. President, will the Senator from New Mexico yield to me?

Mr. ANDERSON. I yield.

Mr. HOLLAND. In the earlier portion of the remarks of the Senator from New Mexico, I understood him to say something to the effect that Senate Joint Resolution 13, as reported, did not deal affirmatively with the outside Continental Shelf, by declaring that that area, which is nine-tenths of the entire shelf, belongs to the United States, and by declaring that the area which contains five-sixths of the oil and gas, as estimated, belongs to the United States.

It seems to me that section 9, as reported, affirmatively so provides. I should like to read it as a basis for my question, and then I wish to ask for the comment of the distinguished Senator from New Mexico in elaboration of his previous statement, which, as I understood it, was that the pending joint resolution deals only negatively with the problem.

Section 9 reads as follows:

SEC. 9. 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.

It is my opinion that the last statement relative to the outside Continental Shelf, which reads "all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is hereby confirmed," is a strong affirmative declaration of sole interest in behalf of the United States.

If that be not the opinion of the distinguished Senator from New Mexico, I should like to have him elaborate on the subject.

Mr. ANDERSON. Let me say to the able Senator from Florida that this language is not the worst in the world; neither do I believe it to be the best in the world.

The proceedings of the committee in executive session have not yet been printed. I understand that perhaps they will be available tomorrow. Therefore, I can only work from the stenographic transcript of those hearings.

I turn now to page 321 of the executive session, at which point I was addressing myself to the chairman of the committee, and I now read from the transcript of that session:

Senator ANDERSON. Mr. Chairman, may I suggest some language? Cross out the first few words in the draft that Senator BARRETT and Senator DANIEL had, where it says "nothing in this joint resolution shall be deemed to affect in anywise," start there, and say:

"SEC. 8. The rights of the United States to the natural resources of that portion of the subsoil and the seabed of the Continental Shelf lying seaward and outside the area of lands beneath navigable waters described in section 2 hereof, all of which natural resources appertain to the United States and are subject to its jurisdiction and control, are hereby affirmed."

I think that language is just as clear as the language the Senator from Florida has before him.

I read further from the executive session of the committee:

Senator CORDON. That is substantially what I had in the first place. But I do not find my own draft. Let me see the draft for a moment.

The language that I had thought to put in is substantially that that you had, with this exception. I said "the jurisdiction and control of the United States of the resources of the subsoil and seabed of the Continental Shelf beneath the high seas but contiguous to the coasts of the United States and outside of the area of lands beneath navigable waters as defined in section 2 hereof, is hereby confirmed."

It is almost exactly the same, and the only other thing I had was "but contiguous to the coasts of the United States," and you put that in because it is in the proclamation.

I then said to the distinguished senior Senator from Oregon [Mr. CORDON], whom I have always praised, and whom I always like to have a chance to praise again:

The only thing I was going to say was that if the Senate should in a moment of weakness pass this bill—

I was referring to Senate Joint Resolution 13—

you would have plenty of time between now and the time we actually got to conference to find better language.

Probably long before it ever got to the floor of the Senate for actual vote, you would have a chance to check with everybody in the Senate and revise that language if there was something wrong in it.

I then handed that provision to the Senator from Oregon.

The Senator from California [Mr. KUCHEL], who was present, and who was as helpful then as he has constantly been during the consideration of the joint resolution, said, "How does it read now?"

I read the provision again, just as I read it here a moment ago. Then I said:

I said just to take the language submitted and change it a little bit by striking out the negative approach, "Nothing shall be deemed to affect," and just start "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 land beneath navigable waters described in section 2 hereof, all of which natural resources appertain to the United States and are subject to its jurisdiction and control, are hereby confirmed."

The junior Senator from Texas [Mr. DANIEL] then addressed the chairman of the committee and said to him:

Mr. Chairman, feeling the sense of the committee the other day to this matter, I thought Senator LONG and I should try to get with members of the committee and work out something that we could support on this to clear our situation. We have been accused of claiming the resources beyond the original boundaries. It is not true in any bill that is here. Therefore, we have both worked with members of this committee, and I would say with practically everyone around this table, to work out language that would be satisfactory.

I am particularly interested in the negative approach, even though you want to follow it up with an affirmative approach. I would like, since we are going to do this, to make it clear that nothing heretofore said in this resolution shall be deemed to affect the rights of the United States in this property.

Now, if there is something to be gained by the affirmative part, which I thought you had by Senator CORDON's rewording there of the last phrase, if something is to be gained by making it more affirmative, all right; but I would like it so that the press men can see that negative sentence in there first.

Mr. HOLLAND. Mr. President, will the Senator from New Mexico yield to me at this point?

Mr. ANDERSON. I yield.

Mr. HOLLAND. Inasmuch as we are making the legislative record at this time, I think it is extremely important to show what this section actually means. I should like to state what I understand it to mean and what I have always understood it to mean since the joint resolution was reported; and then I should like to see whether my friend, the Senator from New Mexico, will approve of my statement.

I understand that this section begins with the recital that:

SEC. 9. Nothing in this joint resolution shall be deemed to affect in anywise 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.

That is a complete statement in itself, and I understand that it negatives any effect whatever which may have been produced up to this part of the joint resolution, adverse to the paramount rights of the United States appertaining to the area of the Continental Shelf outside of the State boundaries with reference to the seabed and the resources contained therein.

Then I understand that in order to make assurance doubly sure, an affirmative statement of the greatest clarity then appears. It is a completely affirmative assertion, namely, that all title—to the degree that title can be held—in the resources in the seabed of that same outside belt is confirmed in the United States. The wording of the last portion of that section is as follows: "all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is hereby confirmed."

I understand that in the drafting of the last affirmative declaration, a studied

effort was made to make it conform almost completely—as nearly as could be done in such a declaration—with the proclamation made in 1945 by the President of the United States, by which he had claimed for the United States, as appertaining to the United States, the resources in the outer seabed. I also understand that the peculiar wording used—for instance, the use of the word "appertain"—is drawn directly from the 1945 proclamation by the President of the United States.

So it is my understanding that, first by a negative statement, and, subsequently by an affirmative statement of most far-reaching effect, the title, insofar as title can be held, and the complete control, the paramount right, and the claim of right to develop and to claim as our own every resource within the seabed outside the State boundaries, are affirmatively stated and confirmed as reposing in the United States.

Is that a fair statement of that section?

Mr. ANDERSON. That is a fair statement of the opinion of the Senator from Florida of that section, and I think I would try to concur with him. I know he is in favor, as I have heard him say many, many times, of asserting the rights of the United States to the part of the Continental Shelf which lies seaward of State boundaries. I think it would be very simple to cross out a negative sentence and start with the words, "the rights of the United States are confirmed." I do not want to confirm merely the jurisdiction and control by the United States. I want to confirm the rights of the United States in the area; and I thought it would be better to state that in a positive way. The distinguished Senator from Oregon agreed; but, in the interest of harmony in the committee, he did put it in the other form.

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

Mr. ANDERSON. I yield.

Mr. HOLLAND. If this were the whole body of the resolution, I could not agree more completely with the distinguished Senator from New Mexico. But in view of the fact that other sections—all sections in this resolution prior to this particular one—relate to other important areas, it seems to me that there is very great value, and necessary value, in saving the meaning of those sections, and at the same time making it clear that they do not pertain to or detract from the rights of the United States in the outer belt, outside of State boundaries. So that the Senator from Florida thinks that there is great value both in the negative statement and in the affirmative statement. But my reason for asking those questions was to make sure what the RECORD contains on this subject. But now there is a rather clear statement in the RECORD, I believe, from both the distinguished Senator from New Mexico and from myself, that at least the latter portion of this section does affirmatively claim every right asserted by the United States in the Executive order of the President in 1945, to the seabed, and to the development of the resources therein, outside the State boundaries and extending to the Continental Shelf.

Mr. ANDERSON. I may say to the distinguished Senator from Florida, who is an able lawyer and a very good expert on parliamentary language and legal phraseology, that what he has just said is encouraging and helpful, and I am very happy that he has made such a legislative declaration at this time. He is the author of a measure, and it will be helpful, I am sure in interpreting this sentence later, to have his specific statement regarding it.

Mr. DANIEL rose.

Mr. ANDERSON. I see the Senator from Texas on his feet. I wish he would say something about it, because I know what he has said about it in committee, to the effect that the State of Texas is not claiming the Continental Shelf. If we could get something in the RECORD from him at this time, I think it would be helpful.

Mr. DANIEL. Mr. President, I thank the Senator from New Mexico. I am glad to make a statement. I heard his remarks, from the gallery. I merely wanted to explain why I asked that the negative approach be placed in this measure. It was because those who are sponsoring the Holland bill were being accused of claiming by this bill ownership beyond our historic boundaries as they existed at the time we entered the Union; and I thought if it were stated negatively that nothing in this bill should affect the rights of the United States beyond these historic boundaries, it would help the press and Senators and everyone else to know that this measure was not doing what some people had been claiming it would do. As I said in the statement which the Senator read, I did not object to an affirmative declaration, thereafter, but I wanted a negative one in it; and I do give it the same interpretation as did the Senator from Florida, that nothing in this measure grants to the States anything beyond their historic boundaries as they existed at the time those States entered the Union, and that this measure confirms the rights of the United States to the natural resources in the seabed and subsoil of the Continental Shelf beyond those historic boundaries.

I should like to add one further sentence. I regret that the negative approach we had in it, namely that nothing in this measure covers anything beyond historic boundaries, has not kept the Senator from Illinois and other Senators from arguing on this floor that by this measure we are trying to take in more, and are trying to take in all the Continental Shelf. However, I believe that the exchange here within the past few minutes should make it very clear that the authors of this measure are not trying to give to the States, or to restore to the States, any lands outside their historic boundaries.

Mr. ANDERSON. I want to say to the junior Senator from Texas that I greatly appreciate his statement. I appreciate his explaining why the negative approach was adopted. But the Senator from Florida had asked me a question about why I had talked about the negative approach and the affirmative approach. I thought the only way I could answer it was by stating what took place in the committee. I think the statement made by the junior Senator from Texas, coupled with the very fine and clear statement by the senior Senator from Florida, is very helpful. So far as I am concerned, I am not going to raise the question again as to how far it is proposed to go. These two statements clear it up in my mind. I know that with this legislative history, and with these two speeches, we can now proceed to work in the legislative committee when legislation dealing with the Continental Shelf is before us. I believe the next important step is the subject of control of the Continental Shelf.

Mr. LEHMAN. Mr. President, will the Senator from New Mexico yield to me for the purpose of addressing a question to the Senator from Texas?

Mr. ANDERSON. I yield, provided I do not thereby lose the floor.

Mr. LEHMAN. May I ask the Senator from Texas a question?

Mr. DANIEL. I shall be very glad to have the Senator do so.

Mr. LEHMAN. I have heard the statement of the Senator from Texas. I was not on the floor when the Senator from Florida spoke. I still do not think the explanations are at all responsive to the question I have in mind, or that they are satisfactory. We do know that Texas claims 10½ miles out into the Gulf, and I believe that on the west side of Florida the same claim is made. So, in those two instances the boundaries would go very far beyond the distance that has been recognized in international law as being under the control of our own Government. But beyond that, I observe, in section 4, that the seaward boundaries——

Mr. DANIEL. Mr. President, may I answer the question before the Senator goes further? Are the questions connected?

Mr. ANDERSON. No. Let us at least stay on the subject of the Continental Shelf for the moment, and then come back to the other question, if the Senator does not mind.

Mr. LEHMAN. They are connected. It is provided that—

> Nothing in this section is to be construed as questioning or in any way prejudicing the existence of any State's seaward boundary beyond 3 geographical miles, if it was provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by the Congress.

That seems to me an open-end of authority to extend the boundaries as far out as the Continental Shelf, or as far as the State may desire and as the Congress at some future time may authorize.

Mr. DANIEL. Mr. President, what is the Senator's question? I understood he wanted to address a question to me.

Mr. LEHMAN. The question is, to put it specifically, Is that not an open-end authority to extend the boundaries as far out as authority can be given to the State by the Congress of the United

States at any time in the far distant future?

Mr. DANIEL. I would not so interpret it, and certainly as of this date nothing would be given to the States beyond 3 miles, or 3 leagues, as the case might be. Concerning their boundaries at the time they entered the Union, if this language "hereinafter approved" is worrying the Senator from New York, after having had the history of it explained yesterday, I suggest to him that he submit an amendment to strike out "hereinafter approved." Congress could approve our boundaries as going much further, without that being in this measure. So I do not interpret the resolution as being an open-end at all. I believe it means exactly what the authors have said here on the floor. I want to thank the Senator from New Mexico for giving our statements that interpretation.

Mr. LEHMAN. Mr. President, may I ask one more question of the Senator from Texas?

Mr. ANDERSON. Yes. I do want to say that the Senator from Florida and the Senator from Texas have been operating in this fashion for a good while. When they have said, "We will agree to a certain thing; we believe that is all right," they have stayed with it. That is why I said what I did, in view of the statements the Senators have made here on the floor today.

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

Mr. ANDERSON. I yield.

Mr. LEHMAN. I have not the slightest question at all of the integrity and veracity and good faith of the two Senators; of course not. But the Senator from Texas and the Senator from Florida have been talking about the limitation. They want nothing beyond the normal boundaries, the historic boundaries of their States. Whether that be 3 miles or 10½ miles or 27 miles is certainly not clear. But they then go on in this measure which has been introduced by the Senator from Florida, to say "nothing in this section is to be construed as questioning a change," which would permit those boundaries to be extended ad infinitum, away out into the Continental Shelf.

Mr. ANDERSON. Let me say to the Senator from New York that I did not mean to say that what the two Senators said with reference to the Continental Shelf solved all my problems with reference to boundaries. I have previously said that I thought the boundary section is an open-end commitment, and I suggest that it should be limited to 3 miles on the Atlantic and Pacific coasts and to 3 leagues in the Gulf of Mexico. The Senator from Texas indicated he would support that view.

I agree with the Senator from New York that it looks like an open-end commitment, but, as to the Continental Shelf, I do not think it is an open-end commitment. I think the statements of the Senators from Florida and Texas who have been identified with the two bills now under consideration are sufficiently strong as to constitute legislative history, and therefore will hereafter make it very difficult for anyone to make any claim to the contrary.

Mr. President, I yield the floor.

PAN-AMERICAN DAY

During the delivery of the speech of Mr. ANDERSON,

Mr. GREEN. Mr. President, year-by-year, Pan-American Day acquires deeper meaning. It reminds us significantly of what has been accomplished on the long road of understanding and cooperation between the countries of this hemisphere. Even more significantly it recalls to mind to what an extent the solidarity of the 21 American Republics safeguards the freedom and the future peace of the world.

Every Member of the Congress, and every patriotic citizen of our country, may feel a just pride in the fact that our country's policy of good neighborliness with her sister Republics of this hemisphere is traditional, vigorous, and nonpartisan. It has grown constantly stronger through changing administrations in our own country and in the countries of our neighbors. It is a policy both of the head and of the heart; and its benefits are mutual. Inherent in it are the respect of each for every other sovereignty, and the cooperation of all for the common security.

When we reflect on the overall history of this hemisphere during the difficult eras of discovery and colonization, the wars for independence, and the emergence of free and progressive peoples, we are impressed by the many historic parallels between country and country. In fact, the deep underlying unities in history and motivations and objectives, are among the most impressive facts in the national life of the American Republics. These unities, far more than any immediate urgency of diplomacy or commerce, form the real basis of hemisphere solidarity; and make the Americas fundamentally integral in spite of all surface diversities.

The first President to further inter-American cooperation was George Washington. The most recent is Dwight Eisenhower. Through the years between, Republican and Democratic administrations alike have helped build and develop the good neighborliness which is now an undisputed fact of United States foreign policy.

Last Sunday President Eisenhower confirmed this Pan-American achievement. In his address before the Council of the Organization of American States, he said:

> We have seen and we have acted on the need to work cooperatively together to achieve common purposes. So doing, we have forged a true community of equal nations. * * * Ours is no compulsory unity of institutions. Ours is unity that welcomes the diversity, the initiative and the imagination that make our common association progressive and alive. This is the American way—the free way—by which people are bound together for the common good.

I may add that our trust in one another is the safeguard of our unity; and it is a safeguard likewise of the threatened freedoms in a shaken world.

On this Pan-American Day it is our privilege and our pleasure to salute fraternally the sister nations of this hemisphere who share our trust.

COMMITTEE MEETINGS DURING SENATE SESSIONS

During the delivery of Mr. ANDERSON's speech,

Mr. WELKER. Mr. President, will the Senator from New Mexico yield to me?

The PRESIDING OFFICER (Mr. IVES in the chair). Will the Senator from New Mexico please yield to the Senator from Idaho for a unanimous-consent request which is fairly important?

Mr. ANDERSON. I yield, with the understanding that I do not lose the floor.

Mr. WELKER. Mr. President, I ask unanimous consent that the Internal Security Subcommittee of the Judiciary Committee be permitted to meet in the afternoons during the remaining few days of this week.

The PRESIDING OFFICER. Without objection——

Mr. ANDERSON. Mr. President, the Senator from Oregon [Mr. MORSE] has been objecting right along to such unanimous-consent requests.

The PRESIDING OFFICER. The Senator from New York, who occupies the chair at the present moment, observes that the Senator from Oregon is not objecting at the moment.

Mr. ANDERSON. Very well. I was about to suggest that I thought it would be better to wait until the Senator from Oregon was present.

Mr. WELKER. I am quite certain that I can arrive at an understanding with the Senator from Oregon.

Mr. ANDERSON. I have no objection. I was merely trying to protect the Senator who was absent from the Chamber. I thought it was only common courtesy.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho? The Chair hears none, and it is so ordered.

During the delivery of Mr. ANDERSON's speech,

On request of Mr. CAPEHART, and by unanimous consent, the Committee on Banking and Currency was authorized to hold a meeting at 2 o'clock p. m. today to consider two nominations.

During the delivery of Mr. ANDERSON's speech,

On request of Mr. MCCARTHY, and by unanimous consent, a subcommittee of the Committee on Government Operations was authorized to hold a hearing this afternoon during the session of the Senate.

During the delivery of Mr. ANDERSON's speech,

Mr. FERGUSON. Mr. President, I ask unanimous consent that the Ammunition Subcommittee of the Committee on Armed Services may meet in the afternoon while the Senate is in session during this week and next week.

The PRESIDING OFFICER (Mr. IVES in the chair). Is there objection? The Chair hears none, and without objection, it is so ordered.

During the delivery of Mr. ANDERSON's speech,

Mr. MORSE. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I yield.

Mr. MORSE. Mr. President, I ask unanimous consent to address the Senate for not more than 2 minutes, with the understanding that the Senator from

Mr. MALONE. As a matter of fact, we have increased our reserves by approximately 25 billion barrels to approximately 32 billion barrels at the present time within the last very few years.

At this time I should like to ask a question about a matter which falls in the same category. In 1948 I said, in a speech which I made at San Antonio, Tex., as I recall, that only by design could our country run out of petroleum fuels. At that time we had a Secretary who was always running out of oil. However, because we have an estimated 150 billion to 300 billion barrels of oil, as estimated, in the oil shales, I say that our country cannot run out of petroleum fuels, except by design.

The committee of which the distinguished Senator from Kansas and I are members has recommended the making of appropriations for the development of that source of oil. The pilot plants are now in operation. One is at Rifle, Colo. Those plants show that that process is a very feasible one, although slightly more expensive than underground supplies at the present time.

There are also pilot plants for the production of petroleum fuels from coal. Those operations are at least as far along as were the operations in connection with the production of synthetic rubber at the beginning of World War II.

So as a matter of fact it is impossible for our Nation to run out of petroleum fuels, except by design.

Therefore it is important—in fact, I agree completely with the Senator from Kansas that it is extremely important—that our Nation continue to be a going concern in connection with the petroleum business, in the production of oil and gas, so that there will be an incentive for the investment of new funds in the business and so that there will be an incentive for new discoveries and for continued exploration, with the result that, as the Senator from Kansas has suggested, in time of war or other national emergency we shall have a sufficient production of that indispensable resource and in that respect shall be self-sufficient.

Is that not one of the main points the Senator from Kansas has made?

Mr. CARLSON. I appreciate very much the remarks made by the Senator from Nevada, because I believe that he and I are in accord regarding the need to continue to help our economy in the case of the production of oil, which is essential for the national defense and, of course, for the full operation of our entire economic system. I believe that is essential.

Mr. MALONE. In other words, the production of petroleum fuels has become an essential part of our economic system; and if we are to have a healthy economic structure, and so that we shall be able to fight a war or shall be able to meet any other national emergency, it is necessary that we have sufficient production in the United States, or at least in the Western Hemisphere so that if at such a time our imports were shut off—as would be the case in respect to oil imports from the Middle East or other distant areas—there would be sufficient production in the Western Hemisphere itself.

Mr. CARLSON. Again I appreciate very much the statement the Senator from Nevada has made.

Mr. MALONE. Mr. President, if the Senator from Kansas will yield further to me, I should like to ask him another question. First, let me say that if we were to take into consideration the other materials—namely, the minerals and materials and fuels which our country must have in order to support our economic system—and if we were to take into consideration the essential production of the raw materials which are indispensable to our country in time of war—inasmuch as at such a time such raw materials must be produced within areas which we can defend—would the distinguished Senator from Kansas make the point that at such time the production of oil is any more important than the production of the other materials which the United States now needs and will continue to need?

Mr. CARLSON. I think it is essential that we have a stockpile of critical materials or at least have a program which will develop the production of whatever materials we have, so that we shall be in a good position.

Mr. MALONE. Is it not necessary that we have a going concern mining business and going concern petroleum business and a going concern economic structure, so that without any question we can maintain our standard of living, and so that if we are attacked, at all times we shall be able to produce within the area we ourselves can defend the materials we shall need in order to fight a war or to meet any other national emergency? Is not that necessary?

Mr. CARLSON. I think it is essential that we protect and preserve our own industries, keeping in mind, of course, that it is essential that we obtain some materials from other sections of the globe, and that it will be necessary that we keep open the shipping lanes, so that we can obtain those materials.

Mr. MALONE. Mr. President, if the Senator from Kansas will yield further, let me say there has been considerable discussion about the matter, but no one that I know has advocated any high duty or high tariff. The junior Senator from Nevada has however, and does now advocate the Congress regaining its constitutional responsibility of regulating foreign commerce, foreign trade, and to set the duty, imposts and excises which have commonly been known as tariffs or import fees.

A flexible duty on a basis of fair and reasonable competition, with no high duty or low duty, but simply establish such flexible duty on the basis of fair and reasonable competition—which would represent the difference between the cost of production in the United States and the cost of production in foreign countries due to the difference in the standard of living here and abroad. Such a duty would not in any manner prevent imports; it simply would have imports come in on the basis of our own level of production costs. Is not that true?

Mr. CARLSON. The distinguished Senator from Nevada is a member of the Senate Finance Committee, and I also happen to be a member of that committee. This measure will give us an opportunity to make a thorough study of the entire program, I hope.

Mr. MALONE. That is true. Furthermore, in the Committee on Interior and Insular Affairs there has been set up a subcommittee to deal with this very question. I hope that when we reach this question the distinguished Senator from Kansas will take the opportunity either to testify before the subcommittee or to sit with the subcommittee and to give it the benefit of his advice on petroleum fuels and other materials.

The subcommittee is known as the Minerals, Materials, and Fuels Economic Subcommittee of the Interior and Insular Affairs Committee. The job of the subcommittee, as it has been outlined, is to determine whether we and the Western Hemisphere can be made self-sufficient in respect to the production of the minerals, materials, and fuels necessary to support our economic structure; and necessary for our country to have if it is to fight a war or if it is to meet any other national emergency, and to have those materials produced within the area which we ourselves can defend. That study is under way. I think the distinguished Senator from Kansas has contributed materially to that study by the address he has made in the Senate chamber today. We hope to arrive at approximate answers to those questions.

We hope to investigate this matter thoroughly and realistically, and to proceed on a long-range basis, to determine if it actually is necessary for our Nation to protect the far-flung colonial areas in order to obtain the minerals, materials and fuels that the distinguished Senator from Kansas has been discussing today. After all, everyone I know agrees that it would be impossible for our Nation to protect all those distant areas, and I believe the Senator from Kansas agrees about that point. We are chewing up our young men and our wealth too fast. We cannot do the job laid out by our economic one worlders.

Mr. CARLSON. Mr. President, I appreciate very much the remarks which have been made by the Senator from Nevada, and I am glad to know that he is a member of the subcommittee.

I now yield the floor.

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. TAFT. Mr. President, according to the calculation I have made, the Senators who thus far have addressed themselves to the pending question, namely, the submerged lands joint resolution, have spoken 300,000 words. Therefore, I do not believe that from this moment

on, it will be possible for any Senator to utter one word which has not been uttered already.

So I appeal to my colleagues who wish to speak on this subject to make their statements promptly and to make them brief. Of course, I do not desire to prevent any Senator who wishes to address the Senate on this subject from doing so. Certainly there is no unwillingness on my part to have every Senator who wishes to do so make a full statement on the pending question. However, I hope all Senators will cooperate.

Unless there is better cooperation than there has been thus far on the pending measure, the Congress will have to sit all summer, before we complete our work.

If in the consideration of other subjects the Senate repeats the kind of long-winded discussion that has occurred in the case of the pending joint resolution—and probably the discussion of the pending question will continue during the remainder of the present week—I say it will not be possible for the Senate to conclude its business. Therefore, I ask for the cooperation of all Senators. I think my request is not an unreasonable one.

I have not tried in any way to press for immediate action by the Senate on any major legislative proposals. We have requests, I think, for possibly 14 or 15 hours more, and I know that Senators underestimate the time required for their speeches. I think it most important that we finish the pending measure this week.

We have the defense production bill, which must be passed by the first of May. So far as I am concerned, the defense production law will expire unless we finish this measure first. It seems to me that in order that the Senate may function in an orderly manner we should proceed expeditiously to deal with the important subjects before us. This is merely an appeal to those who are concerned, those who wish to speak on the subject, to make their statements, to make them as promptly as possible, and not to interrupt other Senators, if possible, because, Mr. President, I say that from this moment on, I am quite certain there will be not a word said that has not already been said.

Mr. SMATHERS, Mr. DOUGLAS, and Mr. MALONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MALONE. Mr. President, will the Senator from Florida yield to me? I have some remarks which will take about 5 or 10 minutes, and I have been trying to obtain the floor. I am sure what I may say will not require more than 10 minutes. If the Senator from Florida has a lengthy speech, I should like to proceed with my brief one. If the Senator from Florida has a short statement, I will wait.

Mr. TAFT. Mr. President, reserving the right to object, may I ask the Senator from Nevada whether he is going to speak on the pending measure or on some other subject?

Mr. MALONE. I desire to talk on a subject that very much interests me.

Mr. TAFT. I shall object to the Senator from Florida's yielding to the Senator from Nevada, unless it be with the loss of the floor.

Mr. MALONE. I will be here when the time comes. I want to say to the junior Senator from Florida that time is of little consequence to me. If the majority leader wants to take that attitude, I will be here as long as he will.

PAN-AMERICAN WEEK

Mr. SMATHERS. Mr. President, this week, throughout the State of Florida—more so, perhaps than in any other State of the Union—universities, civic groups, and thousands of Floridians are observing Pan-American Week with programs and various activities. It is natural that this should be the case, since Florida is the gateway to the Caribbean and to Central and South America. For Latin Americans, Florida is the point of entry into the United States.

Florida has historical ties with the other American countries. For almost three centuries the pattern of its civilization was identical with that of the Spanish colonies in the rest of the hemisphere. St. Augustine—settled in the 16th century by the Spaniards—is the oldest city in the United States.

Florida has cultural ties with Latin America. The universities and colleges of the State encourage through courses in Latin American history, economics and special activities, an appreciation of the contributions to civilization of our good neighbors to the south. A steady stream of students from the other American Republics to our institutions of higher learning help give deeper meaning to this interest and appreciation.

Of great importance, too, are the ties of trade which increase year by year.

Because we in Florida are so close in so many ways to the people of the other American Republics, perhaps we understand their problems and aspirations somewhat better than many others in the United States. I should like to reflect on this theme briefly.

The Western Hemisphere Republics, including the United States, have a total population of more than 300 million, of which approximately half live in the United States, and the bulk of the other half reside in Canada and the other American Republics. Dynamic forces are at work in every country of the Americas today. Population is increasing rapidly. Long-term development programs are raising the productive capacity slowly, but surely; hydroelectric plants are being constructed; new highways and railways are penetrating rich, and yet unexploited, areas; social reforms, such as land-resettlement projects, are slowly giving increasing opportunities to millions; preventive medicine and new health and sanitation techniques are increasing the life span; and educational opportunities are broadening for everyone.

From a long-range point of view all of this is most encouraging and promises a brighter day for millions of people in this hemisphere. Nevertheless, the disparity between the standard of living of millions in this hemisphere and that of the people of this Nation is tremendous. The productive capacity of the United States is 9 or 10 times greater than of all Latin America combined. A problem of our day is to face up to this situation; to search for the answer through the best social and economic programs, never failing, at the same time, to deal with the matter in sympathetic, human terms. The future must be made to hold visible promise to millions of people who, in the certainty of that hope, can cling to the faith of their fathers and believe in the efficacy of democratic institutions. The false promises of an alien philosophy must not triumph in any part of the Americas.

Whatever program of cooperation we may further develop with our sister Republics, it should be based on the welfare of all of the people. It must be a program which, when applied, the people will know it is for them. The situation suggests this approach; indeed, it demands this approach.

In closing, I wish to refer to my original theme. The people of Florida are geographically, historically, culturally, and economically close to our sister Republics. They are also—and this is most important—close to the minds and hearts of the people of these Republics.

We hope the day is not in the too-distant future when all the people of the United States and all the people of Latin America will grow closer in understanding, in appreciation, and in affection.

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

Mr. SMATHERS. I will be happy to yield.

Mr. HUMPHREY. I commend the junior Senator from Florida for his statement upon Latin American relationships with our United States, and particularly upon Pan-American Week. I recall that on other occasions the junior Senator from Florida has brought to our attention the fine relationships that exist between our country and our neighbors to the south.

I was particularly pleased at the President's address of Sunday last, at the Pan American Union Building. He mentioned at that time—in fact, he notified the world—that his brother, the distinguished Milton Eisenhower, was going to be sent into the Latin American and South American countries for the purpose of making a study and survey, and reporting back to the President. I believe that we have too much neglected our relationships with our neighbors to the south, and I hope that the interest the junior Senator from Florida has again manifested in those relationships by his remarks today will induce a like interest and spirit on the part of the Senate and the entire Congress; because these neighbors and friends of ours to the south are important, not only as individuals, but as powers and as nations, in the whole program of common defense and of collective security.

I thank the Senator from Florida. I enjoyed his remarks, and I think he is doing a great service to our own country

in the 82d Congress (H. R. 6337). The Congress took no further action on the proposal.

COST AND BUDGET DATA

This proposal would cause no increase in budgetary requirements for the Department of Defense.

DEPARTMENT OF DEFENSE ACTION AGENCY

The Department of the Army has been designated as the representative of the Department of Defense for this legislation.

Sincerely yours,

ROGER KENT,
General Counsel.

S. 1646. A bill to amend section 301, Servicemen's Readjustment Act of 1944, to further limit the jurisdiction of boards of review established under that section.

The letter accompanying Senate bill 1646 is as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D. C., January 5, 1953.

Hon. ALBEN W. BARKLEY,
President of the Senate.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation, to amend section 301, Servicemen's Readjustment Act of 1944 to further limit the jurisdiction of boards of review established under that section.

This proposal is a part of the Department of Defense legislative program for 1953. The Bureau of the Budget has advised that there is no objection to the presentation of this proposed legislation for the consideration of the Congress. The Department of Defense recommends that it be enacted.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to remove the review of punitive discharges or dismissals from the armed services as the result of court-martial sentences from the jurisdiction of the so-called Discharge Review Boards established under the provisions of section 301 of the Servicemen's Readjustment Act of 1944. The effect thereof would be to limit the jurisdiction of such boards to a review of administrative separations from the service and to limit the review of punitive discharges or dismissals, except as noted below, to the procedures prescribed in the Uniform Code of Military Justice (Public Law 506, 81st Cong.).

At the time of enactment of the Servicemen's Readjustment Act of 1944, the only discharges and dismissals from the Army, including the Air Corps, resulting from court-martial sentences were those based on sentences of general courts-martial, the review of which was expressly excluded from the jurisdiction of the discharge-review boards established under section 301 of that act. Title II of the Selective Service Act of 1948, the effective date of which was February 1, 1949, introduced the bad-conduct discharge to the Army and the Air Force as an additional punitive discharge. This bad-conduct discharge has been continued under the new Uniform Code of Military Justice for all three services; and it may be imposed by sentence of either a special or a general court-martial, whereas the dishonorable discharge may only be imposed by sentence of a general court-martial. Thus, a bad-conduct discharge, if imposed by a special court-martial, in addition to the reviews provided by the Uniform Code of Military Justice, is also subject to an additional review by a discharge-review board under section 301 of the Servicemen's Readjustment Act of 1944. As the Uniform Code of Military Justice clearly provides for the finality of court-martial judgments with appropriate appellate review, it is considered neither appropriate nor desirable that the additional review afforded by the Servicemen's Readjustment Act, in the case of bad-conduct discharge imposed by reason of special court-martial sentences, be continued in effect.

It should be noted that under section 12 of the act of May 5, 1950, the first section of which is the Uniform Code of Military Justice, the Judge Advocate General of any of the Armed Forces is authorized, inter alia, to substitute for a dismissal, dishonorable discharge, or bad-conduct discharge, a form of discharge authorized for administrative issuance, in any court-martial case involving an offense committed during the period of World War II and until May 31, 1951, provided the accused submits a petition before May 31, 1952, or within 1 year after completion of appellate review of his case, whichever is the later. In addition, the enactment of this proposal would not affect the review authority conferred by section 207 of the Legislative Reorganization Act of 1946, under which the Secretaries of the military departments, acting through boards of civilian officers or employees, may correct military or naval records where necessary to correct an error or remove an injustice. This authority has been considered to extend to the review and correction of entries in records resulting from the action of courts-martial and to the issuance of a new discharge. Thus, there are other means by which possible injustices resulting from punitive discharges may be corrected, in addition to the review authority presently afforded by section 301 of the Servicemen's Readjustment Act of 1944 in the case of bad-conduct discharges imposed by sentence of special courts-martial.

LEGISLATIVE REFERENCES

This proposed legislation was presented for the consideration of the 82d Congress as part of the Department of Defense legislative program for 1952. It was introduced in the House as H. R. 6769 and in the Senate as S. 2730, and it passed the House on May 5, 1952.

DEPARTMENT OF DEFENSE ACTION AGENCY

The Department of the Army has been designated as the representative of the Department of Defense for this legislation.

Sincerely yours,

ROGER KENT.

S. 1647. A bill to amend the act of August 3, 1950, as amended, to continue in effect the provisions thereof relating to the authorized personnel strengths of the Armed Forces.

The letter accompanying Senate bill 1647 is as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D. C., January 5, 1953.

Hon. ALBEN W. BARKLEY,
President of the Senate.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation, "To amend the act of August 3, 1950, as amended, to continue in effect the provisions thereof relating to the authorized personnel strengths of the Armed Forces."

This proposal is a part of the Department of Defense legislative program for 1953. The Bureau of the Budget has advised that there is no objection to the presentation of this proposed legislation for the consideration of the Congress. The Department of Defense recommends that it be enacted.

PURPOSE OF THE LEGISLATION

The proposed legislation is designed to extend until July 31, 1958, the provisions of the act of August 3, 1950 (Public Law 655, 81st Cong.; 64 Stat. 408), as amended by section 3, 1951 Amendments to the Universal Military Training and Service Act (Public Law 51, 82d Cong.) which suspended until July 31, 1954, the limitation on the authorized active-duty personnel strength of the Armed Forces of 2,005,882, as well as other limitations on the authorized personnel strength of other components and branches of the Armed Forces.

In many respects the international situation under which this suspension was originally granted has not changed—at times it approaches the critical. The Armed Forces must achieve and maintain a strength commensurate with United States commitments, the world situation in general, and the capabilities of our allies. Operations in Korea must be aggressively supported and essential civil affairs and military government services must be provided in active combat areas under United States military commanders and in certain currently occupied areas. The Armed Forces must be assured of an adequate military capability necessary to support United States foreign policy for a period which at this time is indefinite.

Failure to continue the suspension of the limitation on the authorized active-duty personnel strength of the Armed Forces would automatically force the strength of the Armed Forces downward to 2,005,882. This would mean the demobilization of approximately one-half of the active combat and supporting elements and cause our present commitments to be completely unacceptable from a military security point of view. It is believed that in view of the need for long-range Department of Defense planning in this area and the fact that the Department of Defense program for the fiscal year 1953 is based upon an active-duty personnel strength which is greatly in excess of 2 million, the further suspension of the authorized personnel strength of certain components and branches of the Armed Forces should be for a minimum of 4 years. The Congress has declared that an adequate strength must be achieved and maintained to insure the security of this Nation. The continued suspension of the limitations on the authorized active-duty strengths is essential to the achievement of that goal.

DEPARTMENT OF DEFENSE ACTION AGENCY

The Office of the Secretary of Defense is the representative of the Department of Defense for this legislation.

Sincerely yours,

ROGER KENT.

TITLE TO CERTAIN SUBMERGED LANDS—AMENDMENTS

Mr. IVES submitted amendments intended to be proposed by him to the amendment proposed by Mr. ANDERSON as a substitute for the committee substitute for 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, which were ordered to lie on the table and to be printed.

Mr. ANDERSON. Mr. President, I submit amendments intended to be proposed by me to the Senate Joint Resolution 13. The amendments follow a suggestion made yesterday by the junior Senator from Kansas [Mr. CARLSON] when he spoke about the rights of the State of Kansas.

The amendments provide that, if Senate Joint Resolution 13, granting 100 percent of all oil revenues from the various States to the States that happen to be on the coast, is passed, the same privilege shall extend to the States of the interior.

I ask unanimous consent that the amendments be printed in the RECORD.

There being no objection, the amendments intended to be proposed by Mr. ANDERSON to Senate Joint Resolution 13 were ordered to lie on the table and to

be printed, and to be printed in the RECORD, 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) Ninety 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) Ten 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."

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H. R. 710. An act for the relief of Dr. Louis J. Sebille;

H. R. 788. An act for the relief of Beryl Williams;

H. R. 813. An act for the relief of Jane Loraine Hindman;

H. R. 814. An act for the relief of Lt. Thomas C. Rooney, and Mrs. Thomas C. Rooney, his wife;

H. R. 888. An act for the relief of Francesca Servello;

H. R. 889. An act for the relief of Scarlett Scoggin;

H. R. 937. An act for the relief of the estate of Frank DeNuzzi and Cecelia Melnik Burns;

H. R. 1103. An act for the relief of Maria Buffoni and Emma Botta;

H. R. 1180. An act for the relief of Virgil N. Wing;

H. R. 1187. An act for the relief of Mother Anna DiGiorgi;

H. R. 1200. An act for the relief of Ronald J. Palmer and Ronda Kay Palmer;

H. R. 1456. An act for the relief of Susan Kay Burkhalter, a minor;

H. R. 1482. An act for the relief of Hildegard Schoenauer;

H. R. 1495. An act for the relief of Louis M. Jacobs;

H. R. 1517. An act for the relief of Corp. Predrag Mitrovich;

H. R. 1695. An act for the relief of Irene Proios (nee Vagianos);

H. R. 1752. An act for the relief of William Robert DeGrafft;

H. R. 1769. An act for the relief of Oscar F. Brown;

H. R. 1887. An act for the relief of Marjorie Goon (Goon Mei Chee);

H. R. 1888. An act for the relief of Gary Matthew Stevens (Kazuo Omiya);

H. R. 1952. An act for the relief of Cecile Lorraine Vincent and Michael Calvin Vincent;

H. R. 2018. An act for the relief of Daryl L. Roberts, Ade E. Jaskar, Terrence L. Robbins, Harry Johnson, and Frank Swanda;

H. R. 2176. An act for the relief of Norma Jean Whitten;

H. R. 2201. An act for the relief of Constantinous Tzortzis;

H. R. 2214. An act for the relief of Jaroslav, Bozena, Yvonka, and Jarka Ondricek;

H. R. 2368. An act for the relief of Richard E. Rughaase;

H. R. 2881. An act for the relief of Mrs. Rosaline Spagnola;

H. R. 3012. An act for the relief of the Sacred Heart Hospital;

H. R. 3042. An act for the relief of Anna Bosco Lomonaco;

H. R. 3244. An act for the relief of Patricia Ann Dutchess;

H. R. 3275. An act for the relief of the Bracey-Welsh Co., Inc.;

H. R. 3358. An act for the relief of Erna Meyer Grafton;

H. R. 3678. An act for the relief of George Prokofieff de Seversky and Isabelle Prokofieff de Seversky;

H. R. 3724. An act for the relief of Anthony Lynn Neis;

H. R. 3757. An act for the relief of Dorothy Kilmer Nickerson;

H. R. 3758. An act for the relief of Stavrula Perutsea; and

H. R. 3832. An act for the relief of Mrs. Orinda Josephine Quigley; to the Committee on the Judiciary.

H. R. 1127. An act to validate a conveyance of certain lands by the Central Pacific Railway Co., and its lessee, Southern Pacific Co., to the Union Ice Co. and Edward Barbera;

H. R. 1128. An act authorizing the Secretary of the Interior to issue to Jake Alexander a patent in fee to certain lands in the State of Alabama;

H. R. 1880. An act to authorize the sale of certain public lands in Alaska to the Catholic Bishop of Northern Alaska for use as a mission school;

H. R. 2154. An act authorizing the issuance of a patent in fee to Leona Hungry; and

H. R. 2364. An act to terminate restrictions against alienation on land owned by William Lynn Engles and Maureen Edna Engles; to the Committee on Interior and Insular Affairs.

H. R. 1780. An act for the relief of Edward F. Shea; and

H. R. 3276. An act for the relief of Mrs. Margaret D. Surhan; to the Committee on Finance.

TEMPORARY ECONOMIC CONTROLS—PERMISSION TO SUBMIT MINORITY OR INDIVIDUAL VIEWS

Mr. CAPEHART. Mr. President, I ask unanimous consent that, as a member of the Committee on Banking and Currency, I may submit my individual views, and that the Senator from Ohio [Mr. BRICKER], the Senator from Utah [Mr. BENNETT], and the Senator from Arizona [Mr. GOLDWATER], members of the Committee on Banking and Currency, may submit minority views on the bill (S. 1081) to provide authority for temporary economic controls, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. Mr. President, I hope the Senator from Indiana will not leave the room for a moment. I should like to repeat on the floor of the Senate what I said in committee, that no man could have been more fair, more open-minded, than was the distinguished Senator from Indiana in the hearings on the controls bill.

Mr. CAPEHART. I thank the Senator from Illinois.

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

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

By Mr. BUSH:

Address entitled "Justice for Poland," delivered over the radio by Hon. John Lodge, Governor of Connecticut, before Polish-American Congress, together with introductory remarks by Paul Flak.

By Mr. MUNDT:

Transcript of discussion of academic freedom on the American Forum of the Air, in New York City, April 12, 1953.

By Mr. BYRD:

Article regarding a memorial to Rochambeau, written by Charles Parmer, and published in the Washington Post of Sunday, April 12, 1953.

By Mr. MARTIN:

Editorial entitled "Two Different Things," published in the Oil City (Pa.) Derrick of April 13, 1953, relating to the St. Lawrence seaway and power project.

By Mr. THYE:

Editorial entitled "The Embarrassed Cow," published in the Farm Journal for May 1953, dealing with prices of dairy products.

OFFSHORE OIL—INCREASED INTEREST RATE ON LONG-TERM GOVERNMENT BORROWING—INCREASED COST OF HOME LOANS

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a commendatory article entitled "Offshore Oil," written by Mr. Marquis Childs, and published in this morning's Washington Post.

The article is an analysis of the argument made by the Senator from Illinois [Mr. DOUGLAS]. While I have the opportunity to present this very worthy article for the RECORD, I desire to commend the Senator from Illinois for what I consider to be one of the most brilliant presentations I have ever read, and part of which I heard, upon this very vital and important question.

I think the debates on the question of offshore oil have been outstanding, and my statement applies to both the proponents and the opponents of the Holland joint resolution.

I also ask unanimous consent to have printed in the body of the RECORD an article entitled "Eccles Warns of Economic Dangers," written by Marquis Childs, and published in the Washington Post of April 14, 1953.

This article points out that Marriner S. Eccles, a very distinguished American, and a former member of the Federal Reserve Board, and for some time Chairman of the Board, makes note of the fact that the economic pressures in the American economy at the present moment are deflationary rather than inflationary.

I note what Mr. Eccles has to say in regard to the recent decision of the Treasury Department increasing the interest rates on Government bond issues, namely, that the justification in the

the public will be tempted to buy the securities and the banks to dislodge them. But I would remind the authorities that since 1914 purchases of securities by banks have accounted for about two-thirds of all rises in earning assets of banks and have been the most important monetary factor in financing a rise of money income of 4 to 5 times.

Perhaps the monetary authority will tell us where, in the absence of bank purchases, the money is to come from which will be required over the next 25 years on the conservative assumption that real income would rise by 100 percent and prices by only 50 percent (less than 2 percent a year). For when the banks buy, additional deposits are created.

CONTROLS FOR CREDIT

Third, the new policy is supposed to deal with the problem of inflation. But surely since early 1951 the inflation has been a minimum (less than 3 percent a year in the cost of living, and a decline in wholesale prices) given the task of mobilizing resources for our military economy. Whatever the case for higher rates in earlier years, it is difficult to believe that, in the absence of the extension of war, higher rates are the appropriate policy in the next few years. If some classes of borrowers are abusing use of credit, there are alternative policies to higher rates which do not demoralize the Government bond market.

Defenders of the new policy will tell you that it was the Federal Reserve-Treasury concord of early 1951, with its repudiation of the debt-support policy, that stopped the rise of prices. To this I would reply, What about the reversal in the speculative rise of raw materials? The increase in taxes? What about the cumulative effects of record level of investments (and hence saturation of markets)? What about allocations of materials and price control? What about the excessive speculation in the first 9 months of the Korean war? What about the difficulties of the soft-goods industries? All of these also can account for the flattening of the rise of prices.

The new administration should go slow in reversing the policies of the Roosevelt-Truman administration in this field. Managers of the public debt have learned since 1933 to tailor securities to the needs of different segments of the market, to give enough assurance to the market so that investors could safely hold long-term securities and hence be satisfied with lower rates. Compare the uncertainty today, with investors disposing and waiting until they are sure they make the best possible bargain. Had rates in the last 20 years been those of the twenties, the cost of the national debt would have increased by more than $50 billion.

RISE IN COST

I hope that the new administration will be cautious. The national debt now costs $1 billion per year more than at the end of the war, though the size is roughly the same. Should the administration continue with its present policies and bring rates back to the level of the twenties, the cost over 25 years may well be $100 billion. I have not heard Senator BYRD say a word about economies in managing the debt.

It is also well to observe that a rise in the rate by 1 percent gives the banks an additional return of $600 million per year ultimately.

The Congress is meticulous about appropriations of even $50,000 for the pay of economists whose task it is to study the $350 billion economy as a whole. Yet they allow, without any restrictions, full discretion to the managers of the debt even though one policy might cost from one to four billion dollars a year more than another.

Again I urge a careful appraisal of the long-run implications of the new debt and interest rate policy. Not only the tax burden but also the state of our economy is involved.

SEYMOUR E. HARRIS.

CAMBRIDGE, MASS., *March 30, 1953.*

Mr. HUMPHREY. Concluding my remarks in reference to Dr. Harris' article and the editorial which I have brought to the attention of the Senate, I recognize the importance of the Treasury Department being very much alive and alert to the threat of inflation. I congratulate the Department upon any measures which it has taken to curb inflation. I commend the Department for such action. My point the other day in addressing the Senate on a statement made by several Senators was that this fiscal adjustment, the interest rate adjustment upward, had been made without consultation with the Congress or with the Council of Economic Advisers.

I conclude by saying that on the one hand we talk of balancing the budget and we talk of economies in the departments of Government, but I submit that the new interest rate policy of this Government will make such economies seem puny and meaningless. We try to curtail expenditures for the farmers or for the school children in connection with vocational education, to the tune of a few million dollars. Then we impose upon ourselves by Executive fiat, not by congressional action, literally hundreds of millions of dollars in increased interest, which will go to the few and not to the many.

HUMBLY WE PRAY—POEM BY STELLA HALSTEN HOHNCKE

Mr. LANGER. Mr. President, I desire to bring to the attention of the Senate a poem written by an outstanding poet of the Northwest, Mrs. Stella Halsten Hohncke, State poetry chairman for North Dakota, of the National League of American Pen Women, Inc. Recently she wrote an outstanding poem. I ask that the poem be printed in full in the body of the RECORD. It is very brief. I believe that if every Senator will read the poem we shall have harmony in the Senate between the Democrats and the Republicans.

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

Dear Lord:
I meant to say a word today
To my neighbor who lives across the way,
Who bears, alone, her recent grief,
But I did not speak, and the day was brief.

I meant to do a deed today
For one who stumbled on the way;
A friendly hand meant the battle won,
But I did not act, and the day was done.

Forgive me for the things I meant to do
But left undone. Too late, I knew
I missed the joy of life's golden hour
By neglect of the good within my power.
Amen.

—*Stella Halsten Hohncke.*

CONFIRMATION OF CERTAIN EXECUTIVE NOMINATIONS

Mr. TAFT. Mr. President, there are three new reports on the Executive Calendar. My understanding is that there is no objection to any of these nominations. If there is, I shall not press the request at this time. I ask unanimous consent that, as in executive session, the Senate consider and confirm these nominations.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will state the nominations in order.

RECONSTRUCTION FINANCE CORPORATION

The Chief Clerk read the nomination of Kenton R. Cravens to be Administrator of the Reconstruction Finance Corporation.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

FEDERAL HOUSING COMMISSION

The Chief Clerk read the nomination of Guy O. Hollyday to be Federal Housing Commissioner.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

GOVERNMENT PRINTING OFFICE

The Chief Clerk read the nomination of Raymond Blattenberger to be Public Printer.

The PRESIDING OFFICER. Without objection, the nomination is confirmed. Without objection, the President will be immediately notified of all nominations confirmed this day.

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. LONG. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield.

Mr. LONG. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an editorial entitled "The Senate Tidelands Bill," published in the Shreveport Times of March 29, 1953.

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

THE SENATE TIDELANDS BILL

The tidelands bill approved by the Senate Interior Committee—the Holland bill, with 39 other Senators joining the Florida Senator in sponsoring it—carries out the campaign pledges of President Eisenhower, in our opinion. It also fulfills the pledge of the Republican platform and grants the coastal States the offshore rights which formed the basis of their first demands for title.

The Times agrees with Louisiana Senators RUSSELL LONG and ALLEN ELLENDER that the Senate bill should be enacted into law before approaching the question of title, taxing, policing power and other issues involving the Continental Shelf, which is 50 to 200 miles offshore and has popped up as a new question. Nothing in the Holland bill—as approved by the Senate committee in an 11 to 4 vote—prevents the States from seeking

title, or lesser jurisdiction, over the Continental Shelf resources later. But that is a separate problem and one that rightly should be postponed, as Senator LONG proposes, until the Holland bill is enacted into law, with the signature of President Eisenhower.

There can be no question that the President will sign the Senate bill if it goes through Congress. The bill conforms to the GOP platform, which states on this issue:

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

That also is what President Eisenhower pledged, as a candidate, in his speeches at New Orleans and in Texas. And it is what the Holland bill provides. As to whether the historic boundaries are the 3 mile limit for Louisiana and California and 10½ miles for Texas and the gulf coast of Florida, the States have a right to seek new definition, by legislation or by court action, on that point.

But the first step is to get a Federal law that establishes the principle of the rights of States to both offshore resources and those under inland navigable waters not flowing in federally-owned land.

Louisiana Attorney General Fred LeBlanc in a statement yesterday emphasized that there is no unfairness to Louisiana in comparison to Texas and Florida in the pending bill, and that the first step must be to get this bill enacted into law. He put it this way:

"Texas and Florida may have been more voluble than Louisiana with respect to seaward boundaries during the present fight in Congress for our submerged lands, commonly but erroneously called 'tidelands,' but the time to talk, argue, contend, strive, and act on that point must necessarily follow the enactment of legislation which recognizes the coastal States as having title to all areas within their historic boundaries."

Mr. HILL. Mr. President, yesterday afternoon my good friend the distinguished majority leader [Mr. TAFT] commented on the amount of time which had been consumed in debate on the pending joint resolution. I invite attention to the fact that the preponderance of time, certainly by far the larger part of the time, has been consumed by the proponents of the joint resolution, and definitely not by the opponents.

Mr. TAFT. Mr. President, will the Senator yield for exact figures on that question?

Mr. HILL. I yield to my good friend.

Mr. TAFT. Up to the end of last week, it is true that the proponents had consumed 17,700 lines of the CONGRESSIONAL RECORD, and the opponents 16,697. However, on Monday and Tuesday the opponents passed the proponents by a good many thousand lines, so they are now ahead.

Mr. HILL. I think if my distinguished friend were to count the lines embodying questions of the proponents of the joint resolution he would find a different result. It is not merely a question of who has the floor, or who is making the speech, but a question of who is consuming the time. Every time a Senator rises to ask questions—although I welcome questions and have no objection to them—time is consumed.

Mr. TAFT. In making this calculation the time was charged to whoever held the floor at the moment, whether he was asking the question or whether he was answering a question, in each case.

Mr. HILL. The Senator recognizes, of course, that questions often require going over material which the speaker has already covered, and which he would not ordinarily repeat. Sometimes a speaker, although he wishes to conclude his speech, must indulge in what we might call iteration, reiteration, and damnable reiteration. So it is the questions which have been asked by the proponents of the joint resolution that have consumed so much of the time.

Mr. DOUGLAS. Mr. President——

Mr. HILL. Yesterday I heard the speech of the distinguished Senator from New Mexico [Mr. ANDERSON]. He made a very fine, able speech. In that speech he made the law so clear that he who runs ought to be able to understand it. After he had laid down all the propositions and quoted from the cases, making a clear, specific case, some of the proponents came forward and began to ask questions. Of course, the Senator from New Mexico, being courteous, as the Senator from Alabama and other Senators always try to be, was compelled to go back over material which he had already covered, to retrace his steps, to say again and again and again what he had already said.

I yield to the distinguished Senator from Illinois, and then I will yield to the Senator from Oregon.

Mr. DOUGLAS. Mr. President, while I do not have the computing machine our good friend, the Senator from Ohio, obviously has, in arriving at the figures of 16,000 lines of the RECORD consumed, nevertheless, is it not a fact that the proponents of the bill have taken approximately 4½ days, namely, 2 days by the distinguished senior Senator from Oregon [Mr. CORDON], 1 day by the distinguished Senator from Florida [Mr. HOLLAND], 1 day by the very able junior Senator from Texas [Mr. DANIEL], and then a half day of speeches by the distinguished junior Senator from California [Mr. KUCHEL], and other Senators.

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

Mr. DOUGLAS. No; not just now.

Mr. HILL. I have the floor.

Mr. DOUGLAS. Whereas the senior Senator from Illinois took 2 days, the Senator from New Mexico 1 day, and other Senators a half day. So that in terms of days, the proponents have taken 4½ days to 3½ days by the opponents.

There is this difference, is there not, that in the days when the opponents were speaking, the majority leader kept the Senate in session for more hours than while the proponents were speaking? I will not go into the motives as to why the Senate was kept on a prolonged working day when the opponents were holding forth, but does not that account for the length of time our good friend from Ohio has so efficiently computed during the hours of the night between the session yesterday and the session today?

Mr. HILL. The Senator is absolutely correct. Everything he has said is absolutely borne out by the RECORD.

I shall have to yield to the junior Senator from Oregon; then I shall yield to the Senator from Minnesota, and then to the Senator from South Carolina.

Mr. MORSE. Mr. President, there are two or three questions I should like to ask.

Mr. HILL. I yield.

Mr. MORSE. Does the Senator from Alabama agree with me that the statement made to the Senate this morning by the distinguished majority leader concerning the length of time that has been used in the debate now proceeding is one of the most novel statements the Senator from Alabama has heard in connection with the subject of free debate on the floor of the Senate on an issue involving the public interest?

Mr. HILL. The Senator is absolutely right. We have here a great issue, involving billions of dollars of the people's property. It ought to be debated. God forbid that the time shall ever come when Members of this great last refuge and citadel of free debate shall be stifled, and Senators cannot rise on this floor and do exactly what has been done in the recent days. Not only opponents, but proponents also, have argued and debated the question before the Senate.

I wish to make one statement about figures. They do not always tell the truth. There is no man in the Senate in whose integrity I have greater confidence than in that of the Senator from Ohio. I have said time and time again that with all his great ability, with all his fine character, and after all is said and done, the shining virtue of the Senator from Ohio is his integrity. His comments on the use of figures reminds me of what Disraeli said. He stated, "There are statistics and statistics and statistics, and then there are ordinary liars." [Laughter.]

The trouble is that figures do not always tell the truth. They do not give the whole story. Before a witness testifies in a court he takes an oath to tell the truth, the whole truth, and nothing but the truth. Figures, however, do not always give the whole story. For instance, the figures cited this morning do not tell how many times opponents of the joint resolution have had to go back over and over and over what they have already said because of the questions of the proponents of the measure.

Mr. TAFT and Mr. MORSE addressed the Chair.

Mr. HILL. I yield to my friend of great and unimpeachable integrity, the senior Senator from Ohio. [Laughter.]

Mr. TAFT. Mr. President, I am greatly complimented by the distinguished Senator from Alabama, with whom I have always cooperated, and am cooperating today. The Senator made the broad statement that many more words were spoken by the proponents than by the opponents of the pending measure, and I happened to have the figures showing that that was not actually the fact. The figures are as I stated them.

However, Mr. President, that is a side issue. What I said yesterday was that in the 34,000 lines, containing, I calculate, about 250,000 words, plus 50,000 more, at least, in the last 2 days, everything had been said that is going to be said during the remainder of this debate. I venture to reiterate the statement that

the subject before the Senate has been very well covered. I do not blame either side for taking too much time. I merely express the opinion that from now on, while Senators naturally wish to state things in their own way, I do not believe they are going to add any arguments or any substantial thoughts to the very brilliant speeches which have been made on both sides of the issue up to this time.

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

Mr. HILL. I have the floor. I have just paid the Senator from Ohio a great compliment. Really, I would have thought he would have returned it in kind. [Laughter.] There is nothing more I can say. All the poor Senator from Alabama can do is to rise and parrot what somebody else has said! [Laughter.]

I have a deep devotion to the Senator from Ohio. He and I served on what was the old Committee on Education and Labor, which afterward became the Committee on Labor and Public Welfare, and we have been close and fast friends. I have even often referred to the Senator from Ohio as my lawyer. Then to have him rise here and talk about his client! I did not speak about my friend's generosity, but I really would have thought he would be more generous to the Senator from Alabama than that. [Laughter.]

We see here again, Mr. President, an illustration of what I have been discussing. I rose with the idea of not making a very lengthy speech, but the Senator from Ohio, who desires to shorten the debate, now compels the Senator from Alabama to take the time necessary to demonstrate that the Senator from Alabama can say something on the joint resolution, can make some points on it which have not been made before. It is a perfect illustration of the very matter I have been discussing.

Let me ask, Had the Senator from Oregon concluded his questions?

Mr. MORSE. I have just started. [Laughter.]

Mr. THYE. Mr. President, I have only one question to ask.

Mr. HILL. The Senator from Minnesota has only one question. I desire to be perfectly courteous to the Senator from Oregon; and if it would be agreeable to him, I yield to the Senator from Minnesota.

Mr. THYE. Mr. President, my only reason for rising was to make a comment in connection with the remarks of the Senator from Illinois [Mr. DOUGLAS] when he said that the Senator from Oregon [Mr. CORDON] took 2 days in presenting his views. I recall distinctly that the Senator from Illinois interrogated the Senator from Oregon at such length that the Senator from Oregon finally had to beg that he might be relieved from answering any further questions while he could have an opportunity to get his lunch. So the memory of the Senator from Illinois is very short if he does not realize that on the 2 days the Senator from Oregon was speaking on the Senate floor, most of the time was taken in answering questions which were propounded to him by the distinguished Senator from Illinois.

Mr. DOUGLAS. Mr. President, will the Senator from Alabama yield so that I may reply to that?

Mr. HILL. I think it is only fair, since the Senator from Minnesota has spoken about the Senator from Illinois, to let the Senator from Illinois make a brief statement in reply, so, without prejudice to my rights, I yield.

Mr. DOUGLAS. Mr. President, it is true that I asked certain questions of the Senator from Oregon. However, I would point out that in the course of my speech on the pending measure I was asked many questions by the very able senior Senator from Florida [Mr. HOLLAND] and the very able junior Senator from Texas [Mr. DANIEL]. Both those Senators have conducted their arguments with great ability and great politeness. I yielded in the case of each Senator, and a large portion of my time was taken up in at least attempting to answer the questions of these estimable Senators. The only difference between my situation and that of the senior Senator from Oregon was that he was able to leave the floor and get his lunch, whereas I was not; I was held here all afternoon, for 2 days. [Laughter.]

Mr. MORSE. Mr. President, will the Senator from Alabama yield to me?

The PRESIDING OFFICER (Mr. CASE in the chair). Does the Senator from Alabama yield to the Senator from Oregon?

Mr. HILL. I yield to my friend, the Senator from Oregon.

Mr. MORSE. I have several questions to ask. Before I ask the first one, let me say I am sorry that my good friend, the Senator from Ohio [Mr. TAFT], has left the floor, for I wished to ask one of the questions in his presence. However, inasmuch as he is a careful reader, I am sure he will read my question as it will appear in the CONGRESSIONAL RECORD.

I wish to say that I share the views of the Senator from Alabama about the Senator from Ohio. In fact, I have such a high regard for the Senator from Ohio that I deeply regret that at the time of the Republican National Convention I made the mistake of not supporting him for the Republican presidential nomination. If I had it to live over and the choice was between Eisenhower and TAFT I would choose TAFT. At least he intends to be fair and he tries to be fair. I am sure he always means to be fair, although the results of many of his procedural actions against me produce unfair results.

Furthermore, Mr. President, since the Republican National Convention the Senator from Ohio has proved that he possesses greater qualities of statesmanship than I had detected in him prior to the convention.

Be that as it may, I wish to respond at this time to what I regard as a very fallacious argument, or at least an argument with very undesirable implications, as contained in the statement presented to the Senate today by the Senator from Ohio in connection with the statistics he mentioned. I think it would be most unfortunate if the debate in the Senate were to be limited by any such statistical persuasion as that which the Senator from Ohio has tried to use today.

So I wish to ask this question of the Senator from Alabama: Is it not the understanding of the Senator from Alabama that the value of the property involved in the issue now before the Senate is between $40 billion and $65 billion, which belongs to someone—either to all the people of the United States or to the people of the particular States involved?

Mr. HILL. Yes. The distinguished Senator from Illinois presented testimony, which I do not think anyone successfully challenged, showing that the property values involved in this matter are anywhere from $50 billion—that amount being made up of $40 billion for the oil and $10 billion for the gas—all the way up to $300 billion.

Mr. MORSE. Does the Senator from Alabama share my view that when Congress finally passes the measure on this subject which I believe will be passed, and when that measure becomes law, the effect of that action will be to transfer this property to the States? When the President finally signs that measure, as I believe he will do, that will not at all end this issue, but there will still be a prolongation of this problem, not only in future Congresses, but in the courts of America.

Mr. HILL. I think the Senator from Oregon is absolutely correct.

As he knows, and as I expect to discuss in a few minutes, this question transcends in importance any question of property. Great as is the value of the property involved, and even though it may be much greater than we now realize, this question really goes to the whole issue of the sovereignty of the Federal Government and the relationship of our Nation to other nations. Many, many, most important questions are involved in this matter; and the importance of many of them transcends in many ways the importance of the very valuable property affected, even if we accept the value which we now believe the property to have.

Mr. MORSE. Does the Senator from Alabama agree with me that when the long course of litigation runs through the courts, they will be very much interested in the legislative history of the particular legislation?

Mr. HILL. I think that is unquestionably true. That is one reason why I believe it is so important that we make the record full and complete.

The Senator from Oregon, great lawyer that he is, and a former distinguished dean of the University of Oregon Law School, well knows that many many times the courts, as they should do, turn to the record of the congressional debates, and seek to ascertain the legislative history regarding the particular question then before the courts. So it certainly behooves us to write the legislative record in such a way that it will be clear, full, and definite.

Mr. MORSE. In my judgment the Senator from Alabama is a lawyer second to none among the Members of the Senate. Since he is such an able lawyer, I should like to ask him another question.

Mr. HILL. I am glad the Senator from Oregon is so much kinder to me than was my good and wonderful friend,

the Senator from Ohio [Mr. TAFT]. The Senator from Oregon compliments me. [Laughter.]

Mr. MORSE. Does the Senator from Alabama, able lawyer that he is, agree with me that the courts of our country, and particularly the United States Supreme Court in some of its leading decisions in which the question of the legislative history has become at issue, sometimes have pointed out in their decisions, by means of various language forms—although the meaning is clear—that not 1 Senator, not 2 Senators, but a large number of Senators during the course of the debate on the particular measure involved expressed a legislative intent, in keeping with the conclusion reached by the Court as to what was the legislative intent of the Congress?

Mr. HILL. The Senator from Oregon is exactly correct. We can find that in many cases which have been decided by the courts.

Mr. MORSE. Does the Senator from Alabama then agree with me that in the presentation of our opposition to this measure, which we believe is not in the public interest, we, as individual Senators, have a responsibility to express for the record, in behalf of the people we represent, our views as to the undesirability of this measure from the standpoint of sound public policy?

Mr. HILL. I think we would be derelict in our duty and we would fail to perform our duty, as it is imposed upon us as the representatives of the people whose rights and property and interests are involved, if we did not make the record full and complete.

Mr. MORSE. My last question is this: Therefore, does the Senator from Alabama agree with me that, loving the Senator from Ohio [Mr. TAFT] as we do, nevertheless we must not be diverted by his eloquent, persuasive tongue into stopping our fight for what we consider to be the people's cause in connection with this great issue, until we are satisfield in our own hearts and minds that we have made the legislative record which needs to be made in opposition to this measure, so that when the courts come to pass upon it, there can be no question or shadow of doubt in the minds of the members of the United States Supreme Court as to exactly what was the legislative intent?

Mr. HILL. I agree entirely. The Senator from Oregon is a deep student of American history, and he knows that on many occasions the position of the minority at one time has become the wise, proper, and true course of the majority at a subsequent time. As has been said, one on the side of God is a majority.

One who feels that he is in the right, that he is on the right side, should certainly make clear and definite his position, and should build the record for the courts and for the future.

I wish to thank the Senator from Oregon for the questions he has asked.

Mr. LEHMAN. Mr. President, will the Senator from Alabama yield to me for a question?

Mr. HILL. I yield to my friend the Senator from New York.

Mr. LEHMAN. Is it not a fact that the purpose had in mind by all of us who oppose enactment of the Holland joint resolution is twofold, namely, first, to make the record, so that when the case reaches the courts, as it undoubtedly will, the courts may know what was the legislative intent and what was the legislative thinking in the case of the members of the legislative body who spoke against the measure; and, second, to educate the American people, to take them into the confidence of the Members of the Senate?

I can say to the Senator from Alabama that, in my opinion, until 2 weeks ago only a very small number of the American people had the slightest inkling of the implications of the pending measure or the complications which might ensue from its enactment.

I believe we have made great progress in bringing home to the understanding of the American people just what is involved in the pending measure.

If we can continue this debate, as I hope we shall be able to do, on a high plane, and without recourse to any irrelevant debate, I believe we shall gain the support of the people, possibly to an extent sufficient to result in our winning the battle. I think we have made great gains, and are going to continue to make great gains in educating the people, and I believe that is one of the great functions of the Congress of the United States.

Mr. HILL. I think the Senator from New York is absolutely correct. Certainly all he says applies particularly to this case, about which there has been much misrepresentation and much spurious propaganda, referring to it, for instance, as a tidelands measure, when Senators know that tidelands have nothing whatever to do with it. Long ago, as we know, in a case in Alabama in 1895, the tidelands question was settled. Yet time and time again responsible persons, responsible members of the press, and responsible mediums of communication have spoken of this as the tidelands question. That is but one illustration of much of the spurious and misleading propaganda put out in behalf of this measure.

Mr. ANDERSON rose.

Mr. HILL. I yield to the distinguished Senator from New Mexico, who led such a gallant fight against this measure in committee and who made such an extraordinarily able and fine speech yesterday on the floor of the Senate against it.

Mr. ANDERSON. I was going to ask the Senator from Alabama whether he is aware of the fact that in the first hearings ever held on this proposal, starting in 1937 and 1938, the areas in question were always referred to as submerged lands. I spoke about 5 hours yesterday and did not get a chance to cover the subject adequately. I certainly did not have an opportunity to present certain evidence I wanted to present, which consisted of records of the hearings in 1937 and 1938, in which the area was always referred to as submerged lands. It was only when the hearings were held that it became apparent that the law of the country took care of tidelands for the States, but did not take care of submerged lands; nevertheless, the transposition from submerged lands to tidelands has been made. If the Senator would follow that transposition, he would find it was a very shrewd propaganda move, because of which those of us who have opposed the measure have always suffered. I wanted to ask the Senator a question.

Mr. HILL. Mr. President, before the Senator asks the question, I desire to thank him for what he said. I know that his statement is absolutely correct, and I know there is no one who has given more time to the subject or who has expended greater effort in a study of all the records and hearings than has the Senator from New Mexico.

Mr. ANDERSON. I ask whether the Senator from Alabama is not a member of the Senate Committee on Appropriations?

Mr. HILL. Yes; the Senator from Alabama is.

Mr. ANDERSON. Prior to coming to the Senate, the Senator from Alabama served in the House of Representatives, did he not?

Mr. HILL. The Senator from Alabama did.

Mr. ANDERSON. During all that time, did the Senator ever hear of an appropriation that ran to more than a billion dollars, and that might run to as much as $10 billion, that was not considered by the Appropriations Committee?

Mr. HILL. Of course not.

Mr. ANDERSON. Does not the Senator recognize that this in essence is really an appropriation measure?

Mr. HILL. That is the way I look at it. I may say to the Senator, when he made that point, I thought he was eminently correct.

Mr. ANDERSON. I say it should have been referred to the Appropriations Committee, to see whether it was a proper appropriation at a time such as this, when there are other demands for money aggregating many billion dollars.

Mr. HILL. The Senate Appropriations Committee is now wrestling with the very difficult, tortuous problem of undertaking to get the budget of the United States in balance. I do not need to persuade the Senator from New Mexico of the importance of balancing the budget. The fact is, the people of the United States will buy so many bonds, and beyond those which they buy, as we know, we have to look to the banks to purchase the bonds. When the banks purchase them, they have the right to issue currency against them, and therefore the country is flooded with currency, which cheapens it, inviting and making for inflation.

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

Mr. HILL. I yield to my friend from New York.

Mr. LEHMAN. Is it not a fact that this measure not only is in essence an appropriation bill, as pointed out by the distinguished Senator from New Mexico, but is also the greatest giveaway measure that has ever been proposed in this country or in any other country in the world, because it proposes to take away from 159 million people and from the 48 States the rights which belong to them as parts of the Nation, and to give those rights, of great value, to but 3 States?

Mr. HILL. Certainly it is the greatest giveaway measure the Senator from

Alabama knows anything about, I may say to the Senator from New York.

When the Senator from Ohio, the distinguished majority leader, counts the lines in the CONGRESSIONAL RECORD tomorrow morning, I hope he will count the fact that the Senator from Alabama, the speaker, contributed only a minor number of those lines, and that many of them came from other Senators, all of whom have asked very appropriate and very intelligent questions, and all of whom have made real contributions to this debate.

Mr. ANDERSON. That is the purpose, when debate takes place.

Mr. HILL. Certainly; that is the whole purpose. I may say to my friend from New York, and I think he will agree with me, that whenever debate in this body is impaired, there is a change not only of the basic character of the Senate of the United States but also a change in the Government of the United States. This is the great citadel, I may say, for the preservation of the rights of the people of the United States, because a Senator may rise on this floor and present, without limitation, to the Senate and to the people of the country the facts, and all the facts, involved in a particular matter.

Mr. ANDERSON. Mr. President, I would say to the Senator from Alabama that while I did occupy the floor for approximately 5 hours, I think that everything I said was pertinent to the pending measure. I hope it was pertinent, at least. As to some of the things which I had and could have read at great length, I merely inserted them in the RECORD as statements. I had taken the trouble to dictate nearly every line that went in them, even though the task of dictating it and then having it transcribed in time was somewhat tedious. I hope we will not reach the point in the Senate where the number of lines of the RECORD a Senator takes to express the convictions which he has, after listening to more than 2,500 pages of testimony, and after sitting in a committee for 500 hours, are to be counted.

I started on this matter, I may say to the Senator from Alabama, out of my desire to see the derricks begin working on the gulf coast. I had no feeling except that something which belonged to Texas might be about to be taken away from Texas, and I felt that I wanted perhaps to help when the time came to prevent that being done. I want to see the derricks start working. As a result of the long hours of the hearings, I came out perhaps with different convictions; but it is not my conception of the purpose of the United States Senate that the lines of the RECORD which it took me to express those convictions should be counted. Probably, had I been trained as a lawyer, I could deal with these legal cases quicker, but when an individual is born a Swede—and we frequently refer to the "dumb Swedes"—when one is born a Swede, the son of immigrant parents, it takes him a little longer to understand the niceties of Supreme Court decisions. I therefore took more lines than I should have taken. If that be treason, the Senator from Ohio will just have to make the most of it.

Mr. HILL. Mr. President, I cannot agree with my friend; I cannot agree with him at all. I have not heard a more pertinent, a more germane or a more relevant speech than the speech he made, or one that was spoken with more conciseness, or that went more directly to every point he raised, without any persiflage, without any unnecessary language or anything of that kind.

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

Mr. HILL. I yield to my friend from Oregon.

Mr. MORSE. Mr. President, let me take but a few minutes to say to my friend from New Mexico that I have already expressed myself of the statesmanlike speech delivered yesterday. His speech and that of the Senator from Illinois [Mr. DOUGLAS] were two of the greatest speeches I think I have heard in the Senate. But I am not going to let the Senator from New Mexico, even though he be a Swede, leave for the RECORD the comments he has made about his national origin and the great nation which was the land of his forebears. I know of no people on the face of the earth with a native intelligence higher than that of the Swedish people. But they are cautious, they are thorough, they are careful to get their facts—just as is the Senator from New Mexico—and, once they have the facts, they are not to be diverted from the course of action they think is right, because of any appeal to selfish motives, or because of any proposal of expediency.

Mr. HILL. Mr. President, I thoroughly agree with what my very distinguished friend from Oregon has said about Swedes. If there are any people who stand hitched, if I may use a good Alabama colloquialism, who stand fast for the right as they see the right, it is our good friends the Swedes and those of Swedish descent.

Mr. ANDERSON. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. ANDERSON. I tried very hard yesterday to keep from dragging in extraneous issues. I am sorry that I have dragged in this issue. I want to hear the discussion of the pending joint resolution.

Mr. HILL. Mr. President, when my friend makes reference to the Swedes, those of us, like the Senator from Oregon [Mr. MORSE], who know the Swedes and hold them in such high esteem and admiration are moved to give expression to our esteem and admiration.

Mr. President, I have had the floor for 35 minutes, and I hope that when the distinguished Senator from Ohio [Mr. TAFT] counts the lines in the morning, he will remember that I did not use up all the lines. I hope that anyone who is the majority leader of the Senate has more important business than that of counting lines, and I am sure he must have had someone count the lines for him.

Mr. President, the fundamental unsoundness of the approach to the submerged lands problem represented by the so-called Holland bill, the principles of which are now incorporated in Senate Joint Resolution 13 of the 83d Congress, is brought into focus sharply by the very language used in the title of the pending measure.

The title of Senate Joint Resolution 13 states that its purpose is to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries.

In this connection, it is appropriate to point out that the act of confirming a title to land presupposes the existence of an outstanding title in a grantee, a doubt as to the validity of that title, and a desire upon the part of the grantor to remove any possible doubt concerning the validity of the title by taking formal action to remedy whatever defect might be thought to exist in the prior conveyance.

An analysis of Senate Joint Resolution 13 indicates that it covers within its scope three types of submerged lands situated within the boundaries of the respective States:

First, the beds of navigable inland waters, such as bays, lakes, and rivers.

Second, tidelands—that is, lands which are situated between the line of mean high tide and the line of mean low tide, and thus are covered and uncovered by the flow and the ebb of the tide.

Third, the portion of the Continental Shelf underlying the marginal or territorial sea, which begins at the line of mean low tide along the coast wherever land areas meet the open sea, or at the mouths of bays, rivers, and other inland waters wherever they meet the open sea, and then extends seaward to the duly established territorial boundaries of the respective coastal States.

Insofar as the beds of navigable inland waters, such as bays, rivers, and lakes, are concerned, and insofar as tidelands are concerned, the premise of Senate Joint Resolution 13 is unsound because there is no doubt whatever concerning the validity of the titles of the respective States to such categories of submerged lands within their boundaries, and, hence, there is no occasion for the Congress to purport to confirm the titles of the respective States to these categories of submerged lands.

A long line of Supreme Court decisions, going back to 1842 in the case of the beds of navigable inland waters, and going back to 1845 in the case of tidelands, make it plain that each State owns any of these lands that are situated within its boundaries.

The initial Supreme Court case involving the question of the ownership of the bed of a navigable inland water was Martin et al. against Waddell, which was decided by the Supreme Court in 1842 and which is reported in volume 16 of Peters' Reports, beginning at page 367. That has been over a century ago—111 years. That case involved a controversy over the title to an oysterbed on the bottom of Raritan Bay in the State of New Jersey. The Supreme Court held that all rights in the beds of navigable bays and rivers within the limits of the American Colonies, including New Jersey, had been vested in the Crown of England prior to independence; that when the Thirteen Original States, as a result of the Revolutionary War, became free and independent, they

severally succeeded to the rights previously held by the Crown of England in the beds of navigable bays and rivers within their respective boundaries; and that the rights in such submerged lands were not transferred from the Thirteen Original States to the Federal Government at the time of the adoption of the Constitution. Accordingly, the Supreme Court decided that the State of New Jersey was the owner of the bed of Raritan Bay; and that the State had the authority to grant exclusive licenses for the taking of oysters from the bed of the bay.

(At this point Mr. HILL yielded, successively to Mr. MORSE and Mr. DANIEL, whose remarks were ordered to be printed at the conclusion of Mr. HILL's speech.)

Mr. HILL. All these many cases, beginning in 1855 and continuing down through the years, confirm the Waddell case, the Raritan Bay case, to which I have referred, and also confirm the case of Pollard's lessees versus Hagen, to which I have referred. This long line of cases confirms the decisions in those cases, namely, that the beds under inland navigable waters and the tidelands belong to the States without any question whatsoever. Many subsequent Supreme Court decisions have held that the beds of navigable inland waters, such as bays, lakes, and rivers, situated within the boundaries of a State belong to the State. For the purpose of showing the extent to which this doctrine is firmly ingrained in our constitutional law, I shall now furnish a list of cases in which the Supreme Court has clearly upheld this proposition, indicating in each instance the year in which the decision was rendered and where the reported decision of the Supreme Court may be found:

Smith against Maryland, decided in 1855 and reported in volume 18 of Howard's Reports, beginning at page 71.

Walker against The State Harbor Commissioners, decided in 1873 and reported in volume 17 of Wallace's Reports, beginning at page 648.

Weber against Harbor Commisioners, decided in 1873 and reported in volume 18 of Wallace's Reports, beginning at page 47.

County of St. Clair against Lovington, decided in 1874 and reported in volume 23 of Wallace's Reports, beginning at page 46.

Barney against Keokuk, decided in 1876 and reported in volume 94 of the United States Reports, beginning at page 324.

McCready against Virginia, decided in 1876 and reported in volume 94 of the United States Reports, beginning at page 391.

Packer against Bird, decided in 1891 and reported in volume 137 of the United States Reports, beginning at page 661.

Then the case about which we have heard so much discussion in this debate, Illinois Central Railroad Company against Illinois, decided in 1892 and reported in volume 146 of United States Reports, beginning at page 387.

Shively against Bowlby, decided in 1894 and reported in volume 152 of the United States Reports, beginning at page 1.

St. Anthony Falls Water Power Company against St. Paul Water Commissioners, decided in 1897 and reported on volume 168 of the United States Reports, beginning at page 349.

Mobile Transportation Company against Mobile, decided in 1903 and reported in volume 187 of the United States Reports, beginning at page 479.

United States against Mission Rock Company, decided in 1903 and reported in volume 189 of the United States Reports, beginning at page 391.

McGilvra against Ross, decided in 1909 and reported in volume 215 of the United States Reports, beginning at page 70.

Scott against Lattig, decided in 1913 and reported in volume 227 of the United States Reports, beginning at page 229.

United States against Chandler-Dunbar Water Power Company, decided in 1913 and reported in volume 229 of the United States Reports, beginning at page 53.

Appleby against City of New York, decided in 1925 and reported in volume 271 of United States Reports, beginning at page 364.

United States against Holt State Bank, decided in 1926 and reported in volume 270 of the United States Reports, beginning at page 49.

Massachusetts against New York, decided in 1926 and reported in volume 271 of the United States Reports, beginning at page 65.

Fox River Company against Railroad Commission, decided in 1927 and reported in volume 274 of the United States Reports, beginning at page 651.

United States against Utah, decided in 1931 and reported in volume 283 of the United States Reports, beginning at page 64.

Most of the cases to which I have referred involved States admitted to the Union after independence had been won. The Supreme Court has held that such States stand on an equal footing with the Thirteen Original States so far as the ownership of the beds of navigable inland waters, such as bays, rivers, and lakes within their boundaries are concerned. This means that the States which were created by the United States out of Federal territory automatically received from the United States title to such submerged lands upon being admitted to the Union, the title having theretofore been held by the United States in trust for the future States to be created out of the Federal territory; and that Texas, when it came into the Union through the process of annexation, retained the ownership of the submerged lands comprising the beds of its navigable inland waters—with such specific exceptions as may have been provided for in various acts of admission. That applies not only to Texas, but to any other State, if there is some specific exception.

In view of this long line of Supreme Court decisions holding unequivocally and without a single exception that the respective States own the beds of the navigable bays, rivers, and lakes, and other navigable inland waters within their boundaries, it would be the height of absurdity to argue that there is any real necessity for the Congress of the United States to enact a measure purporting to "confirm" the titles of the States to such submerged lands. I enclose the word "confirm" in quotation marks, because that word is taken from the title of the Holland joint resolution.

Similarly, it would be absurd to contend that it actually is necessary for the Congress of the United States to "confirm" the titles of the States to tidelands situated within their respective boundaries, since the Supreme Court has already made it clear, beyond the shadow of a doubt, that each State owns any tidelands—that is, any lands regularly covered and uncovered by the flow and ebb of the tide—within its boundaries.

The question of the ownership of tidelands situated within the boundaries of a State was first presented to the Supreme Court in the case of Pollard's Lessee against Hagan and others, which was decided by the Supreme Court in 1845 and is reported in volume 3 of Howard's Reports, beginning at page 212. That case involved a controversy over a tideland area comprising part of the shore of a tidewater section of the Mobile River in Alabama. This is the cornerstone case. This is the basic case in connection with the question of tidelands. In this case it was held by the Supreme Court that when Alabama ceased to be a territory and was admitted into the Union as a State in 1819, she was thereby placed on an equal footing with the Thirteen Original States; that the Thirteen Original States had succeeded to the rights of the British Crown in the tidelands within their boundaries and had not surrendered such rights to the Federal Government when the Constitution of the United States was adopted; and that, as an incident of this status of equal footing among the several States, the ownership of the tidelands within the boundaries of the new State was automatically transferred from the United States to Alabama when the latter came into the Union.

She came in on an equal footing with the 13 States which had fought and won the war of independence and then formed the Federal Union. The court said that Alabama was placed upon an equal footing with the Thirteen Original States, which had succeeded to the rights of the British Crown to the tidelands within their boundaries, and had not surrendered such rights to the Federal Government when the Constitution of the United States was adopted. We recall that the States reserved to themselves or to the people—which meant the people of the States—all rights not given or delegated to the Federal Government. The Supreme Court held that the right to the tidelands and ownership of the tidelands were still held by the States, and had never been in any way granted or given to the Federal Government.

Subsequent Supreme Court decisions have uniformly adhered to the view that the respective States or their grantees—that is, anyone to whom the State might have given a grant of any particular

tidelands—own the tidelands situated within the States' boundaries. For the information of the Senate, I shall furnish a list of these decisions, by way of emphasizing the certainty which now exists concerning this point of constitutional law.

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

Mr. HILL. I am glad to yield to the distinguished Senator from New Mexico.

Mr. ANDERSON. Of course, the Senator from Alabama realizes that if he supplies such a list, it will represent lines to be counted against him.

Mr. HILL. I appreciate the fact that it will represent lines to be counted against me, but in the service of truth I shall have to suffer the obloquy incident to putting those lines in the RECORD, because I think the justice of this case, and the need to make the case full and complete, not only that the Senate may have all the facts and the law with reference to the case, but that the facts may be available to all the people of the country, require that I cite the cases and bear whatever burden I may have to bear for adding those lines to my remarks in the RECORD.

These are cases in the highest court in the United States, the Supreme Court of the United States. Surely it is inconceivable that any Senator would object to the citation of cases from the Supreme Court of the United States, particularly on a question so extremely important as is the question now presented to us.

As the Senator from New Mexico knows, the Supreme Court is the citadel which the framers of the Constitution established to protect the rights and interests of the people of the United States. Can it be that a Senator is guilty of some terrible offense if he cites cases from this third great branch of our Government? As the Senator knows, we have three coordinate branches of government. There is the executive branch, to administer and execute the laws; the legislative branch, to enact laws; and the judiciary, including the Supreme Court of the United States, to protect the people in their rights, to make certain that neither the executive branch nor the legislative branch in any way transgresses upon those rights or denies those rights or takes away those great rights from the people of the United States.

Surely it would be a sad day if we in the legislative branch could not make reference to and cite cases from the third branch, the Supreme Court of the United States. We may not always agree with the decisions of the Supreme Court. I myself have not always agreed with the Supreme Court, but that is the great citadel under our system of government. We call it a system of checks and balances. Perhaps Amos and Andy would call it "check and double check." We all check. What a wonderful system. As Mr. Gladstone said, it is the greatest system ever devised by the genius of man. We check the Court. The Court checks us. We check the Chief Executive. The Chief Executive checks us.

The Founding Fathers who wrote the Constitution had a profound knowledge of human nature. They knew the disposition and the urge of human nature which causes people to reach out and grab for more power all the time, to arrogate unto themselves more and more power and set themselves up as the great, mighty, and final authority. Those wise men who met in Philadelphia gave us the greatest system ever known in all the hundreds of thousands of years of human history, the great system of checks and balances.

Mr. President, I cited the basic case, the cornerstone case, the case of Pollard's Lessee against Hagan, a case in my own State of Alabama, involving some land in the city of Mobile, where in the old days the tides used to flow over the land.

We have heard much about tides and water. I believe that if we will consult our geologists, our friends who have studied the formation of the earth, the processes of the earth's formation, the development of the earth, the evolution of the earth, up to date, we will find that the very ground on which we now stand was once under water.

I remember when I was a boy and came to Washington the authorities were building the ground on which stands the magnificent memorial to Abraham Lincoln. As the Senator from Missouri [Mr. SYMINGTON], who sits before me, well knows, that was very marshy, swampy land then. Soil was taken from the bed of the Potomac River to fill the site on which now stands that magnificent marble monument to Abraham Lincoln.

Mr. ANDERSON. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield to the Senator from New Mexico.

Mr. ANDERSON. The Senator from Alabama has referred to some of the cases, and the importance of understanding them.

Mr. HILL. I was going to cite them. Would the Senator rather have me cite them now?

Mr. ANDERSON. No; I was merely wondering whether the Senator's attention had been called at any time to the testimony of the attorney general of the State of Tennessee when he was before the Senate Committee on Interior and Insular Affairs. If it has not been, I should like to call his attention to it. On page 98 of the hearings the Senator will find that I was questioning the attorney general of Tennessee, who was appearing not only in behalf of himself, but was appearing in behalf of the National Association of Attorneys General. These are the lawyers who have decided so frequently that the States should own the areas lying offshore in the open ocean.

I asked the attorney general of Tennessee something about the Illinois Central case, which, as the Senator from Alabama knows, has probably been quoted and misquoted and applied and misapplied more than almost any other case in this debate. I asked the distinguished attorney general of Tennessee whether he recognized that the Court had decided the Illinois case was on pretty sound ground, and he said, "I am not entirely familiar with the case."

Mr. HILL. Mr. President, the Senator knows that that case is a landmark case. I cannot understand how any man could appear before a committee or court to testify on this matter without having studied and understood that great landmark case.

Mr. ANDERSON. That is exactly the point I was trying to make. I wondered how anyone could come to the conclusion that the States owned the land lying out in the open ocean if he had never studied the decisions of the Supreme Court. That is why I was asking the Senator about it.

If the Senator will indulge me further, I thought I ought perhaps to outline to the attorney general of Tennessee what was in that case. I said:

> I had better not try to outline it to you, not being a lawyer.

Mr. Beeler, the attorney general of Tennessee, said:

> I think you would do a pretty good job of it.

Then I asked him this question:

> Do you think the State of Illinois had a right to go out on the lakeshore area and grant to the Illinois Central Railroad rights which it does not itself possess?

This is the reply, to which I hope the Senator from Alabama will listen, because it illustrates how carefully these cases have been studied. The attorney general of Tennessee, appearing in behalf of all the attorneys general, said:

> That was in litigation for years up there, and the courts decided first one way and then the other. It finally ended up some way. I do not know how.

I merely wish to ask the Senator from Alabama whether he thinks that is a fair indication of the amount of research that has seemingly been made into this question by the attorneys general, when the attorney general of Tennessee said, in answer to my question:

> That was in litigation for years up there, and the courts decided first one way and then the other. It finally ended up some way. I do not know how.

That had reference to the Illinois Central case. He said it ended up some way, he did not know how. They got through with it. They got "shut" of it, I suppose would be the expression in the Senator's section of the country. The Court took some action. It was either for or against. He did not know whether it involved land or water, but somehow the Court ended it up, the Court got through with it, he did not know how it came out, but anyway, it supported the point that the States own the land out in the ocean. I hope the Senator from Alabama will tell me whether he thinks that is a good basis on which to claim the lands in the open ocean.

Mr. HILL. It seems to me the attorney general of Tennessee defeated his own testimony when he said he did not know how the case ended, when, as the Senator from Alabama has said, this is one of the landmark cases on the very question before the Senate, to which we are now addressing ourselves. It is indeed surprising testimony. The witness seems to have been very much confounded and confused. He hardly knew

exactly where he was. That would be the indication. Therefore, it will not be surprising when I call the Senator's attention to the fact that the assembly of the Legislature of Tennessee subsequently passed a resolution against the measure now pending in the Senate. The assembly evidently took time to find out about this joint resolution, to get the facts, and, after getting the facts, the house of representatives of the legislature acted, and passed a resolution against the pending measure.

Mr. ANDERSON. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. ANDERSON. As I recall when I was a young man going to church and Sunday school we used to sing a hymn which started with the words, "Take time to be holy." Perhaps it might be a good thing to take time to become informed, and perhaps it might have been better if the attorney general of Tennessee and attorneys general of the various States had taken time to read the Illinois Central case.

I am sure the Senator from Alabama recalls that yesterday when I was discussing this matter, I spent a good deal of my time on questions that seemed to flow from the Illinois Central case. There was a State which tried to give the Illinois Central Railroad the lakefront of Chicago. Some time in the sixties they tried to give it to them, and they thought they had given it to them, but in 1890 the Supreme Court came along and said, "You cannot give away what is held in trust for all the people." That is the very point in controversy now: Can we give away land that is held in trust for all the people?

It strikes me that anyone who really desired to know what the law was would have read the Illinois Central case, which laid down the ruling that the States cannot give away what is held in trust.

In that case the words "particularly land submerged" were used. The Court was dealing with land off the Chicago lakefront which formerly had been submerged. Thank heaven that in that decision, which was rendered in 1890 by a Court which no one can say was a modern court or a New Deal court or a political court, the Court saved the lakefront for the people of Chicago and for the enjoyment of the citizens of the State of Illinois and of this great Nation.

Mr. HILL. That Court was even before the "nine old men."

Mr. ANDERSON. Oh, yes; it was away back in the days when everything was conservative and sound. So how can a lawyer who is trying to understand the law on this subject read the Illinois Central case, which probably is the most important single case which should be considered, and then say, after reading that case, "The case was before the Court, and the Court decided it one way or the other. The case came out somehow, but I don't know how."

Mr. HILL. I thank the Senator from New Mexico for his contribution, for he knows that perhaps the main documents of propaganda favorable to the pending measure, and opposed to the position taken by the Senator from New Mexico and myself, have been the documents of the attorneys general. In this instance, the Senator from New Mexico has shown how little concept and how little understanding the attorney general of Tennessee had of this matter, and how little study he had given to it, and the fact that he did not even know the great, basic, landmark case in this connection.

Mr. ANDERSON. Mr. President, will the Senator from Alabama permit me to go a step further?

Mr. HILL. I yield again to my friend, the Senator from New Mexico.

Mr. ANDERSON. Let me point out that it was testified that one State had contributed $40,000 to the fund which kept that group going on its propaganda work. Of course, that State was obtaining revenue from oil. If some of the other States could have a little revenue from oil, they could make magnificent contributions to scientific foundations, and so forth.

Mr. HILL. Yes; and they could print all kinds of pamphlets, and could have many friends on their side.

Mr. ANDERSON. Yes; and when we got through, we would find that some of the statements contained in the pamphlets were just about as far from the mark as were some of the statements made at that hearing.

At the hearing, I believed I would be able to carry on, to the best of my ability, an intelligent conversation with that witness, who was a very pleasant person. In fact, he even said that if I would come to his State, he would see to it that I was admitted to the bar in his State—although I do not know what I would do after I got there. However, he was very pleasant.

I was trying to find out what the man selected by all the attorneys general, the man picked to read to the committee the paper which the president of that organization had thoughtfully and carefully prepared, knew about the matter. However, he did not even know how the most important case came out.

Mr. HILL. Does the Senator from New Mexico mean to say that the witness did not even understand the paper he was sent to read before the committee?

Mr. ANDERSON. I would not go that far. I would only say that he reminded me of an incident which occurred in the Grand Canyon area of Arizona many years ago. A prospector had entered the canyon to do some prospecting; and once he got there, he had to stay all winter. There was to be a very important fight between two well-qualified prizefighters; it was the Jeffries-Johnson fight, as I recall. At any rate, it was a very important fight, and great interest in that fight was manifested in all parts of the country.

Approximately 6 months after that fight occurred a group of tourists visited the Grand Canyon and entered it at a point opposite the one where the prospector had entered the canyon. Across the canyon they saw the prospector waving his hat and shouting something to them, although they could not hear what he was saying. Of course, there were no loudspeakers in those days. The tourist finally decided that the prospector must be in a desperate predicament; perhaps he was out of water or out of food. So, at great trouble, they crossed the canyon, and finally reached the point where the prospector was standing. Immediately they asked him what the trouble was. He replied, "How did that fight come out?"

The tourists had no idea what fight he meant, for he was referring to the fight which had taken place 6 months before then. But, of course, since radios had not then been invented, and since the prospector had been entirely without communication of any sort, he did not know how the fight resulted, and he was curious about the outcome.

Mr. President, curiosity is a very fine characteristic in some persons. It occurred to me that that witness, being the attorney general who was selected by the organization to speak to the committee for all the attorneys general, should have been very curious to know how that case came out. However, he was not interested in how it came out. He simply knew there was such a case, and that one side won it, but he did not know how the case resulted.

Mr. HILL. Although he did not know how the case resulted, he was before the Senate committee to tell it what it and the other Members of the Congress should do regarding this matter.

Mr. ANDERSON. Oh, the case proved his side—although he did not know which side it was; but it proved it.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. Yes; I yield to my friend, the Senator from Minnesota, for a question.

Mr. HUMPHREY. I listened with interest to the colloquy between the Senator from Alabama and the Senator from New Mexico; and in that connection I am interested in the portion of the hearings on page 98, to which the Senator from New Mexico referred. At that point Mr. Beeler was answering questions asked by the Senator from New Mexico [Mr. ANDERSON].

Subsequently, on pages 100, 101, and 102, we find some interesting exchanges of questions and answers. For example, the case which was in question was the case of Pollard against Hagan. The questions the Senator from New Mexico [Mr. ANDERSON] was directing to Mr. Beeler were predicated on that case.

Then question arose as to the situation in Mobile Bay and Mobile River. I gather that the Senator from Alabama is quite familiar with that area.

Mr. HILL. That case is another landmark case, just as is the Illinois Central case. In fact, the Mobile Bay and Mobile River case is the basic case and the cornerstone case, so far as tidelands are concerned, I say to my friend, the Senator from Minnesota.

Mr. HUMPHREY. That is correct; and I am glad the Senator from Alabama has made that point perfectly clear, because when, at the hearing, the Senator from New Mexico [Mr. ANDERSON] asked:

> You do not recognize the difference between land under the open sea and land under navigable rivers?

Mr. Beeler replied:

No. Wouldn't you say that land out in the Mobile Bay and down at the mouth of the Mobile River was in the open sea?

The Senator from New Mexico replied:

No.

Then Mr. Beeler said:

That is where you and I just do not quite agree, but I am not going to fall out with you. You may be right.

Apparently Mr. Beeler did not recognize that Mobile Bay is yet a bay, and therefore is classified as an inland water.

I read now from page 102 of the hearings:

Senator ANDERSON. You said the opinion or decision in 1845. Were you referring to the Pollard case?

Mr. BEELER. *Pollard* v. *Hagan's Heirs.*

Senator ANDERSON. Did the Pollard case deal with the land beyond the tidelands in the open ocean?

Mr. BEELER. It dealt with the lands at the mouth of the Mobile River and Mobile Bay.

I am endeavoring to point out that the man who was representing at the hearing the Attorney General, on the one hand, was not sure whether Mobile Bay and Mobile River were open sea or inland waters or tidewaters.

Later, as shown on page 102 of the hearings, he recognized that the case of Pollard against Hagan deals with that matter. Of course, in that case there is express reference to inland waters.

However, the witness was still in doubt as to whether Mobile Bay is open sea or is properly classified as an inland water.

Mr. HILL. The Senator from Minnesota is entirely correct. The testimony to which he has just referred is quite typical of a great deal of the propaganda and misleading and spurious documentary material which have been issued in connection with this matter, in an effort to have this giveaway joint resolution enacted into law.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield further to me?

Mr. HILL. Yes; I yield.

Mr. HUMPHREY. I should like to read further from page 102 of the hearings:

Senator ANDERSON. Submerged lands, not tidelands, lands beyond the tidelands in the open ocean.

You are presenting this paper in behalf of the president of the group of attorneys general, and it says all these attorneys general have taken this position. Will you put into the record the dates on which the various States have claimed the lands beyond the tidelands in the open sea, as against the claim of Thomas Jefferson when he claimed it in behalf of all the people of the country?

Mr. BEELER. I wrote a paper about Thomas Jefferson, and delivered it at the Presbyterian Church down in Nashville a while back. I think he is the greatest President who has ever sat over in the White House.

Senator ANDERSON. Good. You said you were a Jeffersonian Democrat.

Mr. BEELER. But I do not want to have to go out and do this work.

In other words, the witness was referring to the dates about which the Senator from New Mexico had inquired.

I read further from the hearings at that point:

Senator ANDERSON. Why is not somebody willing to put that into the record? You say the States did own this land all these years without question. Why will not somebody put into the record when one of these States entered its claim in contravention to the claim of Thomas Jefferson when he was Secretary of State one-hundred-and-some-odd years ago?

Mr. BEELER. They did not have to exert any claim to it. When these lands were granted by the Crown of England and by Spain and France, those things went with that grant.

Senator ANDERSON. The land in the open ocean?

Mr. BEELER. Along the 3-mile belt.

I think it is about time that we clarified the record on that point. As I recall, from my knowledge of international affairs and some international law, it was Thomas Jefferson who claimed the 3-mile belt.

Mr. HILL. That was in 1793.

Mr. HUMPHREY. As a matter of fact, British maritime law did not claim a 3-mile belt, and yet here is the man who represents the attorneys general, who is trying to say that the 3-mile-belt claim grew out of the very transfer of the lands from the Crown of England and from the Crown of Spain to the Colonies, which later became the States of the United States of America. I shall only say that the gentleman speaking did not know the law, and, what is worse, he flunked history; and history is perfectly clear, because I do not think anyone will represent to the Senate, to a court, or even to an eighth-grade civics class, that the Crown of England claimed a 3-mile belt. We claim that as a unique and a distinct product of American law and American political policy, through Thomas Jefferson.

Mr. HILL. What the Senator from Minnesota says is absolutely correct. The question was considered by the Supreme Court of the United States. The Senator will remember the decision in the California case, in which it said this claim was a nebulous suggestion at that time. It was not even a nebulous suggestion, because, as the Senator has so well said, it was Thomas Jefferson who first made the claim, who pioneered, we may say, who broke the ground, as it were, and endeavored to assert the 3-mile claim for the United States, and to get the other nations of the world to recognize it. Of course, the Senator knows that, ordinarily, when one has 3 strikes against him, he is out—and I refer to the decisions in the California, Louisiana, and Texas cases as the 3 strikes—but here the proponents of the Holland measure are seeking to have a fourth strike—that is what it amounts to. The Court fully considered all these matters, as a careful reading of the California, Louisiana, and Texas cases will show. The Court did not write lengthy, verbose decisions, but that the Court considered these matters there can be no doubt about that.

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

Mr. HILL. In a moment. When Thomas Jefferson made his claim of 3 miles, did any Senator representing any State—and remember at that time Senators were elected by their legislatures—declare that the 3-mile belt belonged to his State?

Mr. HUMPHREY. That is correct.

Mr. HILL. My great predecessor, one of the greatest men who ever sat on the floor of the Senate, a man who envisioned and worked for many years to achieve the building of the oceanic canal, John T. Morgan, of Alabama, did not get much credit for it, because Theodore Roosevelt, all honor to his memory, accomplished what we might call the Panama coup. He moved in. But it was John T. Morgan who sat on this floor, year after year, proclaiming the necessity of building an oceanic canal, and urging the building of it. He worked for the building of an oceanic canal.

I may say to my friend from Missouri [Mr. SYMINGTON], the former great Secretary of the United States Air Force, that history may well prove that John T. Morgan was right when he urged not only the building of an oceanic canal but building it across the Isthmus of Nicaragua as a sea-level canal, rather than building it across the Isthmus of Panama, which requires locks and dams. I am sure the Senator from Missouri, who speaks with such authority on military matters, particularly regarding air power, and the capacity of air power for destruction, will agree that one well-placed bomb—merely one well-placed bomb—could put the Panama Canal out of commission for many months, at a time when it might be vital to our country to have that interoceanic passageway in operation. The Nicaraguan route advocated by John T. Morgan was a sea-level route far, far more difficult to destroy, if not almost incapable of being put out of commission with bombs.

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

Mr. HILL. I will yield to my friend in a moment. I had started to ask, Did any Senator from any State rise on this floor to challenge Thomas Jefferson or say to him, "You are claiming 3 miles for the Nation. You are claiming something that belongs to us. The 3-mile area belongs to us"? History does not record it. The Senator knows that, with all the money which has been spent to pass this giveaway measure, with all the time, effort, and toil which have been devoted to the effort to secure its passage, had there been one scintilla of evidence to the effect that any State protested Jefferson's declaration with respect to the 3-mile belt for the United States of America, surely that evidence would have come to light.

I now yield to my friend the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, the Senator from Alabama has made the most devastating argument in reference to the State claims of the 3-mile limit, or 3-mile boundary, that could possibly be made, because the time to have challenged the decision of the national sovereignty regarding the 3-mile limit, I might say to the Senator from Alabama, was on the day of its initiation. In my very limited knowledge of the history of the Senate, it has never been a body that

was under the control of the executive branch. Even in the days of Thomas Jefferson, some Senators found time to condemn George Washington, the President, and they even picked on the Secretary of State. It is an old American habit. It came to this country in the early days of our Republic, and it is really a sort of badge of American independence. So, if Thomas Jefferson was able to make that declaration and come out with his scalp and skin intact, I think he made a declaration that was accepted.

Mr. HILL. What the Senator is saying is that when Senators really wish to show their independence as a separate, independent arm of the Government, they proceed to kick the posterior of the Secretary of State. Is not that correct?

Mr. HUMPHREY. Indeed. That has been one of the great intellectual exercises of Senators from the beginning of the country, and I would not want to stop it now. It is a fine tradition. I may say to the Senator that the argument of Mr. Beeler about history is an effort on his part to cloak this specious argument of the present with things of the past. That is what it means. They are trying to cloak the present argument in behalf of the State claims to the submerged lands by appealing to the past history of this Republic. But history is not on the side of the grab. History is on the side of the Nation, on the side of national sovereignty. I submit that no Senator on this floor can prove that, with reference to the Louisiana Purchase, or to the areas we obtained by treaty from Mexico, or from Spain, or from England, never once was it suggested to the Government of the United States that the land within the 3-mile limit was land which belonged to the States.

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

Mr. HILL. I will yield in a moment. I have very serious doubts whether, even had any State claimed the 3 miles, that claim would have been valid, and whether it could have been recognized; and I will tell the Senator why. The Court, in dealing with the Raritan Bay case, the Waddell case, away back in the forties having to do with the bed of an inland river, in the case of Pollard against Hagan, the big cornerstone case—the case that we in Alabama call the "mud-fill" case—laid down the proposition that the right of the States to the beds of inland navigable waters, came about as an attribute of sovereignty—an attribute of what we might call State internal sovereignty. Following the rationale of those decisions, the Supreme Court in the California, Louisiana, and Texas cases held that the rights to the bed of the sea out in the international domain, out where we deal with other members of the family of nations, were in the Federal Government, as an attribute of the national sovereignty of the Government of the United States.

Let us return to the Pollard case for a moment, because it is very fundamental. We must remember that in the Pollard case the Court was talking about tidelands. The State gets its rights to the tidelands, to the beds of the inland navigable waters, as an attribute of sovereignty. It was a case which affected the rights of other nations. The Federal action was brought for that very reason. One reason why the founding fathers wrote the Constitution and formed the Federal Union, was there might be sovereignty to deal with other nations. We would not want to have Balkan states in the United States.

Let us look at the Pollard case, Mr. President, which is so fundamental. Listen to what the Court said in that case:

> The right to the shore between high- and low-water marks is a sovereign right, not a proprietary right.

Not such a right as the Senator from New Mexico or the Senator from Minnesota or the Senator from Washington might have if they had title to modest homes in the city of Washington. It is not a proprietary right. The Federal Government and the States have rights which individual citizens do not possess. They are sovereign rights, and the Government and the States are the trustees of the rights of all the people.

The question of forts came into the picture because the Federal Government undertook the job of national defense. They were thinking a great deal about the Indians. One reason why we built so many forts in the country was to protect against the Indians who might come and scalp people while they slept. I do not mean they would actually tomahawk the Senator from New Mexico and the Senator from Minnesota while they slept, because, with the diligence of the Senator from New Mexico and the Senator from Minnesota, I am sure they would awaken before the tomahawk fell; but they might be asleep when a treacherous band of Indians appeared.

That great statesman from South Carolina, John C. Calhoun, returned from a visit to find the bodies of his own dear mother and his older brother stark and dead, scalped by Indians.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield at that point?

Mr. HILL. I yield.

Mr. HUMPHREY. I appreciate the analogy the Senator has given, because it shows the dangerous situation in which we live at all times. The danger of scalping by Indians is now well under control, but there is a new kind of tomahawking and scalping going on. That is what worries the Senator from Minnesota. Are we going to be scalped of our submerged resources and be tomahawked off the coast lines of the United States and have the vast and rich deposits of oil and gas turned over to some new kind of band that would use them?

The Senator from Alabama moved me deeply with his analogy, but I must say a kind word for the Red Man, the American Indian. He has always respected and abided by the Supreme Court decisions. [Laughter.] All I am asking is that we in the Senate do exactly the same thing and live by the badge of honor that those fine real Americans have established for all of us.

Mr. HILL. I may say that there were bad Indians and good Indians, just as there are bad Americans and good Americans. No Member of the Senate respects more than I do the fine, sterling qualities which so many of our Indians possess and which is such a challenging example to us—their great courage and their will to carry through.

Mr. HUMPHREY. Since the spokesman for the attorneys general tried to cloak the argument with the respectability of history, I am interested to note, since the subject of the Indians has arisen on the floor of the Senate, that never once did the original inhabitants of this land claim 3 miles from shore. They put up a little resistance when we reached the shoreline, but they were willing to wait until the nation was organized as one nation.

Mr. HILL. So far as I know, they did not even come out 3 miles to try to hold back the people they thought were coming to take their lands.

Mr. HUMPHREY. As a matter of fact, the original inhabitants of the States are not claiming 3 miles now. They are fair, and I want to pay them a well-deserved tribute for having been most generous with the Government.

Mr. HILL. Mr. President, I desire to read a few words from the Pollard case, but if the Senator from New Mexico wishes at this time to ask me a question, I shall be glad to yield.

Mr. ANDERSON. I wondered if the Senator from Alabama, if he is going to bring up the awful things that happened in connection with scalping by the Indians, should not let some other Senator bring up that subject. [Laughter.]

Mr. HILL. The Senator from New Mexico must have seen me on television, which I think is one of the most marvelous things of which I know, because it is a medium whereby the people are given the facts about matters such as we are discussing here today. But appearing on television is very hard on those of us who do not have a good crop of hair. New Mexico produces cotton, and we produce it in my State, and we know the boll weevil gets into the crop and eats it.

Mr. ANDERSON. I thought the Senator from Alabama had lost some of his natural resources, and I wanted to point it out.

I ask the Senator, as he comments on the Pollard case, to comment on what was discussed in the Committee on Interior and Insular Affairs. As the Senator from Minnesota [Mr. HUMPHREY] has so well reminded us, the Pollard case was under consideration in the hearing, and I tried to find out whether the land involved was out in the open ocean or whether it was under inland waters.

I asked the witness if he did not recognize the difference between land in the open seas and land under navigable rivers, and he said, "No." I asked him if he claimed that land in Mobile Bay and in the Mobile River was in the open sea, and he said, "No." I thought the Supreme Court had passed on it, and I wonder if the Senator from Alabama will discuss the kind of land it was that was in dispute.

Mr. HILL. I am coming to that now.

Mr. ANDERSON. I said that if it was in the bay I failed to understand how it was in the open sea. I was asked if I

had ever been to Mobile, and I was proud to say that I had. The witness said the wind kicked around the gulf and whipped up the water.

I should like to have the Senator from Alabama tell us just how far the wind can whip up water on the particular piece of property that was involved in the Pollard case. My understanding was that it was a city lot.

Mr. HILL. The Senator is exactly correct. It was between two streets, Boundary Street and Church Street, within the city limits of Mobile, Ala.

Mr. ANDERSON. Has the Senator ever seen the wind whipping up the water there?

Mr. HILL. No, I have never witnessed that. The truth is that where the city is now the lot is really not even on Mobile Bay. It is on a part of the Mobile River. It is not far from where the Mobile River flows into Mobile Bay. Sometimes the wind is rather strong, of course, we have the ebb and flow of the tide, but there is nothing like high water rushing over that piece of land between Boundary and Church Streets.

Mr. ANDERSON. Any Senator interested in this matter might want to know something about the geography.

Mr. HILL. The Senator is exactly correct. I am about to discuss the very matter of geography. Recently there was much discussion in the Senate about the Rodgers case. What was the Rodgers case about? It concerned a criminal offense, one person assaulting another person with a dangerous weapon. Where? On the Detroit River.

Mr. ANDERSON. I cannot imagine anything more pertinent to the discussion of oil in the open ocean than one fellow hitting another with a dangerous weapon on the Detroit River.

Mr. HILL. I should like to read the Magna Charta of this case.

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

Mr. HILL. I yield to my brilliant and distinguished friend, the junior Senator from Tennessee.

Mr. GORE. I thank the distinguished Senator from Alabama for his compliment. During my short time in the Senate, I have come to look upon the distinguished Senator from Alabama as a leader, as a man of enormous intellect and courage. However, his eloquence about the scalping expedition, of the bad Indians which he intimated were abroad——

Mr. HILL. Not today, I may say to my friend.

Mr. GORE. I am glad to have that assurance, because I was apprehensive lest they were abroad today, and I wondered to whom freshmen Senators, like my distinguished colleague, the junior Senator from Missouri [Mr. SYMINGTON], and I, should look for protection. Must we sleep with one eye open, or should we look to the leadership of the distinguished senior Senator from Alabama to protect our scalps?

Mr. HILL. So far as the loss of Tennessee's rights as a member of the Federal Union to the oil and gas in the submerged lands is concerned, the distinguished Senator from Tennessee had better sleep with both eyes open.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for a question?

Mr. HILL. I yield to my friend from Arkansas.

Mr. FULBRIGHT. I thought that before the Senator from Alabama returned to a discussion of the case he was about to read, I should like to have the RECORD show that about 2 months ago both houses of the Arkansas Legislature passed a resolution endorsing the Anderson bill and the so-called Hill amendment, sponsored by the Senator from Alabama, although our attorney general some years ago—I believe it was in 1947 or 1948—had also joined with the group of attorneys general in their attitude toward the disposition of the submerged lands. I think that experience and the one in Tennessee strengthen the theory advanced by the Senator from Alabama and other Senators who were engaged in the debate that the views of the attorneys general were not necessarily representative of the attitude of the people of the various States.

Mr. HILL. The Senator is certainly correct. I am delighted that he has brought to our attention the action of his own State legislature. Arkansas has acted, as has at least one house of the Arizona Legislature. I have already spoken of the house of representatives of the Tennessee Legislature. At least one house of the Rhode Island Legislature has acted, perhaps both houses. These actions by State legislatures have occurred only in the past several weeks, because it is only now that they are beginning to realize that there has been so much said and so much propaganda disseminated on the other side, so much talk about the use of tidelands that has been absolutely mistaken and a misrepresentation, so far as this case is concerned. Now the State legislatures are acting rapidly, as the Senator from Arkansas has suggested that his State legislature has acted.

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

Mr. HILL. I am delighted to yield to my friend, the Senator from Minnesota.

Mr. HUMPHREY. I merely desire to add to the list of State legislatures which have acted, the House of Representatives of the Minnesota Legislature. As I pointed out a few days ago in colloquy with the junior Senator from Texas [Mr. DANIEL], 2 years ago the legislature of my State favored the Holland resolution. But after real debate in the legislature this year, the house of representatives, by a vote of 2 to 1, voted for the Anderson bill with the Hill amendment.

I also wish to point out that not once do I recall an attorney general of the State of Minnesota discussing this issue with the people. We have had some closed corporation, closed shop procedure, by which certain persons got together and said, "Let us see whether we superlegal minds can figure this thing out to take away submerged lands from the Federal Republic, the United States of America." But once the matter was brought to the attention of other attorneys—and we have a number of attorneys in our legislature, some of them very able, and some, indeed, very, very able—when they went into the legal issues of the case, what did they come up with? Also represented in the legislature are farmers, housewives, attorneys, and businessmen. Despite the fact that the leading political leaders of the State supposedly were in favor of the Holland resolution, the legislation of the State voted 2 to 1 for the Hill amendment.

I say that whenever these matters are brought to the attention of State legislators and the people, particularly the PTA, mothers, and fathers, who are concerned about the education of their children, believe me, they respond.

So we all owe a debt of gratitude to the Senator from Alabama for his work and leadership in this field, which have really brought the subject to the attention of the public, and, as the attorney general from Tennessee said in his testimony, have taken it out of the smokehouse. He referred to the fact that he hoped that no one would steal anything from their smokehouse; namely, that the Federal Government would not take away the rights of certain States. I submit that the smokehouse is where this matter was conjured up.

Mr. HILL. I thank the Senator from Minnesota for all he has said. I wish to express gratification for his having placed in the RECORD his statement of the action taken by the Legislature of Minnesota. I had heard of that action, but I am delighted to have the Senator's statement in the RECORD. It should be in the RECORD, and I am delighted that it will appear there.

Mr. FULBRIGHT. Mr. President, will the Senator yield so that I may ask one further question?

Mr. HILL. I yield to my friend from Arizona.

Mr. FULBRIGHT. From Arkansas.

Mr. HILL. I beg the Senator's pardon.

Mr. FULBRIGHT. I assure the Senator that I am not in the least offended by his mistake.

Mr. HILL. Both are great States. None is greater than Arkansas.

Mr. FULBRIGHT. I appreciate the Senator's compliment.

Mr. HILL. My friend, the Senator from Minnesota, suggests that the States are on an equal footing.

Mr. FULBRIGHT. There is one question that troubles me greatly, because some of the main advocates of the proposed legislation have in the past been identified with rather conservative views in our Government, both as to the substantive legislation and as a matter of procedure. The attorneys general supposedly are learned in the law. They are supposed to have been officers of the court. I assume they were, even though some may have been admitted by motion, just as the Senator from New Mexico indicated a moment ago he was offered that privilege by the attorney general of Tennessee. What disturbs me is that the rather conservative legal lights are advocating one of the most revolutionary principles I have come across. They are really ignoring the function of the Supreme Court and are advocating challenging the Court. In effect, the attorneys general are trying to reverse the Supreme Court. They are not willing to accept in good faith the

decisions of the Supreme Court and have been proceeding on the theory that, under the Constitution, only legislative functions are performed by Congress.

It seems to me that the approach of the advocates of the proposed legislation is a challenge to the very basic principle of the separation of powers in our Government. I am disturbed, to say the least. I do not understand how they can justify their approach to this subject.

Mr. HILL. I believe the Senator is correct. I have tried to draw attention to the very proposition the Senator has stated.

Furthermore, no Senator has devoted more time and attention or greater ability to the field of foreign affairs than has the distinguished Senator from Arkansas. I am sure that he realizes, perhaps better than do any of the rest of us, the full import of what the Holland joint resolution would mean so far as our foreign affairs are concerned, so far as our relations with other nations are concerned, so far as concerns our renouncing, as it were, the 3-mile territorial limit for the United States and pushing out to 10½ miles or heaven only knows how far. What would that mean?

As the Senator knows, this whole proposal is predicated not on the question of property rights, as we think of them, or proprietary ownership. The proposal, both with respect to the States in their ownership of the tidelands and ownership of the beds of inland navigable waters, as well as with respect to the rights of the Federal Government in submerged lands, turns on the question of sovereignty. The rights of the Federal Government in the submerged lands have been declared by the courts to be an inseparable attribute of national sovereignty. When we get out into the submerged lands, as I tried to show earlier, we are getting out into the international domain. We are getting out where we rub elbows with other nations, where we have contacts with other nations, and agreements or disagreements. We are getting into the field of the family of nations. One of the very purposes of bringing the Federal Union into being and drafting and ratifying the Constitution was that we might have a sovereign Nation to deal, on behalf of all the States and all the people of all the States, with other nations in the matter of international relations out in the international domain. Is not that correct?

Mr. FULBRIGHT. The Senator is entirely correct. It seemed very odd to me to find among some of the strongest advocates of this measure those who at other times have been more conservative in their views on the question of sovereignty and the question of our Constitution. Some of them have prided themselves on being constitutional Democrats. Yet when it comes to applying the Constitution specifically in these cases they are extremely radical, if not revolutionary.

Mr. HILL. The Senator is correct. As the Senator suggests, this is not an ordinary land matter, involving proprietary interests, or ordinary title, such as that involved in most transactions, in which some individual conveys property to another individual, or perhaps even involving the question of the Federal Government holding a proprietary ownership, and conveying land or holding land. This is a great constitutional question that we are discussing today.

I was referring to language in the case of Pollard against Hagen to confirm what the Senator has been saying, and what I have been trying to say. A right to the shore between high- and low-water mark is a sovereign right, not a proprietary one. By the treaties of 1803 and 1819, the treaties under which Alabama came into the Union, there is no cession of river shores, although lands, ports, and so forth, are mentioned. Why? Because rivers do not pass by grant. We do not make out a deed of grant to convey the title to a river or river bed, because, as the Court says, rivers do not pass by grant, but as an attribute of sovereignty.

The right passes in a peculiar manner. It is held in trust for every individual proprietor—that means every citizen—in the State or the United States. The word "State" is used because we are dealing with a State matter, namely, tidelands in the State of Alabama. This right requires a trustee of great dignity. Rivers must be kept open.

I emphasize the word "open." We talk about open seas, and so forth. When we use the word "open" in connection with waters in this connection, we are talking about the principle that rivers must be kept open. Rivers must be kept open, just as a street must be kept open, so that people may have ingress and egress to pass up and down the street, to go back and forth to work, and to attend to other business, including the many details of life that must be attended to. That is what we mean when we talk about a river or a road being "open."

We have had a great deal of discussion here about the open sea. What does that mean? What does the Court mean when it uses that term? It means open to you and me and every other citizen of the United States. It means that we may have free passage back and forth.

I realize that there is another connotation. Ordinarily, when most of us think about the open sea, we think about the vast Atlantic Ocean, in contradistinction to the Detroit River or some other inland river. But when the Court talks about the open sea, it means open to you and me and everyone else who wants to travel up and down that highway. In fact, the Court in one of its decisions draws an analogy between open water and an open highway, and says that a highway is a passage on land which is open, a passage where people may travel back and forth.

Sometimes, when we think about a highway, we may think about a four-lane road; but in the terms of the decisions of the courts, it does not necessarily mean a four-lane highway. The Senator from Arkansas and I have both sat around country stores in Arkansas or Alabama, and have heard someone say, as he rose to leave, when someone asked where he was going, "I am going on down the highway." Perhaps it was a very narrow, winding, country road. But it was a highway. It was open. He could go down that road. The Senator from Arkansas could go down it. Any other citizen could go up and down such a highway.

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

Mr. HILL. I yield.

Mr. FULBRIGHT. This is a thought which had not occurred to me until the Senator made the point. Suppose the Holland joint resolution were passed, granting these rights of ownership to the sea off Louisiana. Would the State of Louisiana then have the power to authorize obstructions at the entrance into the Mississippi River?

Mr. HILL. I must be perfectly frank and say, as the Senator knows, that the United States Government has the power over interstate commerce, which we usually speak of as navigation. I cannot believe that any court would hold that anything in the nature of a waterway would not be subject to the servitude of the Federal Government, and the right of the Federal Government to control and regulate interstate commerce or navigation.

Mr. FULBRIGHT. Is that sufficient assurance? The Supreme Court has already held three times that such lands do not belong to the States; yet it is proposed to ignore those decisions.

Mr. HILL. If Congress can overrule the Supreme Court on one issue, it can overrule the Supreme Court on another.

Mr. FULBRIGHT. If we are assuming authority to reverse or change a solemn decision of the Supreme Court in three cases, why can we not authorize the blocking of the entrance to the Mississippi River with derricks to extract oil?

Mr. HILL. If we can overrule the Supreme Court in one matter, we can overrule it in another.

Mr. FULBRIGHT. It is proposed to execute a quitclaim with respect to this land.

Mr. HILL. As the Senator says, if we disregard——

Mr. FULBRIGHT. What is to prevent the State from drilling wells at the mouth of the Mississippi?

Mr. HILL. If we were to disregard the decisions of the Court and say, "we overrule you; we will arrange matters the way we want to arrange them," the result might be what the Senator suggests.

Mr. FULBRIGHT. After the Supreme Court decided the question in the California case, Louisiana and Texas went ahead and granted leases, and proceeded just as though there had been no case in California.

Mr. HILL. They were parties to the California case. They came in as amici curiae, argued the case, and presented all the law they knew, and all that anyone else knew, that they could find. It was all presented to the Court, and after the Court rendered its decision in the California case Texas and Louisiana continued to make leases.

Mr. FULBRIGHT. And collect the money.

Mr. HILL. The Senator is correct.

Mr. FULBRIGHT. On the same theory, could they not erect huge derricks in the mouth of the Mississippi River? The Senator has seen many pictures of such derricks in the newspapers. If the State of Louisiana should erect such huge structures in the mouth of the Mississippi River, what could we do about it?

Mr. HILL. If the Congress does not overrule the Court, and see fit to take from the court its power of decision in these controversial cases, of course the Court would grant an injunction to stop any such thing as that, I take it. Then it would be up to the power of the Federal Government to enforce such an injunction.

Mr. FULBRIGHT. How could the Federal Government enforce it against a State, any more than it did in the California case? It found it rather difficult to enforce the decision in the California case. How does the Senator think it would be much more successful in enforcing such an injunction?

Mr. HILL. I believe such an injunction could be enforced.

Mr. FULBRIGHT. Does the Senator mean by using the Army?

Mr. HILL. After all, the Senator knows that one citizen can take another citizen's property, and the citizen aggrieved has to go into court in order to get his property back. Let us say it is personal property, and he has to replevin it, or something of the kind. It takes a little time to go into court and go through the procedures to get back the property.

Mr. FULBRIGHT. Does the Senator not recognize some difference between dealing with individuals and dealing with States?

Mr. HILL. Yes.

Mr. FULBRIGHT. It is rather difficult to enforce a claim against a State.

Mr. HILL. It is difficult, and I am glad the Senator is asking the questions he is propounding, because he is so well and so ably pointing out the difficulties, the problems, which will be presented if Congress sees fit to override the three decisions of the Supreme Court cited and shall pass the so-called Holland joint resolution.

Mr. FULBRIGHT. Will the Senator yield for one more question?

Mr. HILL. I yield.

Mr. FULBRIGHT. In my opinion, the theory of many of the advocates of the Holland joint resolution is basically false. The newspapers have given the impression that the land in the ocean belongs to the States, which is a challenge to the integrity of the Supreme Court. It seems to me the only permissible theory for civilized people living under our system to follow is the acceptance of the Supreme Court's decisions, then deal with the question of public policy as to what should be done.

The Chamber of Commerce issued a letter, which came to my desk in the last few days, referring to the submerged lands as belonging to the States. That is a revolutionary theory. They are simply saying, "Your Supreme Court has no longer any authority or power."

Mr. HILL. The Senator knows that is erroneous, but it is in keeping with much of the spurious data which have been given out on the question before the Senate.

Mr. FULBRIGHT. It is a dangerous theory to advocate if we expect to continue on a constitutional theory of government.

Mr. HILL. I thank the Senator for his views and I am grateful to him for the contribution he has made to my speech.

Mr. President, I was reading from some language to be found in the decision in the case of Pollard's Lessee versus Hagan.

Why is there no cession of river shores?

> Because rivers do not pass by grant, but as an attribute of sovereignty. The right passes in a peculiar manner; it is held in trust for every individual proprietor in the State or the United States, and requires a trustee of great dignity. Rivers must be kept open.

As I said, that is where we get the idea of "open river" and "open sea."

> They are not land which may be sold, and the right to them passes with a transfer of sovereignty.

This decision cites the case in 16 Peters 367, which is the Waddell decision to which I referred, the case involving Raritan Bay in New Jersey, a navigable bay.

> It follows from this decision that the rights over rivers became severed from the rights over property. In Pennsylvania, after the Revolution, an act was passed confiscating the property of the Penn family.

Senators recall, of course, that under Royal Charter most of Pennsylvania was given to the Penn family, and therefore they owned that property at the time of the Revolution.

> But no act was passed transferring the sovereignty of the State. The reason is that no act was necessary. Sovereignty transferred itself.

When we won the Revolution, the British Crown, George III, lost the sovereignty, and it was transferred to the original 13 States.

> When this passes, the right over rivers passes too. Not so with public lands.

But we are talking about waters. As I said earlier, I shall not undertake to read the language of the Court unless some Senator desires to have me do so, but the Court said in the California case that in the Pollard's lessee against Hagan case, and in the Raritan Bay case, one dealing with land under inland navigable waters, the other dealing with tidelands, the rationale was that the sovereignty of the State over those lands carried with it an attribute, and that attribute is the ownership of those lands.

The rationale of that case as applied to the international domain, or area, is that the sovereignty of the Federal Government has, as an attribute, the paramount right in the submerged lands underneath the international sea.

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

Mr. HILL. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Is it not a fact that up until very recently the theory as to the origin of this ownership, as distinguished from public lands, was recognized in the State of Texas? Texas listed its public lands until recently, and it never included the lands under the sea.

Mr. HILL. The Senator is correct.

Mr. FULBRIGHT. So that theory was accepted by Texas until recently.

Mr. HILL. The minority views contain a delineation of public lands by the Texas constitutional convention. The Senator will not find any reference whatever to submerged lands. He will find that the first time the submerged lands were ever listed by the official agency of the State government of Texas was as recently as 1941. By then they knew there was oil in Texas under the submerged lands, so that they began to list the lands. The resolution admitting Texas was passed by Congress in March, 1845, and Texas raised the Stars and Stripes in 1846. For 100 years we do not find in the records any listing by Texas of the submerged lands.

Mr. FULBRIGHT. As is set forth in the case just referred to by the Senator from Alabama, of course, the prevailing theory and the prevailing law are now as they were then, namely, that that land does not belong to Texas.

Mr. HILL. Of course, Texas had the paramount rights to that land when Texas was an independent republic with national sovereignty. However, when Texas entered the Union, she entered the Union, as the Court said, on an equal footing.

Mr. FULBRIGHT. Yes.

Mr. HILL. Of course, the situation in the case of "equal footing" is rather queer. In the case of the States which entered the Union following its formation, their rights to and ownership of tidelands and the beds of navigable rivers, bays, inlets, and so forth, are predicated and based upon the equal-footing theory. Just as the equal-footing theory has obtained for those States their rights to and ownership of the tidelands and the beds of the inland navigable waters, so—in the converse—the national sovereignty of the Government of the United States, as trustee for all the people in the national domain, is the basis, as the Senator from Arkansas knows, for the paramount rights of the Federal Government in the submerged lands.

Mr. FULBRIGHT. I should like to refer to another point, although I am sure the Senator from Alabama will cover it. It is already covered in the minority views. I believe it is quite reasonable to believe that the assertion of that right by Texas in 1941 was in response to the assertion by the United States that it had those rights; and the United States then directed the Attorney General to proceed to claim those rights for the United States.

Mr. HILL. Yes; and we heard a great deal about that matter. It was in August 1937 that the first official action regarding this matter was taken by any branch or department of our Government, and that was done when the resolution which had been unanimously reported by the Senate committee, was unanimously approved by this body, thus asserting the claim of the United States to these submerged lands, and directing the Attorney General to take action to press these claims on the part of the United States.

Mr. FULBRIGHT. If I may be permitted to say so, I should like to state that it seems to me that the point the Senator from Alabama has made has completely shown the lack of importance in the case of the theory of the traditional ownership of the submerged lands by any of these States.

Mr. HILL. I thank the Senator from Arkansas for the contributions he has made. They have been most helpful and very, very constructive and very fine.

Mr. President, when I first yielded to my colleagues, I was about to list some of the cases which have sustained the decision of the Supreme Court in the case of Pollard against Hagan. As I recall, that case was in 1845. It is interesting to observe how, ever since 1845, and down through the years, the Supreme Court of the United States has stood squarely and adamantly in support of its decision in the case of Pollard against Hagan.

I now list the subsequent cases:

Goodtitle against Kibbe, decided in 1850, and reported in volume 9 of Howard's Reports, beginning at page 471.

Den against Jersey Company, decided in 1853, and reported in volume 15 of Howard's Reports, beginning at page 426.

Mumford against Wardwell, decided in 1867, and reported in volume 6 of Wallace's Reports, beginning at page 423.

Walker against The State Harbor Commissioners, decided in 1873, and reported in volume 17 of Wallace's Reports, beginning at page 648.

San Francisco City and County against LeRoy, decided in 1891, and reported in volume 138 of United States Reports, beginning at page 656.

Knight against United States Land Association, decided in 1891, and reported in volume 142 of the United States Reports, beginning at page 161.

Shively against Bowlby, decided in 1894, and reported in volume 152 of the United States Reports, beginning at page 1.

Mann against Tacoma Land Company, decided in 1894, and reported in volume 153 of the United States Reports, beginning at page 273.

Mobile Transportion Company against Mobile, decided in 1903, and reported in volume 187 of the United States Reports, beginning at page 479.

United States against Mission Rock Company, decided in 1903 and reported in volume 189 of the United States Reports, beginning at page 391.

Port of Seattle against Oregon and Washington Railroad Company, decided in 1921, and reported in volume 255 of the United States Reports, beginning at page 56.

Borax, Ltd., against Los Angeles, decided in 1935, and reported in volume 296 of the United States Reports, beginning at page 10.

Of course, I do not know whether the Borax case related to the famous 20-mule team.

Mr. President, the decisions in all these cases confirm the decision in the case of Pollard against Hagan, and confirm the ownership of the States in the tidelands, in the same way that the Waddell case, to which I previously referred, confirmed the ownership of the States in the beds of the rivers and inlets.

Not only have the decisions in these cases again and again and again confirmed that ownership; but if we read the decisions of the Supreme Court in the California case, the Louisiana case, and the Texas case, we find that the entire purport and intent of those decisions, as was so clearly brought out yesterday by the able and distinguished junior Senator from New Mexico [Mr. ANDERSON] was to confirm the decisions in the previous cases, following the decision in the Pollard case.

I shall not now take the time of the Senate to read from the decisions in those cases; but yesterday the Senator from New Mexico in his very able address referred to the fact that not only do all the decisions of the Supreme Court which I have cited, prior to the decision in the California case, sustain the decision in the Waddell case, which relates to the ownership of the bed of the bays and rivers and inland waters, but they also sustain the decision of the Supreme Court in the case of Pollard against Hagan, which relates to the ownership by the States of the tidelands.

I am delighted to see that the Senator from New Mexico honors me at this time by returning to the Chamber, after being detained on important public business. Yesterday he read from the decisions in the California case and the other cases the very language used by the Court, showing the purpose and intent of the Court in its decisions to sustain and support the decisions in the other cases.

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

Mr. HILL. I yield to my friend, the Senator from New Mexico.

Mr. ANDERSON. Does not the Senator from Alabama think that one of the interesting points is that in some of those cases the philosophy behind the decisions, giving paramount rights to the States over their inland waters, was continued in the subsequent decisions of the Supreme Court?

Much has been said to the effect that the Supreme Court suddenly reversed its position, that after having held one way for a long period of time, it then began to hold the other way.

However, the actual fact of the matter is that the Court consistently followed a definite pattern; it continued to follow the pattern it earlier established in the Pollard case and the other cases to which the Senator from Alabama has referred.

I think that is very reassuring, because in the case of property rights, which frequently are dealt with by the Supreme Court, and with respect to which the Supreme Court is the court of last resort, certainly we find that up to the present time the Supreme Court has continued the line of reasoning it previously followed for many generations.

Mr. HILL. The Senator from New Mexico is entirely correct. As he pointed out yesterday, the decisions of the Supreme Court in the Louisiana, California, and Texas cases did not in any way raise any question about or cast any shadow on the two basic, landmark decisions I have cited, namely, the Court's decisions in the Waddell case and in the case of Pollard against Hagan. On the contrary, the decisions in the Louisiana, California, and Texas cases clearly confirm and ratify, as was so ably demonstrated yesterday by the Senator from New Mexico, the decisions by the Supreme Court in the Waddell case and in the case of Pollard against Hagan.

Mr. President, I do not wish to repeat what has already been clearly set forth. Therefore, I shall not read the decisions in those cases. Yesterday they were covered very thoroughly by the Senator from New Mexico, who cited the decisions to which I have referred, and showed how clearly and how absolutely the Supreme Court in its decisions in those cases confirmed its previous decisions to the effect that the ownership of the tidelands and the beds of the inland waters, bays, lakes, inlets, and rivers is absolutely in the States. Yesterday the Senator from New Mexico did such a fine piece of work in making that point so very clear that I shall not now take the time of the Senate to read again what the Senator from New Mexico yesterday so well brought to the attention of the Senate.

Mr. FULBRIGHT. Mr. President, will the Senator from Alabama yield to me at this point?

Mr. HILL. I yield to my friend, the Senator from Arkansas.

Mr. FULBRIGHT. I am not at all sure that the Senator from Alabama should not now read from those decisions, not because the Senator from New Mexico did not make the point clear, but because, as the Senator from Alabama well knows, many persons in the United States believe that the Supreme Court has reversed its position. Many persons have been so told by the Attorneys General and by others who support the same view, and have been told it day after day, in all sorts of pamphlets, broadcasts, and so forth. So I am afraid that a great many persons—whether they constitute a majority, I do not know—believe that the Supreme Court has reversed its previous position.

Does not the Senator from Alabama believe it is true that many persons take that view?

Mr. HILL. Oh, there is no doubt about that. The testimony of some of the Attorneys General, some of whom have been impeached, has been read here this morning by the Senator from New Mexico, particularly. They have made such suggestions time and again. The cases of California, Louisiana, and Texas, decided by the Supreme Court, have raised a doubt about ownership. They cast a shadow over State ownership. Why has it been said that the Supreme Court has reversed its position? It has been done deliberately, for the purpose of trying to get the inland States to join hands in this give-away proposition. The Senator is entirely correct about that. There can be no question about it.

Mr. FULBRIGHT. I think the Senator would be well justified in reiterating that to some extent. In some way or other the people of America ought to know what is being done to them by this proposed legislation.

Mr. HILL. I may say to my friend from Arkansas that I do not want to read the entire California decision. The Senator from California brought it out very beautifully in the excerpts which he quoted yesterday. He made it very definite and very clear that the Court, instead of in any manner raising doubts or questions, confirmed and ratified previous decisions of the Court on the question of ownership.

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

Mr. HILL. I yield to my friend from Oregon.

Mr. MORSE. I regret that I missed that part of the speech of the Senator from Alabama and I missed that part of the speech of the Senator from New Mexico. I wish the Senator from Alabama would digest it for me.

Mr. HILL. If the Senator is requesting me to read this whole case, I may say I do not care to do that at this time, since the Senator from New Mexico covered it so well yesterday. But I may say to my friend from Oregon that the Senator from New Mexico read to the Senate the language of these cases, confirming and ratifying the ownership of the States with respect to the tidelands and the beds of navigable inland streams. I think there can be no question about that, on the part of anyone who will read the cases. But that is the whole trouble. Instead of reading the cases to learn what the law is, our opponents are seeking to try their case all over again, to try it de novo, as though there had been no previous decision of the Court.

As I remarked earlier in my speech today, when one has three strikes against him, as our opponents have in this case, in the opinions of the Court in the California, Louisiana, and Texas cases, he is out. But they do not want three strikes only; they want a fourth strike. They want the Congress to overrule the Supreme Court.

Mr. FULBRIGHT. Senators really want a change made in the rules, do they not?

Mr. HILL. They want to change the constitutional law. As I have said time and time again, this question involves no ordinary rule of law. We are not here dealing with an ordinary rule of property law. We are not dealing with a question of ordinary law in the sense of ordinary proprietorship. We are dealing with a great question of constitutional law, a question upon which the Court has three times passed.

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

Mr. HILL. I yield.

Mr. MORSE. It is not only a case of wanting to change the rules, but also of wanting to change umpires, substituting a congressional or political umpire for a judicial umpire. Is not that correct?

Mr. HILL. That is correct, because, with all due respect to the Congress of the United States—and no one has greater respect and appreciation for the Congress than I—the Senate was set up as a political body. It is a political body. The original intent was that it should be a political body. The founding fathers in writing the Constitution provided that Members of the House of Representatives should stand for reelection every 2 years. At that time, as we know, the difficulties of transportation were very great. One could not travel by air or by streamlined trains. As a matter of fact, it then required more time for George Washington to travel from Mount Vernon to New York, to be sworn in as President of the United States, than it would now require to fly to California. The sessions of the Constitutional Convention did not begin on the date fixed by proclamation, because the delegates did not arrive on time, because the difficulties and handicaps, the barriers to transportation were so great that they could not do so. It was necessary to wait until such time as a quorum could be obtained, before convention could proceed to its work. So the Founding Fathers said the Congress should be a political body, political in the highest and best sense, responsible to the people. It was also provided that appointments to the Supreme Court should be nonpolitical. In order to insure that they would be nonpolitical, two things were done. They provided life tenure, subject to removal only through impeachment proceedings instituted by the House of Representatives, and trial by the Senate, requiring a two-thirds vote for conviction. No Supreme Court justice has ever been tried and removed. The justices were given life tenure, so that they might be absolutely independent.

The Founding Fathers did another thing. They included within the Constitution a provision, which is very interesting and to which some do not give much thought. They provided that the remuneration of a justice could not be reduced during his tenure of office. In effect, they said to the Senate, to the House of Representatives, and to the President, "We intend to make the Supreme Court independent. Not only are we going to provide life tenure for the justices, but we are going to guard against the possibility that, in retaliation for an unpopular decision, a whip might be held over them in the nature of a threat to reduce their compensation." The Founding Fathers therefore saw to it that the judges would be entirely independent.

Our opponents have had three strikes against them in the form of decisions from this independent judicial body, the Supreme Court of the United States, and they now seek to have the action of the Court overruled by a political body. They want the Congress to overrule our independent judiciary, in this case the Supreme Court of the United States.

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

Mr. HILL. I yield to my friend, the Senator from Illinois.

Mr. DOUGLAS. To carry out the baseball analogy still further, is it not true that the proponents of this measure not only want to change the umpire and not only want to provide for 4 strikes, but they also want to say that a foul ball shall be a home run.

Mr. HILL. The Senator is entirely correct.

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

Mr. HILL. I yield.

Mr. MORSE. Mr. President, in putting my question at the end of my comment, I wish to say for the record, in dead earnestness and sincerity, that the Senator from Alabama has just commented on what I think is one of the most vital principles connected with this question. It goes to the very essence of our American philosophy of constitutional government. It goes to the matter of a three-branch system of government with each branch coordinate and coequal. The word "coequal" needs great emphasis.

So that no Senator can raise a parliamentary point against me, I put my comment in the form of a question. Does the Senator from Alabama agree with me that there has been developing in this country in recent years a serious and, I say, dangerous trend, namely, that when various economic pressure groups seeking only to serve their selfish interests do not happen to like a decision of the United States Supreme Court which is rendered in accordance with our constitutional system of having the judiciary determine and protect property rights and personal rights, they undertake to use political pressure upon politicians in the Congress of the United States to get them to turn themselves into a political Supreme Court and to pass legislation which seeks to reverse the judicial decision of the United States Supreme Court? Has not the Senator from Alabama noticed that trend in recent years?

Mr. HILL. I should like to say to my friend from Oregon that he has placed his hand on what is a very definite trend.

Mr. MORSE. Does the Senator from Alabama agree with me that if this trend continues and the people of the country do not make clear to the politicians that they want it stopped, there is danger that the whole doctrine of separation of powers under the Constitution of the United States will be so weakened and endangered that we shall lose our coordinate, coequal, three-branched system of government and we shall have a system of government in which Congress becomes supreme, so far as the determination of rights in this Nation is concerned?

Mr. HILL. The Senator is correct. Earlier in my speech I stated that although we might not always agree with decisions of the Supreme Court, after all, the Supreme Court is a citadel to protect the rights of the people. What is there, after all, that would keep the Congress from passing a bill of attainder, which is an outrageous and abominable thing? If a great deal of pressure were brought to bear by special interests, what would become of the individual?

Around that great Court sitting yonder in the temple of justice the founders of this Republic, the authors of the Constitution, threw every safeguard and protection possible in order that it might remain free and independent, and might be, in truth, a citadel for the protection of the rights of the people.

What would the Bill of Rights be worth if its enforcement and the protection it affords were left to a political body? Would we not revert to those terrible times when men had no rights?

Mr. MORSE. I agree completely with the Senator from Alabama.

Mr. President, will the Senator from Alabama yield further?

Mr. HILL. I yield, but, first, let me say that those rights are worth little or nothing unless there be some strong arm to enforce them and to protect the people in their enjoyment. That is why the founders established the Supreme Court of the United States.

Mr. MORSE. The Senator is correct.

Mr. President, will the Senator from Alabama yield further?

Mr. HILL. I yield.

Mr. MORSE. Does the Senator from Alabama agree with me that in the history of the United States, when individual courts from time to time have rendered decisions which subsequent events showed to be erroneous, the judicial procedure contemplated by the Founding Fathers was for the courts to reverse themselves on the basis of able legal argument made in the sanctity of the courtrooms of America, and that they should not be reversed on the basis of political arguments made on the floor of the two Houses of Congress? Does the Senator agree with me that that is the proper concept of judicial reversal under the Constitution, if we are to protect the separation-of-powers doctrine?

Mr. HILL. The Senator from Oregon is a former dean of a great law school, the Oregon University Law School. He is a deep student of our constitutional system, a profound constitutional lawyer. I think he is absolutely correct.

Mr. MORSE. I plead innocent to the generous flattery of the distinguished Senator from Alabama, but if we are going to preserve for future generations of Americans the precious doctrine of the separation of powers, if we are going to protect the sanctity of the judicial system from political reversal of decisions, if we are going to keep faith with the constitutional theory that the place to reverse the United States Supreme Court is in the Supreme Court Chamber, by able legal argument, if legal counsel can show that the Court is in error, if we are going to keep that kind of a constitutional system, let me say that the joint resolution which is pending before the Senate ought to be defeated by this body by an overwhelming majority, because it is, in essence, an attempt at a political reversal of the United States Supreme Court.

I say with all solemnity on the floor of the Senate, that I think it threatens our very judicial system and the doctrine of the separation of powers.

I believe a continuation of the debate to a point where the American people will come to comprehend the basic constitutional issue involved will result in such a reaction across the country that the joint resolution will be defeated. We should take the time, irrespective of the pressure being put upon us by the majority leader, to make the facts known to the American people. I believe the separation-of-powers doctrine is being placed in jeopardy by this joint resolution.

Mr. HILL. I thank the Senator for emphasizing the importance of this debate. It goes to the very heart of our constitutional system. It goes to the question of our relations with other nations in this day and hour when we are trying our best to bring nations together, to effect a concord among nations, and to lay a foundation for the building of a permanent peace.

I thank the Senator from Oregon for his able and fine contribution.

Mr. HUMPHREY and Mr. ANDERSON addressed the Chair.

Mr. HILL. Mr. President, I now yield to the Senator from Minnesota, and then I shall yield to the Senator from New Mexico.

Mr. HUMPHREY. As the Senator from Alabama well knows, article III of the Constitution, in sections 1 and 2, sets forth the judicial powers of the courts, district courts, circuit courts, appellate courts, and the Supreme Court. I make note of the fact that the Senator from Oregon [Mr. MORSE] has stated it very forcefully and cogently, and it has been stated earlier in the debate by the Senator from Alabama. But I ask the Senator from Alabama to recall what he said about sovereignty when it comes to matters of international relations.

The Senator will note that under section 2 of article III the Constitution describes the judicial power, its nature, and extent. The first part of section 2 provides:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made or which shall be made, under their authority—

And so forth. In a separate paragraph in section 2, the Constitution provides:

> In all cases affecting Ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction.

Let me digress for a moment to note the kinds of cases in which the Supreme Court has original jurisdiction, where, again, the emphasis is upon the separation of powers, with original, exclusive jurisdiction being in the Supreme Court.

Ambassadors are symbols of the attributes of sovereignty. Am I not correct?

Mr. HILL. They represent the Chief Executive of the Nation, who in foreign affairs more nearly encompasses the sovereignty in international affairs.

Mr. HUMPHREY. In other words, the Executive, as head of the state, is symbolic of the sovereignty of the Nation state.

Mr. HILL. The Senator is correct.

Mr. HUMPHREY. The next category comprises "other public ministers and consuls," which again represents the symbolical attributes of the sovereignty of the Executive head of the Nation state.

Third, "And those in which a State shall be party."

That means where there is a conflict between the sovereignty of the State, on the one hand, and the sovereignty of the Nation state, on the other hand. The Federal system includes a dual sovereignty, namely, a sovereignty which is limited in the sense of the sovereignty of a State, and a sovereignty which is likewise limited in respect to the sovereignty of the Nation state.

I think the point about sovereignty which the Senator from Alabama has so well stated, and the point with respect to the jurisdiction of the Court and the integrity of the separation of powers which has been made by the Senator from Oregon [Mr. MORSE] bear well on this case. The place where the Constitution places responsibility for settling issues such as a conflict between the Nation and a State, not in a district court, not in a circuit court, but in the original jurisdiction of the Supreme Court of the United States. Surely that excludes the sovereignty of the Congress of the United States when there is a dispute between the powers of the Federal Government, on the one hand, and the power of a State government, on the other hand.

In conclusion, I submit that no matter what Congress may do, the Supreme Court will still have the final word. The Governor of Rhode Island has ordered the Attorney General of Rhode Island, in case the Holland joint resolution is passed and becomes law, to contest its validity in the Supreme Court. Congress cannot stop the Supreme Court from hearing the case or from accepting original jurisdiction and handing down a decision.

I remind Senators that when former President Truman exceeded his jurisdiction in the steel seizure case, some of the very Members of the Senate who today are trying to override the Supreme Court decisions in the oil cases were the very first to proclaim the authority and integrity of the Supreme Court in the so-called steel strike case. It simply depends upon whose ox is being gored, whose chickens are being snatched, or whose oil is being tapped.

I think it is about time to return this case where it belongs—to the courts—and not to fool around with it on the floor of the Senate.

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

Mr. HILL. I yield.

Mr. GORE. Does it not also depend on whose scalp is being taken?

Mr. HUMPHREY. I do not wish to mention anything more about scalps while I am standing alongside the Senator from Alabama. [Laughter.]

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

Mr. HILL. I yield to the Senator from New Mexico.

Mr. ANDERSON. I am very happy that there was an opportunity for the Senator from Oregon to express clearly, as he did, the real issue in this case, which is that an attempt is being made to override the Supreme Court of the United States, and that we are taking a brand new tack by trying to say that if we like a decision of the Supreme Court, as many people liked the decision in the Steel case, then it is wonderful; but if we do not like a decision, we pick up our marbles and say, "We won't play here any longer. We are going to change the rules of the situation in our own way and in our own halls."

I for one have always regarded the Supreme Court as a place where, if I were placed in jeopardy, I might be sure that the last, final answer I might get would be one based upon justice, and not

one based upon political expediency. I think the Supreme Court based its decision on justice in the Oil cases. The Court tried to give substantial justice, and it did so fairly. The very fact that the Court forgave millions of dollars of bonuses which had been collected, and forgave millions of dollars of rentals, was pretty good evidence of their desire to do justice. However, even after the Court tried to do justice, we still find some persons who are not satisfied. They say, "There is another court to which we can go, and, on the basis of political ballots, and we can get what we need."

I think that strikes at our country, and I am glad the Senator from Oregon praised the Senator from Alabama for his suggestion, because in this situation it has appealed most strongly to me.

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

Mr. HILL. I yield.

Mr. LEHMAN. It seems to me that if the theory with regard to the jurisdiction of the Supreme Court of the United States which has been expressed so ably by the Senator from Alabama, the Senator from Oregon, and the Senator from Minnesota is correct—and I am convinced that it is correct—does it not, in the opinion of the Senator from Alabama necessarily follow that if we pass the Holland joint resolution and give a quitclaim to the States, it will completely prevent the early development of the valuable oil lands, a development which is in the interest of the entire country, and which is so greatly needed today for the defense of our country and the defense of the free world?

Mr. HILL. Undoubtedly it will invite further litigation of all kinds. I have in mind particularly the resolution of the house of representatives of the legislature of the great State of Rhode Island. Such litigation would require time, and it would entail more and more delay.

I rejoice that the Rhode Island House of Representatives has passed a resolution on this subject. Surely if the Holland joint resolution passes, the questions involved should be considered by the Supreme Court of the United States. It is necessary to see whether those who seek the submerged lands for the States can have three strikes, and then return to the political arm of our Government to have a fourth strike, particularly when there is involved a great constitutional question such as is here involved, which might really—and I measure my words when I say this—go to the very essence of our Federal Government in its dealings with other nations, and might even lead to war. Nations have fought before over the question of boundaries, of territories, and of territorial waters.

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

Mr. HILL. I yield.

Mr. HUMPHREY. As the Senator from Alabama knows, Congress has some jurisdiction over the judicial branch in the sense that it regulates salaries and in the sense that it approves the number of courts that may be established. Wherever there are appellate courts and district courts, Congress has such control. Congress even has control of the salaries of members of the Supreme Court and of the number of Justices. But when it comes to an adjudication between a State or several States and the Federal Government, the Constitution precisely, concisely, and definitely provides that the Supreme Court shall have original jurisdiction.

Today in the Senate I utter a word of warning that if the power of the Supreme Court in its original jurisdiction between the Federal Government and State governments is altered, adulterated, breached, or abated by any action of Congress in a case such as this, those who today stand on this floor proclaiming States rights—and we have heard many speeches on the floor of the Senate about States rights—may very well find that they have set a precedent in the Senate to overrule our Federal system of government, a system which is protected by the 10th amendment to the Constitution.

The 10th amendment to the Constitution prescribes, in precise language, that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

I point out that the purpose of the original jurisdiction of the Supreme Court in cases involving the Federal Government and State governments was to protect the integrity of the Federal system. I remind the Senator from Alabama of the history of that particular provision, which is discussed in one of the Federalist papers. I cannot recall for the moment which one, but I shall obtain the citation.

I submit that those who are today hungry for the submerged lands on behalf of the States may find that by the action which they are trying to put through the Congress they will so completely weaken the powers of the court and respect for the decisions of the Court that the so-called States' rights doctrine will become a myth; and it will have congressional approval of its mythology.

The courts of the United States are the final bulwark in the protection of the Federal system. An Executive or a Congress may run rampant, but, thank God, we have judges on the Supreme Court who hold office for life, who are immune from political pressure, who are there to dispense justice after hearing the facts. I submit that the Court has ruled, as the Senator has so well put it in his analogy to a baseball game, "Three strikes and out." As our friend the Senator from Illinois [Mr. DOUGLAS] put it so beautifully, the principal rule change now being sought is a rule to make a foul ball a home run.

I have no further comment on the Federal system, except to bring it to the attention of a man who has spent a great deal of time in the protection of what he believes to be the legitimate rights of both Federal and State governments.

Mr. HILL. I thank the Senator for his contribution. Earlier in my remarks I sought to emphasize what the Senator has so well emphasized in his remarks. I deeply appreciate his contribution.

Mr. President, we were talking about how the Texas, Louisiana, and California cases confirmed the decision of the Supreme Court as to ownership by the States in tidelands and inland waters. I wish now to read one or two excerpts from those cases. I read first from the California case:

> Not only has acquisition, as it were, of the 3-mile belt been accomplished by the National Government—

It was accomplished under the leadership of Thomas Jefferson, as we have said time and again. He began that battle in 1793.

> 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 cites the case of *Jones* v. *United States* (137 U. S. 202); and the case of *In re Cooper* (143 U. S. 472, 502).

The Court continues:

> The belief that local interests are so predominant as constitutionally to require State dominion over lands under its land-locked navigable waters finds some argument for its support.

That confirms what was said about land-locked water. The interests of the State being paramount, the argument is for State ownership.

The Court continues:

> But such can hardly be said in favor of State control over any part of the ocean or the ocean's bottom. This country, throughout its existence, has stood for freedom of the seas, a principle whose breach has precipitated wars among nations.

A few minutes ago I said that we were dealing with a question so profound, so complex, and so far reaching that we might even be dealing with the question of war or peace.

The Court continued:

> The country's adoption of the 3-mile belt is by no means incompatible with its traditional insistence upon freedom of the sea, at least so long as the National Government's power to exercise control consistently with whatever international undertakings or commitments it may see fit to assume in the national interest is unencumbered.

The Court continues:

> The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interest of its revenues—

That is, its tariffs, its import taxes, and so forth—

> its health—

That is, to keep yellow fever, smallpox, typhoid, and other plagues from entering this country—

> and the security of its people from wars waged on or too near its coasts. And insofar as the Nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt, will most naturally be appropriated for its use.

That is, the Nation's 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.

Under our Federal system are Texas, Louisiana, California, and other States

to negotiate with other governments about the 3-mile limit, and what may be done within it?

As I have said time and again in this speech, one of the very reasons for formation of the Union was to have a single national sovereignty to handle international relations, in order that we might not have a land of what we might call Balkan States.

The Court continues:

> What this Government does, or even what the States do, anywhere in the ocean, is a subject upon which the Nation may enter into and assume treaty or similar international obligations.

The Court cites the case of *United States* v. *Belmont* (301 U. S. 324, 331–332).

Listen to this:

> The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.
>
> 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 separate governmental units.

If we have some question with Great Britain, we do not take it up with Wales, Scotland, or England. We take it up with the head of the British Government, representing all of the British Empire.

Listen to this:

> And as peace and world commerce are the paramount responsibilities of the Nation, rather than an individual State—

We do not look to Texas, Louisiana, or California to keep the peace for us. We look to the Government of the United States.

> So, if wars come, they must be fought by the Nation.

They must be fought by the leadership, the brains, the capacity, the Army, the Navy, and the Air Force of the Nation. They must be fought by all the agencies, engines, and resources of the Nation.

The court continued:

> The State is not equipped in our constitutional system with the powers or the facilities for exercising the responsibilities which would be concomitant with the dominion which it seeks. Conceding that the State has been authorized to exercise local police power functions in the part of the marginal belt within its declared boundaries, these do not detract from the Federal Government's paramount rights in and power over this area.

Then note these further words:

> 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.

The Court has again and again said, and once more in this case confirmed and ratified, that the States have the sovereignty over, and as an attribute of that sovereignty the ownership of the tidelands and the land in the beds of inland waters.

Mr. HUMPHREY. Mr. President——

The PRESIDING OFFICER (Mr. BEALL in the chair). Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. HILL. I yield.

Mr. HUMPHREY. I wish to have the Senator really nail down the last argument he has made, as we say, because it is very compelling and conclusive. The Senator has used words which have been employed again and again in the debate, for example, "boundaries," "submerged lands," "marginal sea," "police powers." But the real portent of what the Senator from Alabama is stating is that, regardless of whether a State may have a seaward boundary, regardless of whether it may exercise certain police powers, regardless of whether or not it may enjoy the rights and privileges of the outer sea and the marginal sea, and, despite the individual States' exercising and utilizing some of the privileges and prerogatives which may appertain in this marginal sea area, the paramount rights, the final dominion, jurisdiction, and ultimate control in this area, belong to the Nation and not to any particular unit in the Nation.

I believe, then, that we get this matter in proper focus, because I must confess that during the debate, as I have listened to the arguments on both sides, there have been times when I have been led to say, "The boundary, they say, is out here 3 leagues, or 3 miles," or "they fish, they canoe, they use yachts and boats." It is said, "The police power of the State extends this far out." But, as the Senator from Alabama is pointing out, while all that may happen, the truth is that by the very sovereign power of the Republic, the Nation State, in the relationships between one nation and another, as free and independent nations, the Federal Government, the central Government, has unique, paramount, overriding powers in the marginal sea, the open seas, and, of course, in the submerged lands, which are nothing more nor less than the bottom of the sea.

I think that if we get the picture in proper focus it really adds up, because it is an exclusive jurisdiction when and if the Federal Government wishes to make it exclusive. It can be a shared jurisdiction when and if the Federal Government wishes to share it in any such areas, but it cannot be shared insofar as our relationships with other nations are concerned.

Mr. HILL. The Senator is correct.

Mr. HUMPHREY. It looks as if the sky has opened up, and I have seen the truth, and I wish to say to the Senator that I have heard no better statement of the core of the argument, and the truth that is involved, than the Senator from Alabama has just expounded. He has been kind enough to bear with me as I have restated it for my own good, because it is by repetition that I learn.

Mr. HILL. I wish to thank the Senator from Minnesota for his confession of faith. He has stated the matter more clearly and more forcefully and more eloquently than I have been able to state it.

Mr. DOUGLAS. Mr. President, will the Senator from Alabama yield?

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

Mr. DOUGLAS. Is not the point which the Senator from Alabama has been developing, and which the Senator from Minnesota has just emphasized, borne out in the two fishing cases, Skirotes against Florida, and another case involving both South Carolina and Florida, in which the Supreme Court held that since the Federal Government had not made regulations regarding the taking of sponges and fish, respectively, and since there was a vacuum created in those regards, it was proper for the States to move into the vacuum so long as the vacuum existed, but that if the Federal Government wished to exercise jurisdiction over these fields, it could do so?

Mr. HILL. The Senator from Illinois is exactly correct. In other words, the paramount, supreme, and primary power is in the Federal Government, but if the Federal Government has not exercised its power, and does not see fit to exercise it, it is well and good for the States to act.

For instance, as we know, in the waters close to the shores, the several States exercise certain police powers. The United States Government has its Coast Guard along those shores. The Coast Guard is not only a great life-saving agency, it is also a political agency. But the fact that we have our Coast Guard there does not mean that we are not glad to have the State help police the area in regard to matters which may concern the particular State.

Mr. DOUGLAS. In the case just cited, the Supreme Court, upon motion of the executive branch, has decided that the Federal Government has paramount rights in ownership of and title to the submerged lands, and therefore the Federal Government has asserted and maintained its right, and there is no vacuum into which the State may move.

Mr. HILL. When the Federal Government went into the Court, through its duly constituted officials, the Attorney General of the United States and the Solicitor General, acting, I may say, under the inspiration and direction of a resolution passed by the Senate of the United States, the Federal Government then and there asserted its right and its power over the domain to which the Senator has alluded.

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

Mr. HILL. I yield.

Mr. LEHMAN. Is it not a fact that in the several decisions of the Supreme Court recognition has been given to the fact that the Federal Government has both paramount rights and full dominion? It is not one or the other; it is both, paramount rights and full dominion.

Mr. HILL. I am glad the Senator has raised that question, because much has been said about the Supreme Court merely talking about paramount rights. No one knew exactly what paramount rights were. I desire to nail this proposition down here by quotations from the Court.

I admit that the California decision, ably and beautifully written as it was, did not go quite so far in regard to this question as did the Texas case, and I

have no doubt the Texas case went further because, after all, Supreme Court Justices are human beings, and they read newspapers, and know what is going on. A great furor was being raised, and there was a storm about the fact that the Court had merely said "paramount rights," and nobody knew exactly what paramount rights were.

If one will consult any good law dictionary, such as Bouvier's, he will find that the word "dominion" means "perfect and complete ownership in a thing." Blackstone's dictionary says that in the old civil law the word "dominion" meant ownership in property in the largest sense, including both the right to the property and the right of possession or use. The Cyclopedia Law Dictionary states that "dominion" means "perfect and complete"—and notice the word "complete"—"property and ownership in in a thing." Then follows the definition a "Dictionary of English Law," where "dominion" is defined to be equivalent to ownership.

In its decision in the Texas case, the Court also said:

> But there is a difference in this case which, Texas says, requires a different result. That difference is largely in the preadmission history of Texas.
>
> The sum of the argument is that prior to annexation Texas had both dominium (ownership or proprietary rights) and imperium (governmental powers of regulation and control) as respects the lands, minerals, and other products underlying the marginal sea. In the case of California we found that she, like the Original Thirteen Colonies, never had dominium over that area. The first claim to the marginal sea was asserted by the National Government.
>
> * * * * *
>
> The "equal footing" clause, we hold, works the same way in the converse situation presented by this case. It negatives any implied, special limitation of any of the paramount powers of the United States in favor of a State. Texas prior to her admission was a republic. We assume that as a republic she had not only full sovereignty over the marginal sea but ownership of it, of the land underlying it, and of all the riches which it held. In other words, we assume that it then had the dominium and imperium in and over this belt which the United States now claims. When Texas came into the Union, she ceased to be an independent nation. She then became a sister State on an "equal footing" with all the other States. That act concededly entailed a relinquishment of some of her sovereignty. The United States then took her place as respects foreign commerce, the waging of war, the making of treaties, defense of the shores, and the like. In external affairs the United States became the sole and exclusive spokesman for the Nation.

In short, Texas gave away the right to make treaties with foreign nations, the right to levy taxes imposts and excises, the right to control interstate commerce, and other rights, although at the same time she obtained great benefits. As in the case of most contracts, considerations moved from both parties, so to speak. Texas gained great assets at the same time she lost some rights.

Then the Court said:

> We hold that as an incident to the transfer of that sovereignty any claim that Texas may have had to the marginal sea was relinquished to the United States.

Mr. President, there is the story. I could go on and on with it, of course. For instance, we recall that thereafter the Court said:

> We stated the reasons for this in *United States* v. *California*, page 35, as follows:

In other words, the reasons why the marginal sea was under the control, the rights and, really, the dominium of the United States, rather than of the States. The Court added:

> "The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interest of its revenues, its health, and the security of its people from wars waged on or too near its coasts. And insofar as the nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt, will most naturally be appropriated for its use. But whatever any nation does in the open sea, which detracts from its common usefulness to nations, or which another nation may charge detracts from it, is a question for consideration among nations as such, and not their separate governmental units. What this Government does, or even what the States do, anywhere in the ocean, is a subject upon which the Nation may enter into and assume treaty or similar international obligations. See *United States* v. *Belmont* (301 U. S. 324, 331-332). The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement."
>
> And so although dominium and imperium are normally separable and separate, this is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty.

So, Mr. President, as the Supreme Court said in its decision in the case of Pollard against Hagen, the ownership of the tidelands is an attribute of sovereignty of the States. As the Supreme Court has said, the ownership of the submerged lands is an attribute of sovereignty of the United States.

I am sorry that my distinguished friend, the Senator from Illinois [Mr. DOUGLAS], was not in the Chamber when I referred to the decision in the Pollard case, because from the decision in that case I read language regarding a subject we heard about the other day, namely, the open sea. The decision in that case makes it very clear that when reference is made by the Court to the "open sea," the Court is not referring to what we commonly conceive as a great body of open water, such as an ocean; but the Court means a body of water that is open to anyone for use, in the same way that an avenue is open to use. The Court draws a parallel between a water route and a highway. That is what the Court means when it uses the word "open" in that connection—not perhaps that such a body of water is not enclosed, in the way that one of our Great Lakes is enclosed within the land territory of the United States, but that the water is open, so that in a boat any person can travel on it as he pleases, up or down that highway. That is our right.

That is the fundamental basis upon which the Court in its decision in the Pollard case and in its decision in the Waddell case held that this ownership is an attribute of sovereignty. The Court held that it is an element or attribute of sovereignty, and that in that connection the National Government must protect the people of the Nation, so that no one will erect a fence or a bridge and then will say to all others, "You cannot come through here without paying me for the privilege of doing so."

Oh, no, Mr. President; the National Government holds the rights to that water and to the bed of that water, so as to make sure that it is open for use to every citizen. That is what is meant by the Court in its use of the word "open."

Mr. SPARKMAN. Mr. President, will my colleague yield to me?

Mr. HILL. I yield.

Mr. SPARKMAN. I am very happy the Senator is devoting the time he is to this discussion of sovereignty. If I correctly understand the 3-mile boundary, as it was originally referred to, it was for the purpose of enabling a country to maintain its sovereignty. In other words, that was a belt which was felt to be of sufficient width to enable the country to ward off any attempt of encroachment on the part of an unfriendly power which might seek to come to its shores. Is not that correct?

Mr. HILL. The Senator is absolutely correct. Let me say here that my eyes happen to fall upon the portion of the decision of the Supreme Court in the California case, where the Court said:

> 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.

I ask my colleagues to notice the use, at that point in the decision, of the word "vital." Could there be a stronger word in that connection?

Mr. SPARKMAN. After all, the word "vital" means "the very life."

Mr. HILL. Yes, "the very life." So here we are dealing with the life of the Nation.

Mr. SPARKMAN. Yes.

A few minutes ago the Senator was reading from the decision of the Supreme Court in the California case, at the point where the Court brought out that the preserving of that life is an obligation of the Federal Government, rather than of the States which might abut the particular area. Is not that correct?

Mr. HILL. The Senator is absolutely correct.

Mr. SPARKMAN. That is the very essence of sovereignty.

Mr. HILL. That is entirely correct.

Mr. SPARKMAN. That leads me to a question which I should like to ask, although I realize that my colleague, able lawyer and able analyst of constitutional law that he is, may intend to reach this point. However, this question has been considerably in my mind: Everyone concedes that the Congress of the United States can give away property of the United States, if it desires to do so, but does the Congress of the United States have the right to cede sovereignty and to cede this belt, or grant this belt, or

quitclaim this belt, whatever term may be used, or attempt to convey this belt, which allows the United States to maintain its sovereignty and to sustain its very life? Could such an attempt succeed, under the Constitution?

Mr. HILL. I am glad my colleague asked that question. I may say to him that further on in my remarks I intend to deal with that very question. But I may say briefly that I think there is a very serious doubt; and I place my opinion somewhat on the Illinois Central case. The State of Illinois, by reason of its sovereignty held as an attribute of sovereignty certain land in connection with Lake Michigan. The Court said that the State of Illinois could not cede, could not grant away this attribute of sovereignty. If Illinois could not grant away its attribute of sovereignty with respect to inland water, I do not believe the Federal Government can grant away its attribute of sovereignty in the international domain.

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

Mr. HILL. I yield.

Mr. SPARKMAN. A few moments ago, in addressing the Senator from Illinois, my colleague used the term "trustee." In the Illinois case, did not the court in effect hold that Illinois was a trustee for its its citizens?

Mr. HILL. That is correct.

Mr. SPARKMAN. And would not the United States be the trustee for all the citizens of the United States?

Mr. HILL. It would be a trustee for all of its citizens; that is correct. In the case of Pollard against Hagan, which was the basic case on the tidelands, as the Senator knows, and in the Alabama case involving Mobile Bay, the Court not only said that the State was the trustee, but also said that there must be a trustee of great dignity. In other words, what we are dealing with here today is not merely a question of giving an individual or to a group of individuals certain land or property, or something of that kind: We are dealing with a great fundamental constitutional proposition which goes to the sovereignty of our Nation and to the entire question of our rights in the field of international relations.

Mr. SPARKMAN. In all fairness, I may ask the Senator, did not the Attorney General of the United States so advise the committee when he appeared before it? Did not the Attorney General apparently take that line in his testimony before the committee?

Mr. HILL. The Attorney General was, in my opinion, in a most difficult position. He was in a most embarrassing situation. He was like the bride of only a few brief weeks, who was asked to stand out before all the world publicly and to repudiate the beloved bridegroom. Only a few days previously, he had been appointed Attorney General of the United States. The President of the United States, who had appointed him had made him Attorney General, amid the heat and stress and passions of the political campaign, without having had an opportunity to study this subject, had taken a position on this matter. Here was the Attorney General of the United States, a constitutional lawyer, as I judge he must be, for surely it is inconceivable that the President of the United States would call to Washington to become the Attorney General of the United States and chief law officer of the country, any man who was not well versed in constitutional law. Here was the Attorney General, trying to steer between Scylla and Charybdis, on the one hand the Constitution and great American systerm of government, which the Senator from Oregon so graphically and so eloquently depicted for us on this floor a few moments ago—here he was, trying to stand by the Constitution he had sworn to uphold and defend, and, on the other hand, trying not to repudiate, not to give offense to, not to do harm to the President who had appointed him Attorney General. Oh, my heart went out to the Attorney General. I knew what embarrassment he was in, because I had studied this matter, and I knew that every compass pointed in a direction opposite to the direction in which the President of the United States had committed himself to go. I remember, during a campaign in Alabama, a candidate for Congress was pictured with one foot on a horse going south, with the other foot on another horse going north. There he was, trying to ride those two horses, one going north, the other going south. And so my heart went out to the Attorney General of the United States.

Mr. MORSE and Mr. DOUGLAS rose.

The PRESIDING OFFICER. Does the Senator from Alabama yield; and, if so, to whom?

Mr. HILL. I yield first to my friend from Oregon.

Mr. MORSE. In asking my question I do so with a great hesitancy after the eloquence to which I have just listened. I think the Senator from Alabama is making one of the most eloquent pleas on the floor of the Senate this afternoon that I have ever heard in defense of the people's cause. But I want to ask a question in regard to the discussion the two Senators from Alabama had only a few moments ago on the question of sovereignty. Does the Senator, as a lawyer, agree with me that when any issue gets before a court, particularly when this issue in question gets before the United States Supreme Court—as I am sure it will—it must be considered in relation to operative facts? We do not find courts considering a problem in a vacuum, nor in a mere form of abstraction. Is not that correct?

Mr. HILL. The Senator is entirely correct, of course. There must be, I think the Court says, a justiciable issue presented to the Court.

Mr. MORSE. And when the Court comes to consider this problem of sovereignty, which the two Senators from Alabama have raised this afternoon, I venture the prediction that in their discussion of sovereignty in connection with the issue that will inevitably come before the Supreme Court in the not-too-distant future, if this measure passes, the Supreme Court will consider the question of sovereignty in relation to the operative facts which have been presented by this measure in terms of the land that is transferred. Is not that correct?

Mr. HILL. The Senator is, I think, entirely correct.

Mr. MORSE. So the issue of sovereignty will be in part considered in terms of the claims that were granted by the Congress and approved by the President, if the pending measure passes and the President signs it. The issues will have to be reviewed in light of the precedents of the United States Supreme Court on the question of sovereignty, of which the Pollard case is the mother case. Is not that correct?

Mr. HILL. The Senator is entirely correct.

Mr. MORSE. During the last session of the Congress, when this issue was before the Senate, in our division of work in that debate, I assumed the responsibility of discussing the Pollard case. I pointed out, as I shall do again when I give my major oration on this measure, sometime next week, that the Pollard case basically involves the issue of sovereignty in relation to State sovereignty, pertaining to rights over tidelands.

Mr. HILL. The Senator is 100 percent correct. I do not wish to go over it again, but the Senator from Oregon had to be off the floor for a few minutes. I read from the Pollard case a little earlier. I desire to reiterate a few words, if I may. The following language is found in that case:

> A right to the shore between high- and low-water mark is a sovereign right, not a proprietary one. By the treaties of 1803 and 1819—

Those are the treaties under which Alabama came into the Union—

> there is no cession of river shores, although land, forts, etc., are mentioned. Why?

Why no cession of shores? I read:

> Because rivers do not pass by grant, but as an attribute of sovereignty. The right passes in a peculiar manner; it is held in trust for every individual proprietor—

I think today the Court would use the expression "every individual citizen"—

> in the State or the United States and requires a transfer of great dignity.

Not by a mere human being who will pass on and whose importance may be great today and small tomorrow, but by a great government, such as the Federal Government or a State government.

Then the Court goes on to say:

> Rivers must be kept open—

We have heard much about what the Court meant by "open"—

> Rivers must be kept open. They are not land which may be sold and the right to them passes with the transfer of sovereignty.

That means that citizens can go up and down them like an open street or an open highway. The Court cites 16 Peters, the Waddell case, holding that the State has title to the bed of Raritan Bay. But listen to this, confirming what the Senator says:

> It follows from this decision that the rights over rivers became severed from the rights over property. In Pennsylvania, after the Revolution, an act was passed confiscating the property of the Penn family—

We recall that by the royal charter all the land in Pennsylvania was given to the Penn family—

but no act was passed transferring the sovereignty of the State.

When George Washington received the surrender at Yorktown we became a free Nation of 13 States, and there did not have to be a transfer.

Mr. MORSE. That is the essence of the case.

Mr. HILL. The court said that sovereignty transferred itself, and that when it passes, the right over rivers passes, too.

The court said:

Not so with public lands.

Showing the distinction between rivers and public lands. It is necessary to keep these waterways open. They are an attribute of sovereignty.

We heard much a few days ago about the Rodgers case. Does the Senator from Oregon know the locus of that case?

Mr. MORSE. No, I do not recall.

Mr. HILL. It was the Detroit River.

Mr. DOUGLAS. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. DOUGLAS. Is it not also true that it referred to a crime committed on board ship in the Detroit River, on the Canadian side?

Mr. HILL. It did indeed refer to a crime committed on the Canadian side, a violation of a criminal statute under admiralty laws, where a person attacked another person with a dangerous weapon. The question was whether the jurisdiction of the United States applied, since the ship was not within the jurisdiction of any one of our States, and, therefore, not within the police powers of any one of our States. The question was whether the jurisdiction and the police powers of the Federal Government extended to the ship so that the person who sought to attack the other person with a dangerous weapon could be tried on a criminal charge.

Mr. MORSE. Mr. President, will the Senator from Alabama yield further at this point?

Mr. HILL. I yield.

Mr. MORSE. Let me say that the discussion of the Pollard case by the Senator from Alabama is unanswerable. My last question to the Senator is this: Does he not agree that when the Court has before it a set of operative facts, it raises a question of whether the land involved is Federal land or State land? An act of Congress is not going to determine it, but the constitutional considerations of the meaning of Federal sovereignty will determine it. If the land falls within the meaning of Federal sovereignty, then the Senate of the United States has no power to tear up the Constitution of the United States and say that it can determine the sovereign rights of 160,000,000 people. That remains the function of the United States Supreme Court, does it not?

Mr. HILL. The Senator is 100 percent correct. There can be no question about that. I take it that when we take an oath to support and defend the Constitution of the United States we are not thinking only about the Politburo in Russia or some enemy from without; we are thinking also of domestic affairs which are covered by the Constitution of the United States.

Mr. DOUGLAS. Mr. President, will the Senator from Alabama yield at that point?

Mr. HILL. I shall be happy to yield to the Senator from Illinois.

Mr. DOUGLAS. Would the Senator be willing to have provided a little poetic relief from some of the constitutional questions which have been raised?

Mr. HILL. Yes.

Mr. DOUGLAS. The Senator from Alabama has described the very difficult situation of the Attorney General of the United States, an honorable and competent man, who was torn between the Constitution, going north, and political situations, going south. Did it not remind him of the words of George Meredith which popped into my mind when I heard the Senator describe that dilemma? Meredith said:

In tragic life, God wot,
No villain need be! Passions spin the plot:
We are betray'd by what is false within.

Mr. HILL. I thank the Senator for the poetic quotation. I felt that this speech, dealing with constitutional law questions, needed a little poetry. I recall that not many years ago some of us who had the honor of sitting in this body prided ourselves on the knowledge of poetry and of the great literature not only of this country but of the world. Some Senators often illuminated, brightened, and ornamented their speeches with apt and beautiful quotations. I recall that when I first became a Member of the House of Representatives one of the distinguished Members of the Senate was Senator Bruce, of Maryland, and when Senator Bruce was going to speak on the floor of the Senate, if there was any way for me to get away from my duties in the House, I would come to the Senate to hear him, because no man was better versed or more gifted with apt quotations and beautiful poems than was the Senator from Maryland. His speeches were studded with gems from great poets and great writers in our literature and the literature of the world.

I thank my distinguished friend from Illinois for the contribution which he has made.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. HUMPHREY. May I say to the Senator from Alabama that when we discuss the topic of submerged lands it is like Pandora's box. When we open it, something else pops out. I took a quick look into the index of the hearings and again reviewed the testimony of Mr. Brownell. On page 925 of the hearings there is most revealing testimony, in the light of the joint resolution which came out of the committee. Here was the chief legal officer of the Government of the United States. His dilemma has been appropriately described, and I do not think anyone could more appropriately describe the very paradoxical and peculiar situation in which he found himself in trying to serve two masters, the head of a political party and the Constitution of the United States. I should like to point out that when he testified he apparently was received cordially. Great respect and dignity were accorded to the gentleman.

Mr. HILL. As there should have been.

Mr. HUMPHREY. Yes; but the joint resolution has no relationship to the testimony. The committee pursued their course, the Attorney General notwithstanding. The Attorney General made it quite clear that he did not wish to see the Federal Government lose ownership of the submerged lands. He had a convenient gimmick. His opening statement is very short, comprising about a page and and half or 2 pages of the hearings. He pointed out:

For the purpose of minimizing constitutional questions—

The Attorney General is a shrewd man. He knows what is coming. He sees full employment for every lawyer in the country. He said:

For the purpose of minimizing constitutional questions I consider it of primary importance that any statute combine a program (a) authorizing the States to administer and develop the natural resources from the submerged lands within a line marking their historic boundaries with (b) specific authorization to the executive branch of the Federal Government to develop the lands outside of that line.

I may say to the Senator from Alabama that those two precise, definite admonitions shed a little hope as to minimizing the constitutional questions which we know will arise as surely as the dawn. He advised the committee, but one can look through the joint resolution from now until the 4th of July—and we are likely to be looking at it for that length of time, if these questions become any more complicated—and he will not see where the Attorney General's advice was followed. There is no specific provision in the joint resolution for the Federal Government to develop the Continental Shelf. There is provided a quitclaim to the property. The Attorney General advised, first, that the Federal Government should have absolute, sharp, and precise authority for the development of the Continental Shelf. Second, he advised that the States should not be given ownership.

So the committee, first, ignored three Supreme Court decisions. Not only did they reject the constitutional precedents as established by the court, but here was a brand new, fresh, untainted Attorney General, having new ideas and a new mandate, coming before the committee, being treated well with respect and dignity, and the committee said, "Goodbye."

All that is necessary is to read the colloquy in the hearings from that point forward, and it will be seen how unhappy some people were. "Unhappy" is hardly the word, because what Mr. Brownell, as Attorney General, proposed was not only ignored; it was unpalatable. The committee did not even want to taste it, because the Attorney General was too wise a man to sacrifice what the Senator from Alabama has described

today, namely, the sovereignty of the United States.

The Attorney General tried—oh, how he tried—to steer the course which the Senator from Alabama described. But when he had concluded, he found himself in the inevitable trap of trying to be able to placate and please, on the one hand, those who wanted to get the resources from this land, and, on the other hand, the citizens of the United States.

I submit that the Attorney General took an oath to defend the Constitution; he did not take an oath to be able to help, by some sort of gyrations, those who desired to become great political artists in a most difficult case. I advise everyone to read that particular testimony.

My only question is, Can the Senator from Alabama point to anything in the testimony of the Attorney General which denies the supreme sovereignty of the Federal Government in external affairs or in the open seas or the marginal seas?

Mr. HILL. I can point to nothing at all. As the Senator suggests, when the Attorney General came before the committee and had to be faithful and loyal to the Constitution, as he was—and I commend him for his position—the committee proceeded to wash their hands of him, turned their backs on him, and said to him, "We will have none of that."

In that connection the Senator from Minnesota has given me a thought. It will be very interesting to note the kind of memorandum the Attorney General may send to the White House for the Chief Executive if and when the joint resolution is passed. As I understand, it has been the custom heretofore, when a joint resolution of this nature is passed, and before the President of the United States signs it or vetoes it, to have the Attorney General submit a memorandum with respect to the measure. I shall be very much interested, and I am going to watch with great alertness if the joint resolution is passed, to see the kind of memorandum the Attorney General sends to the White House. I shall request a copy of the memorandum.

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

Mr. HILL. I yield to my friend from Illinois.

Mr. DOUGLAS. Just as the Senator from Alabama in classical language has shown the dilemma of the Attorney General as being between Scylla and Charybdis, and just as the Senator from Illinois has tried to illustrate poetically the difficulties of the situation, could not the dilemma also be illustrated by a quotation from the New Testament, namely, our Saviour's statement:

> No man can serve two masters.
> Ye cannot serve God and mammon.

Mr. HILL. The Senator is absolutely correct. That is the position in which the Attorney General of the United States found himself. Whom would he choose? Would he choose Caesar or the Lord? Am I not correct?

Mr. DOUGLAS. The Senator is correct.

Mr. HILL. The Attorney General has already given his testimony. If the joint resolution should be passed, he will have to write a memorandum and sign his name to it. He might be asked, "Under which banner do you stand? With whom are you standing? Are you standing with the Lord or with Caesar?"

It will be most interesting to observe what he says.

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

Mr. HILL. I yield.

Mr. HUMPHREY. I am not either in the mood or intellectually equipped to quote classical gems similar to those which have been recited this afternoon. But in my State, we would simply say that the Attorney General was in a heck of a fix. He tried to do his best to get out of it, but in the course of trying to get out of it, by trying to satisfy everyone, he satisfied no one. That is exactly what the situation resolves itself into. The Attorney General did not satisfy the Senator from Louisiana, the Senator from Texas, or the Senator from Florida. He satisfied no one. He has not satisfied the Senate.

I, too, will be interested to observe the word which will be used to describe his action. Formerly when we really wanted to confuse anyone, we used language which was called "gobbledygook." I wonder what kind of new word, similar to "gobbledygook," will be used to explain a position that is contrary to terms of the joint resolution.

But perhaps the joint resolution will not be signed. There is a ray of hope.

Mr. HILL. Is the Senator saying, as lawyers say, "How shall he confess and avoid?" Is that the idea?

Mr. HUMPHREY. The Senator is correct.

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

Mr. HILL. I yield to the Senator from New York.

Mr. LEHMAN. If this measure is enacted, I do not know whether or not the President will sign it. However, I may say to the distinguished Senator from Alabama that if the people of the United States knew what was contained in the joint resolution, and knew the consequences and dangers to which we should be subjecting ourselves by reason of the great losses that would inevitably follow its enactment, they would rise in their wrath and would direct their representatives in Congress, whether in the Senate or the House of Representatives, to vote against the joint resolution. That is why I am so happy that the Senator from Alabama, and other colleagues in the Senate, are placing the facts before the people for the first time. I am sure that if the people really understand the facts, implications, and consequences, we shall win, and the joint resolution will be defeated.

Mr. HILL. I thank the Senator. I think he is absolutely correct. I know of no better evidence of the fact that he is correct than the fact that within the past few weeks bodies of the legislatures of the several States, such as Rhode Island, Tennessee, Arkansas, Arizona, and Mississippi, have acted, protesting the passage of the joint resolution and urging that it be not passed, and that Congress follow the constitutional way, the wise way, the constructive way, the way of the statesmen, and pass the Anderson bill with the aid-for-education amendment.

I was reading excerpts from the decision in the California case. I shall not continue, except to read one sentence, which I think is very significant. I commend it to the consideration of Senators:

> We know not what tomorrow will bring.

Just think of the men who sat in the Senate in the early days—how little they could conceive of a constitutional debate such as we have had, over a question such as this. How little they could have conceived of such a question. So how can we project our minds into the future? How can we know what tomorrow will bring?

So I read this as the last sentence I shall read at this time from the California case:

> The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.

Who knows? I do not want to anticipate what I shall say, but in a few minutes I shall go into the question of the value of the oil. I shall speak of the oil which may be found off the coast of Alaska. When we think about international questions, does not Alaska bring to the mind of Senators a very special picture? It lies in close proximity to the shores of Communist Russia. Shall we do something here now which might encourage, precipitate, or hasten some dispute which might lead to a dread catastrophe in our relations with Communist Russia?

We know not where this action may lead us. We know that the only wise course, the only safe course, is to hold fast to the Constitution of the United States. Whenever we do violence to that great document we invite trouble; we invite disaster.

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

Mr. HILL. I yield to my colleague from Alabama.

Mr. SPARKMAN. This may not be relevant at this particular time, but I happened to think of it because the Senator mentioned the possibility of oil off the shores of Alaska.

Of course, it is generally believed that Hawaii may become the 49th State. I am not sure as to the exact mileage from one end of Hawaii to the other, but I understand that it may be something like 1,500 miles from the uppermost tip of the northernmost island to the southernmost tip of the southern island. Where would the line come, as affecting the State of Hawaii?

Mr. HILL. I am not sure that anyone could tell where the line would come. The Senator by his question poses one of the very problems which this measure raises. Who knows where the line would be?

Mr. SPARKMAN. It would lead to endless litigation, would it not?

Mr. HILL. The Senator is absolutely correct. No one can tell where the line might come.

I am glad the Senator asked that question. He has pointed out one of the

many difficulties which we invite, one of the treacherous problems which we take to our bosom if we pass the pending joint resolution. The very question the Senator asks might turn out to be an adder which we are taking to our bosom.

Up to the present time in my address, insofar as I have not incidentally discussed other matters, we have shown that any attempt by the Congress to confirm the titles of the respective States to the tidelands and the beds of navigable inland waters such as bays, rivers, and lakes within their respective boundaries, would be sheer surplusage, since many Supreme Court decisions—and I have adverted to many of them—have given to the States titles respecting these categories of submerged lands a degree of certainty that is hardly matched anywhere else in the whole field of constitutional law.

I ask my distinguished friend from Oregon [Mr. MORSE], former dean of the University of Oregon Law School and a great constitutional lawyer, if he knows of a decision in any case in our constitutional law which is a better, more profound, more Gilbraltar-like landmark decision on any question, than is the case of Pollard's lessee against Hagan on the ownership of tidelands.

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

Mr. HILL. I yield.

Mr. MORSE. Dissenting only from the Senator's personal references to the Senator from Oregon, the Senator from Oregon wishes to respond to the question by saying that he thinks the Pollard case is one of the great hallmarks of the constitutional decisions of the Supreme Court in the whole field of sovereignty. I venture the prediction that when the United States Supreme Court comes to pass upon the constitutionality of this measure it will not be able to sustain it from the standpoint of its sovereignty implications.

Mr. HILL. I thank the Senator. I wish to express to him my appreciation for his very splendid contribution. I think it is important, as we go along in the debate over this question and the discussion of the joint resolution, not to neglect the great constitutional arguments involved. As I see it the tragedy—and I emphasize the word "tragedy"—is that instead of reading these cases and studying them, recognizing the constitutional questions involved and the decisions as to those constitutional questions, the proponents of the joint resolution have busied themselves with sending out all kinds of propaganda and disseminating all kinds of spurious data over the land in an effort to decide this case de novo, so to speak, in the Congress of the United States, as though there had been no Supreme Court decision, and as though under the Constitution it were our duty, rather than the function of the Supreme Court, to decide this case.

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

Mr. HILL. I yield.

Mr. MORSE. I wonder if the Senator agrees with me that one of the great problems we seem to have in the United States today so far as public opinion is concerned is a failure on the part of the American people fully to appreciate the relationship between their basic sovereign rights, their basic constitutional rights, their basic procedural rights, and the various prizes which political groups hold out to them to induce them to sell their great constitutional birthrights for a little materialistic gain, whether it be oil lands or an attempt to take the public domain away from the people of the United States and turn it over to selfish interests which would exploit it, or whether it be a plausible but dangerous proposal to sacrifice the heritage of the American people in their ownership of the streams of America, with all the potential kilowatts of power to be found in those streams, and turn it over to the private utility monopolies? We already hear whispered proposals to take thousands of acres of the very valuable shale land now on the public domain and turn that property, belonging to all the people, over to private selfish interests in the name of private enterprise. Likewise, other proposals are made, such as the Hoover proposal the other night, to turn the people's property in Federal power projects over to the private utilities.

I say that no matter what the selfish proposals may be—and they are many, and they seem to be growing in number week by week, so far as this administration is concerned—nevertheless, the duty which the Senator from Alabama, the Senator from New York, the Senator from Illinois, the Senator from Oregon, and all others Senators have is to stand here and protect the basic principles of a constitutionalism so precious to the welfare of our people, and, irrespective of the criticism which may be aimed at us from time to time, to stand up against proposals which place materialistic values above the value of perpetuating our constitutional form of government.

Does not the Senator agree that that is the challenge which is facing us on the floor of the Senate this afternoon in connection with the pending measure?

Mr. HILL. I agree thoroughly with the Senator from Oregon, and I wish to thank him for saying what he has said. He has given expression to a most important and timely thought.

I wish to add that if the people are not so sensitive as we would like to have them be about many of these matters, if perhaps they are not so conscious of the import of these matters or the consequences which may ensue, it is because in many instances they have been bombarded with all kinds of partisan, selfish, misleading, spurious propaganda. Many times they have not been given the true picture.

I say to the Senator from Oregon that I fully share his feelings—and I know his feelings are deep—that we as Senators of the United States have a very definite responsibility and duty to stand on this floor, and to stand in every other forum that may be available to us, to give the facts and proclaim the truth to the people of the United States.

Let me add that I have been in Washington for a long time. I came here in what were thought to be the halcyon days of Coolidge and Hoover, those old days when everybody thought that everyone was prosperous. Yet there were great questions before us then, just as we have them before us today, and the majority was overcoming the minority. There was a stampede to take care of the favored ones. But I saw a few Senators, notably, that great old roman from Nebraska, God bless him, George W. Norris, stand on the floor of the Senate and meet all the hosts of greed and selfishness. George Norris stood single-handed, alone, and fought the exploiters and the robber barons. Because of the battle he waged, today we have the great Tennessee Valley Authority in my State, and in 6 other States, with all the manifold benefits and blessings that institution has brought, not only to the people of the Tennessee Valley, but to all the people of the United States from Maine to California.

He stood here year after year fighting what seemed to be a hopeless, oh, such a desperate battle, yet he had the courage and the will and the dedication to fight that battle, and because he did fight it, the people of the United States were finally enlightened as to the facts, as to what was involved in the great struggle, and in the end, the people, through George Norris and his leadership, won the battle fought with the selfish interests of the country.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER (Mr. JENNER in the chair). Does the Senator from Alabama yield to the Senator from Oregon?

Mr. HILL. I yield.

Mr. MORSE. I wish to commend the Senator from Alabama for the great tribute he has just paid that great liberal conservationist, George Norris. Does the Senator agree with me that in our day in the Senate we now have the obligation to fight to protect and preserve the great accomplishments of George Norris? There are voices in responsible positions in American Government today who are trying to sell the American people the political soap that such great Federal projects as the Tennessee Valley Authority constitute creeping socialism, and that we ought to turn those great projects over to so-called private enterprise. What they mean is the monopolistic control of selfish private utilities which want the consumers to pay tribute to the monopolies. Does the Senator agree?

Mr. HILL. I agree with the Senator, and I wish to say that a few minutes ago I read the language of the Court in which the Court said that the contest today is over royalties, but tomorrow it may well be over some other thing.

That brings to my mind the thought that when George Norris was standing on this floor fighting the battle to save the great power in the Tennessee River for the people, for the United States of America, he could not foresee that because of his battle and his devotion and his efforts we were to develop that power and make it possible for us to produce most of the aluminum which went into the airplanes with which we defeated the tyranny of Hitler and of the Japanese war lords.

I am quite certain that George Norris went to his rich reward never having heard of atomic energy. He knew nothing of atomic energy. Yet because he had fought his battle on the floor of the Senate, because he had saved that great

heritage which God Almighty had given to the people of the United States, the power was there in the Tennessee River, making it possible to establish the Oak Ridge plant, which is one of the great, basic, fundamental plants for the development of the atomic bomb.

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

Mr. HILL. I yield.

Mr. MORSE. Again I wish to associate myself with the observations the Senator has just made with regard to the significance of the work of George Norris. I share his views about the great record of Norris, and that is the reason why I am in the course, week by week, of delivering on the floor of the Senate a series of 12 speeches dedicated to the great liberal from Nebraska, who I think left a great monument of service in protecting the interests of the people of the natural resources of the United States.

My question is, Does the Senator from Alabama agree that if the people of the United States desire to protect and preserve their natural resources, and the national defense which goes along with and arises out of the natural resources, they had better pay attention to the facts which are being brought out in just such a debate as this one on the submerged lands measure, because it deals with one of the last great defense reserves remaining in the possession of the people of the country, namely, the last great oil reserves?

Mr. HILL. The Senator from Oregon is absolutely correct. Later in my remarks I shall deal with that question.

The Senator from Oregon knows that today oil is indispensable to any national defense machine, whether it be a bomb-carrying airplane or a tank or a ship or a submarine. After all, a bomb is as worthless as a zero without a rim around it, unless there is an airplane to carry that bomb. Is not that correct?

Mr. MORSE. Of course that is true.

Mr. President, will the Senator from Alabama yield further to me?

Mr. HILL. I yield to my friend, the Senator from Oregon.

Mr. MORSE. Does the Senator from Alabama share the view that one of the great acts of statesmanship of the preceding President, Harry Truman, was the action he took in the closing days of his administration, when he issued the order which placed the lands in dispute, the lands involved in this joint resolution, under the jurisdiction of the United States Navy, to be maintained by the Navy as a great oil reserve in our national defense program?

Mr. HILL. I do, indeed. As I have said, later on I shall treat with the question of national defense.

We know that today we are importing more than one billion barrels of oil every day; and we know that if Russia were to obtain control of the oil in the Middle East, all the productive machinery of Europe would be worth nothing, for then it would be imposible for the countries of Europe to operate that machinery. That would then be the sad state of affairs in Europe, despite the fact that our Nation has spent great sums of money in helping build up the industrial capacity of Europe. But none of Europe's engines of production could operate without oil.

Mr. President, in my opinion never before have we been faced by so dangerous a threat or by so implacable and dangerous foe. Yet now it is proposed that we give away this precious oil, one of our most precious resources, without which we would have no assurance that we could defend ourselves in case of war.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield to my friend, the Senator from Oregon.

Mr. MORSE. Is the Senator from Alabama aware of the fact that, for example, in my State of Oregon the Federal Government has title to a great many thousands of acres of forest land?

Mr. HILL. Indeed, I am aware of that. I wish to say to the Senator from Oregon that I have had the pleasure of visiting some of those forest lands. My trip there was not only delightful, but I would say that it was awe-inspiring. It was most thrilling to see those magnificent trees. So magnificent are they, that when one drives through those forests, one is almost compelled to say, "Stop this car"; there is an almost irresistible desire to stand amid those mighty sentinels of the forest and thank Almighty God for them.

Then one is suddenly pulled up sharply, almost as sharply as if by a lasso, by the dreadful thought, "What would happen to these trees if they were removed from the trusteeship of the Government of the United States, and were made subject to exploitation, depletion, and destruction by selfish hands?"

Mr. MORSE. Mr. President, I wish I had the ability to express my feelings as I go through the great virgin forests of my State, in the way the Senator from Alabama has expressed his feelings, as he has related his experience in taking a trip through my State.

I was very glad to have him, in recounting his experience, mention the Creator, and the fact that when he visited those forests he felt close to the Creator. I believe he implied that in his remarks. That is the feeling I have every time I visit those forests, and I certainly share my colleague's concern with respect to the great loss our people would suffer if a conservation program for those forests were not maintained.

Let me say that the State of Oregon receives only a very small percentage of the Federal Government's income from those forests. Does not the Senator from Alabama believe that if the pending joint resolution is enacted into law, I shall be presented with the problem of determining whether I owe it to the people of my State, as one of their representatives in the Senate, to do what I can to obtain for them, not the small percentage they now receive of the income the Federal Government derives from these Federal timberlands, but 100 percent of the income, minus the administrative costs?

In fact, I suppose there would be those who would say that I owed it to the people of my State to do what I could to have those lands transferred outright to the State of Oregon.

Does not the Senator from Alabama agree that that problem would be presented?

Mr. HILL. Of course the Senator from Oregon would be faced with that problem, as would every other Senator representing a State having great forests or a State having public lands or a State having mineral deposits or other great natural resources. All Senators from such States would be confronted with a demand to obtain those properties for their States, if this joint resolution were enacted into law. Following the enactment of the pending joint resolution, that situation would certainly develop, as surely as night follows day.

Mr. MORSE. In other words, the constituents of those Senators would demand that they also reach into the grab bag, would they not?

Mr. HILL. Yes; certainly the Senator from Oregon is entirely correct. The people of Oregon would say to the Senator from Oregon, "Why have you not reached your good, long arm into that grab bag? We know how strong and powerful your arm is. Why have you not reached into that grab bag for us?"

Mr. DOUGLAS. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield.

Mr. DOUGLAS. Would not that situation lead to the Balkanization of the United States of America?

Mr. HILL. It certainly could lead directly in that direction.

Mr. LEHMAN. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I was going to refer to what happened to our forests; but at this time I yield to the Senator from New York.

Mr. LEHMAN. Mr. President, New York does not have the great forest reserves or the great mineral resources which are possessed by many of the western States or many of the other States. But New York State has a great interest in the development of the Nation as a whole, particularly the development of the great power resources of the Southwest and Northwest. New York has always been willing to do more than its share. As I have often said on the floor of the Senate, the people of my State believe as I do, which is one of the reasons why they have sent me here, that what is good for one part of the country must necessarily be good for the country as a whole.

If this grab bag develops, as it will, all Senators will be placed under the pressure to which my colleagues have referred. If great natural resources are turned over to certain States, then the people of the other States, including the people of New York State, will say, I am convinced, "You have taken away from us the enjoyment of the natural resources of the country to which we are just as much entitled as are the people of Oregon or the people of Texas or the people of Florida or the people of Louisiana or the people of California. You have taken those away from us against our will, and therefore we are not going to continue to contribute the amount of money we have been providing for the

development of the country. You cannot take away from a State—any State—great natural resources without paying the price for that action."

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

Mr. HILL. I yield to my friend from Oregon.

Mr. MORSE. I want to join immediately in approval of what the Senator from New York has just said, and I should like to take just a minute to apply what he has said to the problem in my State. It is equally applicable to other States in which natural resources are found; but I am perfectly willing to limit its application, for the moment, to my State.

I raised this point a moment ago with the Senator from Alabama in order that this RECORD might disclose for future reference what the problem is today. Of course, the State of New York and other great eastern States have spent millions of their taxpayers' dollars on the natural resources of the great western States, including, for example, some of the lands, which really when we think of the Federal jurisdictions concerned, are involved in the pending measure.

Let me say to the Senator from New York, I have taken this position as a Senator from Oregon, though not for Oregon in the first instance, but as a Senator from Oregon for the Nation. I ran for the United States Senate in two campaigns upon the pledge that I would sit in the Senate in a dual capacity, so to speak, and desired the people of Oregon to vote for me only if they wanted to send me to the Senate of the United States as a Senator for the Nation; for that is what the constitutional fathers intended when this legislative body was created.

In 1950 my opponents thought they were going to defeat me on the so-called tidelands issue. They quoted all over my State, night after night, and day after day, in a hot campaign, the statements I had made on the floor of the Senate against the so-called tidelands measure. I said to the people of my State in that campaign, in more than 200 major speeches up and down my State, "Do not vote for me if you want to send me to the Senate of the United States to vote to take away from all the people of the United States the so-called submerged lands. The submerged lands on the coast of Oregon do not belong to the people of Oregon. They belong to all the people of the United States. I cannot read the Supreme Court decisions any other way, and I pledge to you in this campaign that I will not vote in the Senate of the United States for any bill that seeks to take away from all the people of the United States"—and that includes the people in the State of the Senator from New York—"their paramount interests in the submerged lands on the Pacific coast of the State of Oregon." I said further in that campaign, "I carry the fight to the reactionary machine against me on this issue, and you decide it at the polls."

Let me tell you, Mr. President, that in the Republican primary in the State of Oregon in the spring of 1950 the Republican voters of the State decided in my favor by a vote of about 2 to 1, and in the general election in November, 1950, the people of the State of Oregon decided in my favor by 76 percent of the votes cast.

When I stand on the floor of the Senate I believe I happen to know what the overwhelming majority of the people of Oregon think about this measure; and what they think about it is not in accordance with the proposal of the former Governor of the State, now Secretary of the Interior, Governor McKay. In my judgment, the people of my State of Oregon do not support the position taken by the Secretary of the Interior on this joint resolution. They do not support the proposals made by the Republican machine of my State regarding tidelands or submerged lands. They have answered to that effect, I think clearly, by the crosses they put on their ballots in 1950, when the junior Senator from Oregon took this fight to the people of Oregon; and I am satisfied they gave him a clear mandate to fight, as I have been fighting, against taking away from the people of New York and every other State in the Union what I consider to be their vested constitutional rights in the natural resources of the country, including these submerged lands.

That is my answer to the pressure groups that are trying to induce me to place in a grab bag the natural resources of the United States. If we lose in this instance, I shall still fight to protect what is left of the natural resources belonging to all the people, and I shall pray that the Supreme Court will hand down a decision, which I think it inevitably must hand down, namely, that this measure, if it becomes law, will violate the constitutional sovereign rights of the people in their natural resources.

Mr. HILL. Mr. President, knowing the magnificent courage of the Senator from Oregon, I am sure that he will fight on and on, to the end. If need be, he will stand at Thermopylae, and there he will stay.

Mr. JACKSON rose.

Mr. HILL. I yield to my friend, a neighbor of the Senator from Oregon, the Senator from Washington.

Mr. JACKSON. Supplementing what the Senator from Oregon said a moment ago, I may say that I happen to come from a coastal State. During the many years I served in the House, I voted against the giveaway bill. I think the people of the State of Washington, Republicans and Democrats alike, are sufficiently intelligent to know what this issue is all about. I may say that last summer oil was discovered off our coast. Despite the fact that much was made of that discovery, the good people of the State of Washington supported me in my position favoring the Federal ownership of assets that belong to all the people of the United States.

It should be of interest to our friends on the other side of the aisle to know that many people in the State of Washington feel very deeply about the program, with respect to natural resources, and the way in which it is being carried on. The people of my State would like to believe that the new administration will follow the leadership of one of the greatest Republican Presidents, Theodore Roosevelt, who stopped the raid on the Federal domain. He was aided and abetted by another great American, a great Republican Governor, Gifford Pinchot, of Pennsylvania, who was Chief Forester under Theodore Roosevelt.

It occurs to me that as the people of the country better understand what is at stake here, the result will in the end be in the public interest. I think we have the task and the assignment of placing the true picture before the American people. Millions of Republicans in the western part of the United States are very much interested in what is happening in the Senate at this time.

I compliment the Senator from Oregon upon his statement about the attitude of the people of the Northwest. Inasmuch as both of us come from great coastal States, I do not think it can be said that we are arguing from a prejudiced position.

Mr. HILL. The Senator from Washington is a distinguished member of the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, the committee which handled the pending joint resolution and conducted hearings on it. The Senator from Washington has made it his business to study this joint resolution, to study the questions involved, as they are presented to the Senate today, and he has taken his position because he knows what is not only for the best interests of the people of Washington but also what is for the best interests of the people of the whole Nation.

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

Mr. HILL. I yield to the Senator from Washington.

Mr. JACKSON. I appreciate the kind statement of the Senator from Alabama. I think it should also be said that in connection with the management of these resources the western States derive a very substantial bounty from the sale of our timber, especially in the State of Oregon, from that on the O. and C. lands. The State of Oregon gets virtually all the receipts from the sale of the timber. I believe that not many people understand that the Anderson bill provides for giving to the States 37½ percent of the receipts.

Certainly that makes a very substantial difference, and our people should better understand that it is an equitable proposition. It is not a case of trying to deprive the States of anything.

Whoever heard of a person winning a lawsuit and getting a judgment which involves an award of between $25 billion and $50 billion worth of very important assets, and then giving them away? In the interest of equity and fairness and in the interest of consistency in the management of our natural resources, it should be remembered that the Anderson bill proposes to give to the States 37½ percent of the receipts which will be obtained from the sale of oil which may be developed in the submerged lands.

Mr. HILL. As the Senator has said, it is a most generous gift, because, of course, the Senator realizes that at least some of the reasons applying to the 37½

percent gift of mineral receipts from public lands do not and could not apply to submerged lands.

I thank the Senator from Washington for the contribution he has made.

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

Mr. HILL. I yield.

Mr. LEHMAN. I am very happy, indeed, again to receive assurances, as I have on so many other occasions, that the distinguished Senator from Oregon [Mr. MORSE] and the distinguished Senator from Washington [Mr. JACKSON] concur in my point of view as to the duty of a Senator to represent not only his own State, but the Nation as a whole. I have fought against the so-called tidelands legislation as a member of the Committee on Interior and Insular Affairs, and I am glad to fight it with all the force at my command.

It has been charged by some of the proponents of the Holland joint resolution that I stand alone among the high officials of my State in opposition to the Holland joint resolution and in support of the Anderson substitute and the Hill amendment. They point out that the Governor of the State of New York favors the joint resolution, that the mayor of the city of New York favors it, and the park commissioner, Mr. Moses, favors it. It may be that that is correct. But I repeat what I have so frequently said on the floor of the Senate, that I am convinced that in spite of the position they have taken, and which I cannot understand, the vast majority of the people of the State of New York support me in fighting this joint resolution and in supporting the Anderson substitute and the Hill amendment.

They are gradually getting to know the facts. That is why we have to bring out, so long as we have the power, the actual facts.

The people of New York want nothing that they are not willing to give to the people of Mississippi, Alabama, Texas, Oregon, and California. We never have, and I pray God we never will. The people know that the great natural resources in question belong to the Nation as a whole, and not to only three States. Therefore, they are unwilling to relinquish those resources. I have not the slightest doubt that if the submerged lands are turned over to three States, the next move will be to turn over the natural resources in the public domain.

I am convinced that the people of New York want this joint resolution to be defeated. They want the Hill amendment, which will not benefit the children of the State of New York any more than it will benefit the children of Mississippi or any other State. We believe education is the greatest asset a nation can have. W want to see good, sound education given to the children of Mississippi, Alabama, Arizona, and New Mexico just as we want the children of our State to have such education.

Here is an opportunity for the children of the Nation to receive the education to which they are entitled and which would prove to be the greatest kind of an asset to the entire Nation.

I repeat what I said yesterday, the day before yesterday, and again this afternoon, that if the people knew what was going on here, if they knew the implications and the complications of the Holland joint resolution and the evil consequences of its passage, they would rise in their power and say to their Senators and their Representatives, "No; you cannot deprive the Nation of what belongs to all the people. You cannot take it away from us to give it to three States of the Union."

I have no doubt whatsoever that that would be their attitude.

Mr. HILL. I thank the Senator from New York for his contribution and for all he has said, and I particularly desire to congratulate him on the very courageous and fine position he has taken. I happen to know of some of the pressures which have been brought to bear upon the Senator from New York. I happen to know some who claim to speak for the people of New York, the great Empire State. They have sought not only to pressure the Senator on this matter, but they have sought to embarrass him and bring him all the trouble that is possible because of the very fine and courageous stand he has taken. I warmly congratulate him.

Mr. LEHMAN. I thank the Senator from Alabama.

Mr. MONRONEY. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. MONRONEY. I was tremendously impressed by the colloquy between the Senator from Alabama and the Senator from Oregon regarding the quitclaim deed to the marginal sea as being a trail blazer and a blueprint of things to come, possibly at no very distant time, because an amendment has been presented providing that the Congress quitclaim certain lands in western States.

Is it not true that the title by which the people of the United States hold a paramount interest in the marginal sea is the result of the Supreme Court decisions, and that the title has as much finality, and gives as much right of ownership and as much right of control as does the title the people of the United States have in all the public lands now held in the western States.

Mr. HILL. I will say to the Senator that that is correct. When it comes to property rights, when there is conflict between parties as to who owns property, who has the title to it, who has the right of use and possession, where are we, if we are not willing to accept a decision of the Court?

Mr. MONRONEY. Assuming that, as a result of decisions of the Supreme Court, the Nation has the same property rights in the marginal sea as it has in the public lands, would there not be more cogent and compelling reasons for Congress to quitclaim the public lands and the mineral resources in the various States to the States which are compelled, because the lands lie within their boundaries, to furnish police protection, education, highways, and many other expensive services?

Yet when it comes to the marginal sea I know of no surfaces all along the coast in these areas as to which Texas, or Louisiana, or any other State is compelled to spend its funds. This has been an area of public domain, which all the people have been determined to own. It is policed and maintained at Government expense. The harbors, port facilities, lighthouses, and inland canals are all maintained at Government expense.

If it comes to the question of deciding which part of the public domain we shall give away or quitclaim, it seems to me that the public-land States of the West could make a far better case for their entitlement to a quitclaim deed than can the States now contending for a quitclaim deed.

Mr. HILL. The Senator from Oklahoma is exactly correct. Surely from this standpoint the rights of the Federal Government in the submerged lands are derived as an attribute of sovereignty, whereas the rights of the Federal Government in the public lands are derived, as we know, from proprietary ownership. As I conceive the rights of the Federal Government in the submerged lands, according to the decisions of the Supreme Court, they are much higher, greater, and more supreme because of their being an attribute of sovereignty, than are the rights of the Federal Government in the public-land States.

Mr. MONRONEY. The Senator from Alabama has made a thorough study of this matter. Could he inform me of any similar case in which an appeal literally has been taken from the Supreme Court to the floor of Congress in order to reverse a decision of the highest court of the land?

Mr. HILL. If there be a precedent of that kind, even with property rights involved, I have not been able to find it. If there be such a case, it is hidden in dark, deep recesses, and no light has been shed to enable one to find it.

Mr. MONRONEY. If the proponents of the joint resolution had wished to follow through by enabling legislation the development of the tidelands, they should have used a formula, or perhaps changed the percentage of the share as between the Federal Government and the State governments, corresponding somewhat to the Anderson amendment, or even to the suggestion made by the distinguished Attorney General of the United States. At least, that would not have been in the nature of an overruling by Congress of a decision by the highest Court.

Mr. HILL. Certainly it seems to me that the Attorney General of the United States made what might be called the maximum suggestion. What else could we call it? It was the maximum to which we could even contemplate going.

Mr. MONRONEY. The proposed legislation, as it is now drawn, in fact becomes a reversal of a judicial decision rendered by the highest court of the land; does it not?

Mr. HILL. It does, indeed. Not only does the language run counter to the proposal of the Attorney General, but, as I shall show later, it runs counter to the foreign policy of the United States, a policy which has been so well expressed by the present Secretary of State, a representative of the Eisenhower administration.

Mr. MONRONEY. May I also ask the distinguished Senator who has very ably

outlined the protection afforded by the three coordinate branches of Government, whether, if the 83d Congress sets a pattern for destroying the delicate boundary lines which have existed through tradition and usage, and the comity existing among the three branches of our Government, and affirmatively begins to have the legislative branch impinge upon the judicial branch or the legislative branch upon the executive, we may not be responsible for beginning a pattern which may lead to the very downfall of our great constitutional system?

Mr. HILL. The Senator is correct. Such action could not only well plague us in future years, but it could well carry within it the very seeds of destruction of our great American constitutional system of government, a subject to which I sought to avert earlier in my remarks, and which the Senator from Oregon [Mr. MORSE] so graphically and eloquently described. Ours is a marvelous system of government, one to which we often refer as a great system of checks and balances. Under it we have a free and independent court, the members of which hold life tenure, and there is in the Constitution a provision that their remuneration cannot be reduced during their terms of office.

The Founding Fathers threw every protection around our system of government to make it basically free and independent, in order to protect the individual rights of every citizen. If Congress should overrule the Court, if Congress should see fit to pass a bill of attainder, where would the citizen find protection from such unconstitutional actions on the part of Congress?

Mr. MONRONEY. Where would be the finality of judicial decision in this land which prides itself on having perhaps the finest system of justice to be found anywhere in the world.

Mr. HILL. I suppose that if that time should ever come, the great Federal system, the great system of three separate, independent branches of Government, the great system of checks and balances, would have been destroyed.

Mr. MONRONEY. I yield to no one in my respect and love for the Senate and the House of Representatives, but I cannot bring myself to believe that within the legislative halls there rests all the omnipotence of our great country, with its system of legislative, executive, and judicial branches as designed by the Founding Fathers.

Mr. HILL. Was it not that basic, fundamental thought that caused those wise men to meet in Philadelphia to draft the Constitution which gives us the very system we now have?

Mr. MONRONEY. The Senator is exactly correct.

Mr. HILL. The Founding Fathers knew the weakness of human nature, the temptations of human nature, and the natural urges, we might say, of human nature, to throw its grappling hooks ahead and to reach out and grapple always for more power.

Mr. MONRONEY. As I see it, we as a legislative body would be definitely inviting danger by overriding and overruling the Supreme Court and invading their functions, just as, perhaps, we would be overruling the Executive by trying to assume executive functions.

The executive branch also has a mandate from the people of the United States, and a threat of expanding in an ever-broadening sphere a legislative power that could develop into an all-powerful oligarchy, and override even treaties of our great country, could lead us into paths of great danger and confusion, so that no one would be able to say what the pattern of constitutional government might be.

Mr. HILL. I thank the Senator from Oklahoma for his contribution to this debate. He is familiar with the history of the world and the old story of the rise and fall of despots and despotism. He is aware of the consequences if one agency or one branch of the Government, feeling that it has all the wisdom, should assume and take unto itself all power, whether it be a dictator in the form of a Hitler or a dictator in the form of the tribune that assumed power after the French Revolution. The Senator is exactly correct.

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

The PRESIDING OFFICER (Mr. CAPEHART in the chair). Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. HILL. I shall be glad to yield in a moment to my friend from Minnesota.

I suggest to the Senator from Oklahoma that if he has not yet had the opportunity to do so he should read the story of Pierre Vergerginaud, written by Claude Bowers, that great writer of history from Indiana. Of course, the Senator is familiar with the works of Claude Bowers. He has written a story of the life of a man about whom I had heard little. When we think of the French Revolution we think of Danton, Mirabeau, and others. I commend that story of the life of Pierre Vergerginaud to the Senator's reading. It deals with a French tribune which attained more and more power. The more power that group attained the more despotic it became, and the more heads were cut off. Finally all the leaders of the French Republic, those who had led the revolution and won freedom from the Louises for the people went to the guillotine. Pierre Vergerginaud was one of those men. Claude Bowers' story is the story of a really devoted democrat—and I spell that word with a small "d"—a real friend and champion of the people. The French tribune finally became a body of despots. Because Pierre Vergerginaud tried to stand up against their autocratic, tyrannical power and defend the rights of the people, they sent him to the guillotine. That is the history of one democrat.

I now yield to my friend from Minnesota.

Mr. HUMPHREY. Mr. President, my comment to the Senator from Alabama centers around what I consider to be the counterproposal which has been offered by the Senator from Alabama and the Senator from New Mexico [Mr. ANDERSON]. In a great deal of this debate, those of us who are attempting to defend the public interest, the great national domain, and the submerged lands under the sovereignty of the Republic, have been explaining and criticizing the Holland joint resolution. In fact, we are not here merely to condemn. We are here with a positive and concrete proposal.

I should like to make one addition to the remarks of the Senator from Washington [Mr. JACKSON] by pointing out that when he said the Anderson bill provided that 37½ percent—as under the Mineral Leasing Act—of the revenues should go to the coastal States where the oil wells or gas wells were within the 3-mile limit, he was only partially correct, because if the Hill amendment is adopted, they not only will get 37½ percent of the royalties, but they will also get their pro-rata share of the national trust fund which the Hill amendment would establish for purposes of education.

Mr. HILL. A little later in my speech I shall take up that question. I intend to show what all this wealth means in terms of some of the States which now seek to grab off the oil in the submerged lands.

Mr. HUMPHREY. It is a great tragedy that throughout America, except for the work of those of us who have been trying to debate this question and bring it to the attention of our constituents through our visits back home, the average American is led to believe that the only proposal before the Congress is the proposal to quitclaim these great resources to the so-called coastal States. It is around that proposal that all the propaganda has centered. I have had to go out to my State of Minnesota, from county to county, from town to town, from PTA to PTA, and explain what this is all about.

I recall the splendid work of the Senator from Illinois [Mr. DOUGLAS], but little of it really came to the attention of the American public. I am not condemning the press for that, because I know that the material is complicated. It is difficult to explain in 3 or 4 paragraphs.

The issue really is whether or not the Congress is to start to kill off the great public-land policies and the great conservation policies to which the Senator from Washington [Mr. JACKSON] referred as being established under the leadership of Theodore Roosevelt and Governor Pinchot.

A former President of the United States, Herbert Hoover, says, "Let us get rid of the power dams, and all the great public resources." There have been suggestions even to sell the post offices. It has been suggested that atomic energy be turned over to private interests. There have been suggestions to open up more timberland, and suggestions to turn over more grazing land to private interests. It seems that there is an insatiable appetite on the part of some to devour the great public resources of the United States.

The issue in this debate can be simply put. Shall all the people of the United States share in these resources, or shall only a few share? Shall a few States have more privileges than other States, or shall they have equal privileges? Did the States as they entered the Union

come in under special privileges, or on an equal footing? Does the Supreme Court of the United States have jurisdiction, or does it not?

Those are simple issues. There is no need to go into a long treatise on the law. This is basically a fight over public policy. When the Attorney General was before the committee the Senator from Nevada [Mr. MALONE] asked him some questions. I urge all Senators to read that testimony. The Senator from Nevada asked the Attorney General, "If you are willing to turn over these lands to the coastal States, why do you not turn over the public lands in our State of Nevada to the State of Nevada?"

What did the Attorney General reply? He said, "We are not talking about that now. We are talking about submerged lands."

I agree with the Senator from Washington [Mr. JACKSON] that if there is any justifiable claim to the public lands, it is on behalf of the States. I refer to the internal public lands. The public lands involved in this discussion are the external public lands, which are under the general control and supervision of the Federal Government.

I thank the Senator from Alabama.

Mr. President, it is a source of regret to me that when a debate such as this is in progress and we look around at the 96 chairs in the Senate Chamber, we see very few of them occupied. I remind the American people that we are talking about $50 billion, $100 billion, or more.

Mr. HILL. It may be $300 billion.

Mr. HUMPHREY. If some Member of Congress offers a little two-bit amendment in the name of economy, to cut off $25 million from the school lunch program, or $100 million from the soil conservation program, that makes him a hero for economy. Here is a chance for the Congress of the United States to save the American people from $50 billion to $100 billion, at the minimum, and to save it for all the people.

Where are the 96 Senators? The number present is very small. Only a few moments ago one side of this Chamber was entirely vacant.

Mr. HILL. Mr. President, will the Senator make it clear that it was the other side of the aisle?

Mr. HUMPHREY. It was the other side, the Republican side of the aisle. Finally, the majority leader returned and gave us the benefit of his presence. He again returns to receive further information. The distinguished Senator from Michigan [Mr. FERGUSON], who is now occupying the seat of the majority leader, is receiving information. One of the leading newspapers of his State, the Detroit News, proclaimed its support of Federal ownership of the submerged lands. It, too, saw the light.

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

Mr. HILL. I yield.

Mr. JACKSON. In view of the fact that former President Hoover has announced that he would like to see the Federal power projects sold, I wonder what suggestion the former President would have with reference to the further change of name of Hoover Dam? First it was Boulder Dam, and then Hoover Dam. What is the name of the dam going to be when it is sold in accordance with his suggestion?

Mr. HILL. I could not tell the Senator what the name would be, but, of course, if the suggestion is carried out, I take it that it will no longer be known as Hoover Dam.

Mr. HUMPHREY. It will be "The public be damned."

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

Mr. HILL. I yield.

Mr. JACKSON. The reason I asked the question is that in the 80th Congress there was a strong feeling that proper credit had not been given to the Republican Party for the great contribution it had made in developing the first great multiple-purpose Federal power project. So the name of the dam was changed from Boulder Dam to Hoover Dam, in order to perpetuate the remembrance of the contribution which had been made by the former President of the United States.

Now the former President of the United States desires to change the whole policy. He wants to sell his dam, and I am wondering whether he wants to convey the name that goes with the dam as a part of the title to the property of the Hoover Dam project. It is a very interesting development.

Mr. TAFT. Mr. President, if the Senator from Alabama will yield a moment, I do not believe the Senator wants to do an injustice to the former President of the United States. My clear recollection of the statement I read was that the sale related only to single-purpose dams, constructed for the generation of power alone, not to multiple-purpose dams.

Mr. HILL. Mr. President, I will be frank with the Senator from Ohio and say that I did not so construe the language of the former President. I have been following the matter of dams for some time, and the truth is that power is an incident to flood control and navigation, as a rule. The dams are built for the purpose of holding back water either for flood control, irrigation purposes, or navigation purposes.

We have been speaking about attributes of sovereignty. Power is more of an attribute of a dam which is basically and usually built for some other purpose. Does the Senator from Ohio know of dams built only for power?

Mr. TAFT. I think many such dams have been built by private companies, and that many such dams have been built by the Government.

Mr. HILL. With all respect for the former President—and I would not be disrespectful of him for a moment—Mr. Hoover was not talking about dams built by private companies. He was talking about dams built by the United States Government which he wants turned over to private companies.

There are many dams on the Ohio River. When I first came to Congress I voted for appropriations to help finish the chain of dams on that river. They were built basically for navigation purposes, and it is my understanding that practically all those dams built by Government funds and by the Government were built for navigation, for irrigation, for flood control, and not just simply and solely for the generation of power.

Mr. JACKSON. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield to the Senator from Washington.

Mr. JACKSON. I certainly wish to be fair to the former President. It is my understanding, however, that in his statement he said he wanted to get the United States Government out of the power business. Perhaps he merely desires to sell the best part of the dams, the power part of the dams. If that be the case, of course, he is placing the Federal Government in a very difficult position.

I might add that if that is his program now, why did he not suggest it at the time Hoover Dam was authorized, at the time the project was constructed? Certainly his suggestion comes a bit late, many years late, announcing that the Federal Government ought to get out of the power business, when he was the author of the project, so to speak—and I give him credit for that, as I did a moment ago to Teddy Roosevelt, who started the great power and reclamation and irrigation programs in the West, for getting these Federal programs under way. It seems to me it does not make much sense, if the proposal is applicable only to the power feature involved in the great multiple-purpose dams.

As a matter of fact, in order to build a good power dam, it is necessary to have multiple-purpose features in it. When power is being generated, floodwater may be controlled, navigation may be aided, and in the West the owners of arid farms may be assisted by providing of water for their land. I believe the program is sound, and I think it would be regrettable indeed if Mr. Hoover's suggestion were carried out.

I have watched the newspapers very closely, and I do not recall that up to the present any leaders of the Republican Party have announced their approval of former President Hoover's proposal. Some of them have talked to me privately, and have indicated that they are much concerned about the statement of the former President.

Mr. HUMPHREY. Mr. President——

Mr. HILL. I will yield to the Senator in a moment. Of course, I hold Mr. Hoover in great respect as an ex-President, and I desire to accord him full credit for all he did in helping to make possible the building of the Hoover Dam by supporting the construction of that dam and signing the bill. I accord him great credit. But that dam was a project of such magnitude that it was not possible for any one man, even had he had all the power and prestige of the President of the United States, to build it.

Since I was a Member of Congress at the time the legislation was passed, and know at first hand its history, I wish to say that the then great Senator from California, that fighting Senator, Hiram W. Johnson, waged an indefatigable battle for the building of that dam, and at

the other end of the Capitol, in the House of Representatives, no man could have contributed more, could have been more faithful or more indefatigable in his efforts, than the then Representative from California, Philip Swing. So, whereas we accord great honor and credit to Mr. Hoover for the dam, justice requires that we also pay tribute to the late Senator Hiram Johnson and the late Representative Philip Swing, and the contribution they made toward the building of the dam.

Mr. SPARKMAN. Mr. President, will my colleague yield?

Mr. HILL. I am glad to yield to my colleague.

Mr. SPARKMAN. In connection with the suggestion by ex-President Hoover as to the disposal of the power dams, I have been much interested in the thought which has been injected by the very distinguished majority leader that the ex-President limited his idea to single-purpose dams, dams which, I understand to be those designed only for the purpose of generating power. Certainly I believe the RECORD ought to be very clear with reference to that, because I did not get such an impression from the statement.

I should like to ask my colleague two brief questions. He has been a Member of Congress a long time. He has completed 30 years' service.

Mr. HILL. I came to the Congress as a very young man.

Mr. SPARKMAN. I know that to be true; he was almost as young as the Constitution would allow. What I wish to ask is, does the Senator know of a single dam that has been built by the Federal Government for the sole purpose of generating power?

Mr. HILL. I will say to my colleague, as I stated a little while ago, because of our interest in the Tennessee River, and other streams in Tennessee and Alabama, he and I have been very much interested in dams. I know of no dam built merely for the purpose of generating power. Dams were built either for navigation, flood control, municipal water supply, or irrigation. They have been built for other purposes along with the generation of power, perhaps, but the generation of power has been more of an incident.

As I have said, we have been talking about attributes of sovereignty. Power has been more of an attribute of the other purposes for which the dams have been built.

Mr. SPARKMAN. Mr. President, will my colleague yield to me, to permit me to ask a second question?

Mr. HILL. I yield.

Mr. SPARKMAN. As a matter of fact, does the Senator understand that under its decisions the Supreme Court of the United States has ever determined that the Federal Government could build a dam solely for the purpose of generating power?

Mr. HILL. According to my knowledge of the Supreme Court's decisions, the Court has always held that the building of a dam was proper and constitutional if the dam was built for some purpose other than the generation of power. If there is any Supreme Court decision which holds that it is proper for the Federal Government to build a dam solely and exclusively for power purposes, I am not familiar with such a decision.

Mr. SPARKMAN. Was not that the substance of the decision in the Ashwander case?

Mr. HILL. That is entirely correct. Of course, that case dealt with the TVA.

Mr. SPARKMAN. In that case that great issue was presented to the court.

Mr. HILL. Yes. That great issue was presented by very able lawyers, one of whom, a distinguished lawyer from Alabama, received a $50,000 fee—which was a very large fee in 1933 and 1934—for arguing a case before the Supreme Court.

Mr. SPARKMAN. He is a very able lawyer, and probably his services were worth that fee.

Mr. HILL. Yes; I agree that he is one of the best lawyers in the United States.

Mr. SPARKMAN. I agree with my colleague.

Mr. HILL. The decision in that case turned on the question of the power of Congress to have such dams built for power-generating purposes.

Mr. GORE. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield to my friend, the Senator from Tennessee, who is very familiar with these matters.

Mr. GORE. Assuming that a single-purpose dam were built for the sole purpose of the generation of electricity, and assuming that such a purpose were in compilance and in conformity with the Constitution, would we not still come face to face with the basic problem of the correctness of a policy of expending the people's money for the building of electrical-generation facilities, and then the giving to a private-power monopoly the right to distribute the power derived therefrom?

Mr. HILL. The Senator from Tennessee is entirely correct. Unless a dam were built in connection with some national-defense activity—for instance, some of the past developments in connection with the work of the Atomic Energy Commission—we would face the very proposition the Senator from Tennessee has so well posed by the question he has asked.

Mr. GORE. Mr. President, will the Senator from Alabama yield further to me?

Mr. HILL. I yield.

Mr. GORE. Of course, the same result would be arrived at by a proposal now pending in the other body. I refer to a proposal which would deny the funds necessary for the construction of transmission lines. Without the necessary transmission facilities, the Federal Government is at the mercy of a company which has sufficient financial resources to enable it to build the necessary transmission lines.

Mr. HILL. The Senator from Tennessee is entirely correct. By prohibiting the construction of transmission lines by the Federal Government, Congress would render ineffective the section of the Flood Control Act of 1944 which gives a preference to municipalities and to farm and rural cooperatives in the case of the power generated by the Government at Government-financed and Government-built dams.

Mr. GORE. Mr. President, the statement made by the distinguished former President of the United States assumes an importance beyond the mere words used by him, because as surely as the distinguished Senator from Alabama is now debating the basic issue of the submerged lands question, there is bound to come before this body a basic issue on the question of public power. The statement which has been made by the distinguished former President of the United States is a part of the pattern that is being woven regarding a matter about which this body will eventually be called upon to make a decision. I am ready to face the making of that decision, and I will join the stalwart senior Senator from Alabama in trying to have the correct decision reached.

Mr. HILL. The Senator from Tennessee is exactly correct, Mr. President. He and I will stand together on the battle line, fighting for the people. We will meet these enemies at Armageddon, and will battle for the Lord.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield.

Mr. HUMPHREY. I think we should make note of the fact that the remarks of the distinguished former President of the United States, Herbert Hoover, related directly to having the Federal Government get out of the generation and distribution of electric power.

In that connection let me say that I have before me a press release on that subject. It says:

> The former President urged the Federal Government, in a speech last night before the diamond jubilee convocation of the Case Institute of Technology, to "get out of the business of generating and distributing power as soon as possible." Then he spoke of selling the dams and the distribution and generation facilities.

Of course I am sure the Senator from Alabama will be happy to know that Herbert Hoover is just one of the many members of the Republican Party who today is speaking in our country for that party.

In connection with this matter, there seems to be a certain bargain counter, because this morning the Secretary of the Interior, Mr. McKay, said, "Oh, no; we are not thinking of doing that."

Incidentally, I recall that recently, on a Meet the Press program, Mr. Richard Wilson, one of the reporters for the Minneapolis Star-Tribune, a Cowles publication, asked Mr. McKay a series of questions, at the end of which he said to Mr. McKay, "Well, your position is about the one which was taken under the New Deal and the Fair Deal."

Mr. McKay replied, "I do not know about that, but I continue to believe in public development of power and public transmission of power."

What we have here is Herbert Hoover pioneering for the Republican Party for the return of those facilities to private enterprise and to the so-called free economy.

Mr. President, let us make no mistake about it; in that connection Mr. Hoover

has some stalwart cohorts, one of whom is Charles Wilson.

Mr. HILL. The Senator refers to the Charles Wilson who formerly was connected with the General Electric Co., does he not?

Mr. HUMPHREY. Yes.

Mr. GORE. The ex-stockholder of that corporation.

Mr. HUMPHREY. Yes.

In a recent issue of the U. S. News & World Report, Mr. Wilson pointed out, in a splendid article, that he believes the Federal Government should divest itself of all these power-generating and power-transmitting facilities.

In this connection, let me say that recently the President recommended that 28 synthetic rubber plants be sold. Incidentally, I shall be quite interested in the price that will be paid for them.

Mr. MORSE. Probably it will be about 2 cents on the dollar.

Mr. HUMPHREY. In addition, we have the proposal that the Federal Government close the RFC and get out of the direct-loan business.

So, one after another, these various proposals are made. Let us make no mistake about it, Mr. President: If the Holland joint resolution is enacted into law, the result will be, as was stated a little while ago, that the camel will get his nose under the tent. Such action will be the beginning of the end of an era in American public life, if that action is permitted.

Mr. HILL. The Senator from Minnesota knows that I have sought to support the administration and I have the most kindly and friendly feeling toward the President of the United States. I wish to support him. I wish to save him from some of those around him and about him and some of those who seek to lead him astray, as he was led astray in the case of the pending joint resolution.

Certainly I hope this administration will not build a record of a sort which will cause it to go down into history as a giveaway administration.

Mr. GORE. Mr. President, will the Senator from Alabama yield further to me?

Mr. HILL. I yield to my friend, the Senator from Tennessee.

Mr. GORE. I cannot quite agree with the distinguished Senator from Minnesota that the great former President of the United States is pioneering. The 80th Congress pioneered in this field. It was the 80th Congress that undertook the bus-bar policy in the case of power, and it was upon the 80th Congress that the American people rendered a verdict which I dare say will be repeated, should the policy now proposed be put into effect.

Mr. HILL. The Senator from Tennessee is absolutely correct. He and I have some poignant feelings about the 80th Congress, for in that Congress the junior Senator from Tennessee was fighting very hard, as a Member of the House of Representatives, for the appropriation of funds for the New Johnsonville steam plant, in the Tennessee Valley. In spite of the importance of the TVA to our national defense the House of Representatives at that time refused to appropriate those funds for that great arsenal of defense.

Mr. GORE. Mr. President, will the Senator from Alabama yield further to me?

Mr. HILL. I yield to my friend, the Senator from Tennessee.

Mr. GORE. Not only was the present junior Senator from Tennessee then working, as a Member of the House of Representatives, on matters relating to the TVA, but it was then my privilege to be a member of the Interior Department Subcommittee of the House Appropriations Committee, which dealt with the appropriations for reclamation projects and for public-power projects in the great West and Southwest. It was in that committee, as well as in action relating to the TVA, that the bus-bar power policy was spelled out and written into law, upon which the American people rendered a decision.

Mr. HILL. The Senator is entirely correct. In other words, there was an effort to meat-ax the preference given in the Flood Control Act of 1944 to municipalities and cooperatives and to make it absolutely definite and certain that selfish interests would be the beneficiaries of the capital investment which came out of the pockets of all the people of the United States.

Mr. JACKSON and Mr. MORSE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield, and if so, to whom?

Mr. HILL. I first yield to my friend from Washington, after which I shall be glad to yield to my friend from Oregon.

Mr. JACKSON. Mr. President, I am glad the Senator from Alabama has made reference to the preference clause in the Flood Control Act of 1944. Many persons think the preference clause started with the New Deal. The truth of the matter is that the author of the preference clause was none other than the late President Theodore Roosevelt.

Mr. HILL. The Senator is entirely correct.

Mr. JACKSON. It has been called a socialistic scheme to give preference in the sale of power from the great Federal dams to municipalities, to cooperatives, and to public bodies. Former President Theodore Roosevelt, in 1903 or 1904, recommended to the Congress of the United States that the preference clause be written into the Reclamation Act, so that surplus power could be sold for municipal purposes. It was the 80th Congress that turned its back on President Theodore Roosevelt. Today, we find former President Hoover not only turning his back on the late President Theodore Roosevelt but also abandoning his own position in connection with the building of a great Federal power project such as Boulder Dam, Hoover Dam, or whatever it may be called, tomorrow.

Mr. HILL. The Senator is entirely correct. We find that the preference clause, after a debate on the floor of the Senate, was written into the 1944 Flood Control Act. But, as the Senator so well says, its genesis, was in Theodore Roosevelt's day, when, as President, he himself recommended and urged it, and used all the weight and power of his position as President to have it written into the law. In that connection, I commend to Senators the reading of a most interesting and excellent historical address delivered several weeks ago on the floor of the Senate by the Senator from Oregon [Mr. MORSE], in which he took the time to relate the history of the preference clause.

I now yield to the distinguished Senator from Oregon.

Mr. MORSE. I simply desire to say that I think the Senator from Washington is completely correct when he points out that the principle of the preference clause has existed in this country for almost a half century, and of course, its father was Teddy Roosevelt. But, speaking of the proposals of ex-President Hoover to turn public dams over to private industry, when he really means monopoly, I wonder whether the Senator from Alabama would agree with me, after reading the Ohio speech of ex-President Hoover, that it rather brings to mind a new political slogan, so apropos of the distinguished ex-President, with a slight modification.

We might say now that prosperity is just around the corner for the monopolists, but depression is hot on the heels of the common people of America.

Mr. HILL. I think it is so hot on the heels of the common people that they can feel the heat on the backs of their necks, I may say to the Senator from Oregon, and, unless the Members of the Congress, both in the House and in the Senate, stand up to fight the battle and stop this stampede, the people will lose precious rights, blessings, and benefits which have meant so much to them in the past, and which hold so much of promise for them in the future.

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

Mr. HILL. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I think we ought now to lay down the challenge, as the Senator from Oregon has done, that at any time any political leaders, former ones, or present ones, want to join issue on the policy relative to public lands, public power, and the preservation of our national resources, we welcome it. Ah, I can think of nothing that would be more delightful. If I can be sure that my opposition in my next campaign will concentrate on the issues of public policy relating to public lands, public power, and conservation of our natural resources, I will pay their filing fees merely for the privilege of having the fight. I would welcome it—make no mistake about that.

Mr. Hoover may make the headlines, but his appeal to the American people comes from one whom they respect as a former President of the United States. It is not a leadership appeal. Oh, how I would welcome the opportunity to have any group, in or out of Congress, raise some of these issues. They have already got something cooking on the stove, for instance, interest rates, the public power question, and the submerged lands question. Everyone of these issues is tailor made, and I repeat what I said before,

that I welcome in my State, as the Senator from Oregon does in his State, a political battle with any and all kinds of competition on the submerged lands issue. My opponent would not have enough votes even to be elected county precinct judge, much less to be able to be elected to an office in the city of Washington or even in the State legislature.

Mr. HILL. As we say in Alabama, he would not have a "shirttail full."

Mr. HUMPHREY. He would not have that many.

Mr. HILL. I now yield to my friend, the Senator from Oregon.

Mr. MORSE. Mr. President, the Senator from Minnesota makes me very happy. I do not mean to imply that he has not been of the same mind from the beginning, but it is encouraging to me to hear the comments from this side of the aisle which I have heard this afternoon from many of my colleagues, comments that show that now there is a recognition of the fact that the issue is joined. I have been trying to point out in the Senate of the United States since January 3 that the issue has been joined for months. I have been trying to point out that with the coming into power of the present administration, the issue is the joint issue of liberalism seeking to protect the interests of all the people, and reactionaryism, seeking to exploit the interests of all the people. That is the issue that has existed ever since this administration came into power.

I say, most respectfully and good-naturedly, that I have heard a little too much talk on the part of a great many of my colleagues about a honeymoon. It seems to me today there has been pretty much of a recognition that the honeymoon is over, and that at long last we are beginning to take positions in the Senate; we are beginning to recognize that the ultraconservatism of the Eisenhower administration, as represented, for example, the other night by the speech about which we have been talking, the Hoover speech in Ohio, is already entrenched. The time has come for the liberals, who represent, I say, the interest of all the people, to take their positions with respect to this joint resolution and to carry on the fight against, and with a united front. It is a symbol, in my judgment, of what this administration is up to, and if we let it get by with this measure without a fight, the administration will assume it will be easier to win on the next issue and the ones to follow—and it will be, of course. The only way to stop it, in my opinion, is to fight this measure for as many days as it will take to get the facts to the American people. I say to the Senator from Minnesota that I think we are marching together as liberals against the reactionary policies of the Eisenhower administration.

Mr. HILL. The Senator from Oregon is sounding the battle cry. He is saying that the enemy is on the march. "To your tents, O Israel." I say to my friend from Oregon that we will harken unto that battle cry. We shall certainly smite them hip and thigh.

Mr. President, we have been talking about our great natural resources and about one of the great men in the history of our country, Theodore Roosevelt. I would this afternoon admit my debt to him for the inspiration he gave me as a boy when he was waging battles for the rights and welfare of the people, battles to preserve the God-given heritage of the people of the United States.

While we speak of Theodore Rosevelt and of our great natural resources, I want to invite attention to the fact that in the days before Theodore Roosevelt we allowed our natural resources to waste with startling rapidity because of those who grabbed, spoiled, and then ran.

By the turn of the century, in 1900, for example—and I hope the Senator from Washington [Mr. JACKSON] will give me his attention, because I am using some facts which he has very kindly given to me and to the Senate—by the turn of the century, 800 million acres of original virgin forest had been reduced to 200 million acres.

The Senator from Oregon [Mr. MORSE] spoke about the wonderful forests in his State, and I said to him that I had visited those forests and had been so awe inspired by them that I felt like saying to the man who was driving the car in which I was riding, "Stop this car," for, standing amid those magnificent trees which God Almighty had placed there, I felt like getting on my knees and thanking God for giving us those wonderful trees. I am referring to the Cascade Forest in the great State of Oregon.

As I have said, by the turn of the century we had permitted some 800 million acres of magnificent forests to be reduced to approximately 200 million acres. That is 75 out of every 100 trees to be destroyed and wiped out, by the beginning of this century.

Mr. President, we know that erosion follows the destruction of trees. Trees are great umbrellas which God Almighty has placed to break the fall of water and to protect the precious soil from the wash of the water. We may find a copper mine where we can dig more copper; we may find bauxite and produce more aluminum; we may find clays and out of them burn and process bricks, but when the rich topsoil is washed away to the sea, it is lost and gone forever. We know it takes literally centuries for Mother Nature to produce such soil under the best of care and protection and the best of husbandry.

I do not want to delay the Senate, but after all is said and done, if we read the history of the world we find there have been two forces which have destroyed nations and civilizations. One is the invading army which takes over a nation and destroys its civilization. The other is the destruction of the soil.

I do not think we would have the terrible worries, and headaches, and problems which we have with Communist China were it not for the destruction, through the years, of the soil of China. China has turned to communism. Why? Because China has millions of persons it cannot feed. There is no adequate diet for millions of people in China. The Yellow Sea was not a yellow sea in the beginning, but its name was changed to Yellow Sea because of the rich topsoil of China which had washed down the river and made it yellow.

Theodore Roosevelt, finding this tragic situation in this country which carried with it threats and dangers to the very life of our Nation, appointed a commission which he called the Inland Waterways Commission. That commission made a report in May 1907, approximately half a century ago.

The Commission appointed by Theodore Roosevelt submitted a report in which it said:

> Hitherto our national policy has been one of almost unrestricted disposal of natural resources. Three consequences have been shown, first, the unprecedented consumption of natural resources; second, the exhaustion—

Note the word "exhaustion." When we are exhausted, it is about the end—

> Second, the exhaustion of those resources to the extent—

Of what, Mr. President? The Senator from Oregon has made a very wonderful contribution, as has the Senator from Minnesota, in this connection—

> That a large part of our available public lands have passed into great estates or corporate interests.

What do Senators think will happen if the views of those who are now advocating the Government disposal of great power projects and the disposal of public lands and great mineral rights should prevail? Who will get them? Will not history repeat itself? Will they not go, as the commission said, into the great estates and corporate interests?

Is it the idea to deplete the wealth of all the people, to take from all the people their riches in these great resources, to impoverish the people of the United States, and thus to enrich great estates and corporate interests?

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

Mr. HILL. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Does the Senator recall the grant to the Union Pacific Railroad, or is he coming to that in his remarks?

Mr. HILL. I recall it, but I should be delighted to have the Senator ask me a question, in order to refresh my recollection.

Mr. FULBRIGHT. As I recall, the grant involved a little less than 14,000,000 acres, or about twice as much land as comprises the State of Massachusetts. Although it was given for the purpose of building a railroad, and perhaps aided in that purpose, nevertheless, through a device known as crédit mobilier, if I pronounce the words correctly, the land was then siphoned off.

Mr. HILL. As I understand, the Senator's pronunciation is correct, although I should apologize to him for that statement, since he is an Oxford graduate, a former president of the University of Arkansas, and a distinguished educator. Of course, he always uses the correct pronunciation.

Mr. FULBRIGHT. I thank the Senator.

As I recall, the land was, to a very large degree, siphoned off from the Union

Pacific Railroad into private hands through the device of the crédit mobilier, some of the shares of which were used to influence Members of the House of Representatives, if I recall my history correctly.

Mr. HILL. I may say to the Senator from Arkansas that that is also my understanding.

Mr. FULBRIGHT. That is a good example of how the disposal of some of the public lands was handled during the period from about 1851 to 1871. During the course of approximately 20 years about 130 million acres, which was about the size of the nation of France, were given to various organizations.

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

Mr. HILL. I yield to the Senator from Minnesota.

Mr. HUMPHREY. I should like to follow up what the Senator from Arkansas has pointed out with reference to the comments made by the Senator from Alabama about Theodore Roosevelt. I think something should be said about the situation that existed when Theodore Roosevelt and Governor Pinchot began their great programs of conservation. We talk about the steel interests, the utilities, the timber barons, the railroads. That period was a sad chapter in the life of America. I was reviewing some of that history a few days ago, because I recalled that the Senator from Illinois referred to it.

I point out that there was a time in the history of the United States when the railroad lobby wielded so much control in legislative bodies that it became a national scandal, which called for a great reform movement. It brought forth many political parties having radical points of view, and it is a wonder that there was even a moderate reform.

I hesitate to say this, but in recent years we have seen the oil lobby and the private utilities lobbies do everything within their power to propagandize the American people. I will tell Senators what I think is likely to happen. I regret that it is my feeling, but these lobbies, by means of their paid advertisements, which are deductible tax items, have so indoctrinated the people with the fear of what they call socialism, they have so convinced the American people that the Federal Government, performing its duties as a responsible agency of the people, is a monster, that that is one reason why the tidelands measure is going to pass. Frequently I receive from my constituents letters reading about like this:

"We do not want the Federal Government running the business of America. Turn the business over to the States."

Of course, both are public bodies. Such a feeling indicates to me that, somehow or other, the States must be more manageable, or else that somebody has bought a bill of goods.

I shall summarize my remarks by saying that I think we are in great trouble. There is not a committee of Congress that is really concentrating on the matter of conservation of our human and natural resources. We are investigating the schoolteachers, we are reading books, we are looking into libraries we are trying to determine how we can reduce taxes.

Mr. FULBRIGHT. Will the Senator state the kind of books we are reading?

Mr. HUMPHREY. I may say to the Senator that I refer to books pertaining to the Voice of America. There is not a committee in Congress that is spending its time or its resources on the question of what to do about the millions upon millions of acres of land which flow down our rivers every year. No effort is being made to protect the uplands. Two-thirds of the uplands in my State were once covered by virgin timber. Then, we never knew what a flood was, though the Lord made it rain in the old days just as He does now. But now every year when there is a flood, we come to the Federal Government seeking larger and larger dams, asking for more and more levees. How foolish can we become and still be paid for it? There is no possibility of preventing flood without a conservation and forestation program.

I submit to the Senator from Alabama that it seems idle to talk about the sale of public lands. I have before me a press release from the AP news ticker, in which the Senator from Alabama should be interested. It reads as follows:

The Government—

That is, the Federal Government—

today asked for bids by May 6 for lease of 3,322.41 acres of Idaho phosphate lands.

The Bureau of Land Management offered the land in 5 units, ranging in size from 160 to 1,160 acres. It is located about 12 to 19 miles northwest of Soda Springs.

A minimum bid of $1 an acre will be required. The Government will charge a rental which increases from 25 cents an acre for the first year to a level of $1 an acre annually for the fourth and subsequent years. It also will receive royalties on any production.

If the Government of the United States is asking for bids on the lease of lands in Idaho, and then in the Holland joint resolution proposes to give away land, I want to say a word for Idaho. If Idaho is to be denied the right to have this land and let it be exploited, then I say that other people should be denied their right in the same way. I believe in equal rights and equal protection under the laws.

There is before the Senate a joint resolution providing that public lands under the sea shall be given to certain States. But according to this news item, the State of Idaho will not be able to obtain lands within her borders. Idaho has thousands of acres of phosphate lands, but all it will receive will be royalties. I think equal treatment is deserved. I do not believe Idaho's public lands ought to be exploited.

While we seem to jest, and we have discussed this matter in good humor, I may say that the Senator from Alabama has done a wonderful job in presenting this issue. The issue is very, very serious. The so-called tidelands joint resolution is symbolic of the issue.

Mr. HILL. I desire to thank the Senator from Minnesota.

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

Mr. HILL. I yield to my friend from Illinois.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I may be permitted to reply briefly to the Senator from Minnesota, without the Senator from Alabama losing his right to the floor.

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

Mr. DOUGLAS. I agree with virtually everything the Senator from Minnesota has said. Great private interests are trying to take the public domain. At the same time, it should be made clear again, as we have always tried to make it clear on the floor, that the sponsors of Senate Joint Resolution 13 have just as pure motives as have the Senators who oppose the joint resolution. I know that the Senator from Minnesota agrees thoroughly with me when I say we do not desire to take a self-righteous attitude. I am certain the junior Senator from Texas and the senior Senator from Florida have the public interest at heart just as much as we have. I believe they are grievously mistaken, terribly mistaken in their views. However, we do not question their motives.

Mr. HUMPHREY. I do not question the motives of any Senator. I merely say that all of us at time are victims of what I consider to be social orientation or the environment of propaganda. I submit that in the section of the United States where I live, people have been led to believe that if the Federal Government does something, it is bad. If the Federal Government builds a public power plant or a dam, or puts up a transmission line, it is bad. I submit that the Government is the agency of the people, that it can be good, and that it does good work and good deeds.

We have jested again and again about these matters. However, I will not stand idly by on the floor of the Senate and see my State denied what it has a right to expect. I came to the United States Senate to represent 3 million people in the State of Minnesota, as well as the interests and rights of the whole Republic. Just as I realize the importance of this issue to other Senators from their point of view, I consider it important from my point of view. We estimate that under the Hill amendment in the next 10 years, according to conservative estimates, the State of Minnesota would receive $165 million in royalties. We need new schools in my State. The legislature has turned down requests for appropriations to provide schools for children. Our forest lands need to be rehabilitated. I refuse to stand idly by as a Senator representing the State of Minnesota and see a great public domain go into the hands of only a few. I think it ought to be equally shared, and it will be equally shared, with proper consideration being given to the geographical location of the coastal States, which under the Anderson bill would receive 37½ percent of the royalties in the 3-mile zone, which is exceedingly generous, plus all the additional royalties or per capita income under the Hill amendment; and that would represent a very substantial amount.

Mr. HILL. I thank the Senator. I join with the Senator from Illinois and the Senator from Minnesota in making

it very definite and clear that we do not question the motives of our colleagues in their support of the Holland joint resolution. I know that the Senator from Minnesota certainly did not have any such thing in mind. He was talking about the great interests and great groups outside which are carrying on propaganda wars all the time, seeking to get this or that for themselves. In no way whatever did the Senator from Minnesota have in his mind, nor did he indicate by anything he said, any relationship to the distinguished Senators who happened to be propenents of this measure.

Mr. HUMPHREY. The Holland joint resolution would only turn the properties over to the States.

Mr. HILL. That is correct.

Mr. HUMPHREY. I recall my year and a half in Louisiana. I went to school in Louisiana. I concur in everything the Senator from Illinois [MR. DOUGLAS] said about the late Huey Long and his great son Russell Long.

I know what the oil interests tried to do in Louisiana. I was out on the stump trying to protect the severance tax for the people of Louisiana. The State Legislature of Louisiana and the Governor of Louisiana were trying to give the people something from the oil, but the oil companies were gouging them as they now gouge them. It does not make any difference to the oil companies whether they deal with the Federal Government or the State government.

I should like to pay a tribute to the Texas Legislature and to the Conservation Department of the State of Texas, one of the very best in the Nation. It is operating against great odds. I am not speaking of any public official. I am simply saying what I will say at home in Minnesota. When the lumber interests wanted to ruin our forests they did it, and when they were through in Minnesota they went to Oregon, and they are out there now.

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

Mr. HUMPHREY. When the commercial interests got through ruining certain parts of our mines, they went somewhere else. The public interest must be protected by public officials.

Mr. MORSE. Mr. President, will the Senator from Alabama yield to me?

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

Mr. MORSE. The Senator from Minnesota is correct. The lumber interests are active in Oregon, but they are having pretty hard sledding in my State, because the people of my State have been giving support to sound conservation programs.

I do not mean to say that there are not a great many devastations on the part of the lumber interests which ought to be stopped, but, as I said earlier this afternoon, I am satisfied that the people of my State have learned something from the exploitations of the selfish interests which would seek to take advantage of our natural resources. My people are behind the point of view I am expressing here on the floor of the Senate, namely, that the kind of exploitation of natural resources which I think would be greatly encouraged by the passage of the pending joint resolution must be stopped if the public interest is to be protected.

Mr. HILL. I thank the Senator from Oregon.

Earlier the Senator referred to the great public power projects of this country. The Senator may recall that last June or July a power conference was held in Washington. I think the Senator from Oregon was one of the speakers. I know that he was very much interested in that power conference.

The power conference did not receive much publicity. I made a speech before it. I was supposed to make the opening speech. Some of the members in attendance were so kind as to say that they wanted me to make what they called a keynote speech. It may have "keyed," but it did not "note" very much so far as receiving publicity was concerned.

Inasmuch as the Senator from Oregon has spoken about the great power projects, and so much has been said upon that subject, I should like to quote a few words from the speech which I delivered at that conference. I said, in part:

> We had the good fortune to be blessed with the finest system of natural waterways in all the world and the good sense to look upon them as great national assets to be used and enjoyed by all the people.

I was speaking about the United States in later years.

> We recognized that our only sources of inexhaustible energy lay above the ground and not beneath it. What we have done with these resources is a marvel. A few years ago electric lights were a curiosity to most folks and a luxury for the few that could afford them. Today electricity is almost universal, even in rural areas. It has transformed our business and industry and agriculture and enriched our lives.
>
> * * * * *
>
> The private utility lobbyists are after one thing and one alone—the cheap power generated with the peoples' money. They say it is free enterprise for them to have it and socialism for the people to have it. Of course, it is neither, and they know it. I know no definition of democracy that requires that the people surrender the rains from the heavens. I know no definition of free enterprise that imposes on private business the responsibility for controlling the floods, conserving and restoring the soil and the forests, deepening the rivers for navigation and commerce, or harnessing the streams for irrigation and energy. The waters that gather on the mountain peaks and flow down to the sea are the property of no man or corporation. They are a part of that vast body of natural resources given by our Creator for the use and benefit of all the people. No private business ever has or ever could undertake their comprehensive development. That is a job for the American people, through their Government.
>
> We might well ask ourselves where we would be today had the people not undertaken the job but depended on private enterprise to do it. The plain fact is that it would not have been done. There would be no river valley developments like TVA, no great dams like Boulder, Bonneville, Fort Peck, Dennison, Shasta, Wolf Creek, and Grand Coulee, no REA, and no great power districts and municipally owned systems such as we have today. Rural America and a great part of urban America would still be in the dark. Our industry would be hopelessly outclassed as other nations race to increase their hydro capacity. We might still be searching for the atomic bomb.

When I was in the House of Representatives I served as a member of the House Committee on Military Affairs. We had before us for consideration at that time the Muscle Shoals project. Senators will recall that the authority for the building of the great dam at Muscle Shoals, Wilson Dam, together with the nitrate plants, was carried in the National Defense Act of 1916. Former Senator McKellar, of Tennessee, then a member of the House Committee on Military Affairs, offered the amendment authorizing the construction of the great nitrate plants and the dam, first for the defense of our country, and second, for agriculture.

When I was a member of that committee, and before the TVA was created, witnesses appeared before the House Committee on Military Affairs and testified as to what we should do about putting those plants and that dam to work for the people, and to provide for the development of the Tennessee River. I recall that witnesses were there representing the private utilities, and we said to them, "Why don't you take power lines into the rural areas? Why don't you take them to the farms and the country stores and to the countryside generally?" What did they say? They replied, "We cannot do that. To do that would take so much money that it would even break the Treasury of the United States."

Mr. President, we know they did not do it; they would not do it. The Government of the United States through the REA Act did the job.

The distinguished Senator from New Mexico [Mr. ANDERSON] who was once the honored Secretary of Agriculture, under which comes the REA, I think would tell us that the REA loans turned out to be gilt-edged. The Government has not lost one-tenth of 1 percent on those loans, and instead of about 5 percent of the farms having electricity, today some 80 or 90 percent have electricity.

Not only do our people have electricity, and all the benefits and blessings that electricity has brought, such as the electric refrigerator, electric washing machines, and the like, but the Senator from New Mexico would tell us, too, that electricity on the farms has contributed much to the diversification of agricultural crops, and given our country greatly needed assistance not only from the standpoint of the welfare and incomes of the individual farmers, but from the standpoint of wise farm practices, from the standpoint of the conservation of our precious soil.

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

Mr. HILL. I yield to the Senator from New Mexico.

Mr. ANDERSON. Not only has the Senator from Alabama stated correctly the credit position, because the loans have been uniformly paid back and the credit situation could not be better, and certainly no one could have wished to have made better loans than the REA to the REA cooperatives, but the small merchant, who wondered what the REA was going to do to him, has discovered that he can sell electric washing machines, electric refrigerators, and his

whole line of goods to the agricultural population, who were not in his line before. It has made a contribution not only to the merchants but to the farmers. It was like a ball which, when we start it rolling, contributes to the prosperity of all.

Mr. HILL. It begins to multiply, and contributes to prosperity. Many crops which previously farmers could not raise can now be grown because electricity has brought refrigeration to the farms. I remember when I was at home in Alabama, if a farmer raised hogs he was always fearful that when he killed his hogs and got the meat, the weather might turn warm and he would lose the meat. Therefore farmers were very much disinclined to embark on hog raising. The same observation might be made as to the raising of dairy cattle. Now we have refrigeration, and farmers can keep milk indefinitely in their refrigerators. There are many illustrations I could give as to the benefits REA has brought, not only to the individual farmer, but to the economy and the strength of the whole Nation.

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

Mr. HILL. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. The Senator's last point is particularly important, because one of the present problems confronting the country and the administration is the dairy business. The one solution to the problem is to market the milk in the form of fluid milk rather than to make it into butter, and that is quite out of the question without the refrigeration that comes from the REA, which makes possible the maintenance of grade A dairies. One of the reasons why the production of butter has presented such a difficult problem in the past was that it could be made without refrigeration, and making butter was the one way of preserving the milk without refrigeration.

Mr. HILL. Mr. President, not many years ago my home county, where I was born and raised and have lived ever since, Montgomery County, Ala., was almost entirely a cotton-producing county, and very often the economy of the county was at pretty low levels. Today it is no longer primarily a cotton county. Today the dairy industry is first on the list, beef cattle raising is second, and the production of cotton is quite a way down the line, in third place. We have prosperity in that county, not only prosperity for the farmers but prosperity for the business people, prosperity for the professional people, prosperity for all the people the like of which we did not dream of in the old cotton days and the like of which we could not in any way have hoped to attain until REA was brought to us by the Government of the United States.

I wish to say also that along with the REA the people are getting rural telephones, and in the southern end of the county, I may say to the Senator from Arkansas, the REA is making rural telephone loans to people who for all these years have been denied anything like adequate or efficient telephone service. They will soon have such service as their neighbors in the city enjoy, so that if a farmer wants to call his market he will be able to do so, just as his neighbor in the city can call the market; if he needs to call a doctor or an ambulance to go to a hospital, he can call on the telephone exactly as his neighbor in the city can.

Mr. President, I was very glad the Senator from Minnesota paid tribute to the late Gov. Gifford Pinchot, of Pennsylvania. He was a comrade in arms with Theodore Roosevelt in the great battle for the conservation and the preservation of the natural resources of our country. Not only was he a distinguished governor of the Keystone State, his home State of Pennsylvania, but he was a mighty warrior, a mighty battler for the conservation of the great resources of the United States. It is impossible to think of Theodore Roosevelt and pay tribute to him without also thinking of and paying tribute to the great work, the devotion, the sacrifices, the magnificent leadership of Gifford Pinchot.

Mr. President, I had spoken of the Inland Waterways Commission which President Theodore Roosevelt set up, and I had quoted very briefly from the report of that Commission. I shall not delay the Senate by quoting the whole report, but I believe I should here make a brief quotation from President Roosevelt. After President Roosevelt got the report, which was submitted to him as President of the United States, he called the governors of the several States to convene in Washington. I wish to quote very briefly from his address to the governors on the matter of conservation. President Roosevelt said:

> The occasion for meeting—

That is, the meeting of the governors—

> The occasion for meeting lies in the fact that the natural resources of our country are in danger of exhaustion if we permit the old wasteful methods of exploiting them longer to continue.
>
> We are coming to recognize as never before the right of the Nation to guard its own future in the essential matter of natural resources. In the past we have admitted the right of the individual to injure the future of the Republic for his own present profit. The time has come for a change. As a people we have the right and duty to protect ourselves and our children against the wasteful development of our natural resources.

Mr. President, are not those words prophetic? Do not they contain a challenge to those of us who sit in the Senate today?

Senators have called attention to the movement now under way, to take over and exploit, for private gain and private profit, our great natural resources—or, as I understand what Theodore Roosevelt said, "To injure the future of the Republic."

The present movement, now under great impetus, I may say, would, in the words of President Theodore Roosevelt, "injure the future of the Republic, for the present profit of the individual."

The Federal Government did not dictate in this matter; it did not issue a mandate about it. The governors themselves, realizing the seriousness of the depletion of our natural resources and realizing their inability to cope with the situation, issued at that time a declaration in which they requested help from the United States Government. That action was not taken by the President of the United States or by someone who spoke for the Federal Government. On the contrary, that action was taken by the governors of the States. At that time the governors, the chief executives of the several States, representing the people of the several States, declared:

> We agree that the sources of national wealth exist for the benefit of the people, and that monopoly thereof should not be tolerated. We declare the conviction—

Mr. President, notice the use of the word "conviction." Could a stronger word have been used in that connection?—

> that in the use of the natural resources our independent States are interdependent and bound together by ties of mutual benefits, responsibilities, and duties.

When I traveled in the West, I observed that situation. Previously I have spoken of visiting the State represented in the Senate by the distinguished junior Senator from Oregon [Mr. MORSE]. When last fall I traveled in the West, I not only visited Oregon but I also visited the great States of Idaho and Washington. There I saw the Snake River, the great tributary of the Columbia. Almost everywhere I traveled in that area I saw either the great Columbia River or some large tributary of it.

Mr. President, the natural resources of our great country cannot be used or handled by one State alone. As the Governors said, the States are interdependent in connection with the use of the natural resources.

Mr. MORSE. Mr. President, will the Senator from Alabama yield to me?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. HILL. I yield.

Mr. MORSE. When the Senator from Alabama traveled in the Western States, did he see the location of the proposed, great Hells Canyon Dam?

Mr. HILL. Yes. Let me say to my distinguished friend, the Senator from Oregon, that I had not been able to visit that location by automobile. Therefore, when on one occasion I happened to be traveling in an airplane, flying not far from the location of the proposed Hells Canyon Dam, I asked the pilot of the plane, "How far away is the location of the Hells Canyon Dam?"

He replied, "Not too far—about 30 or 40 miles."

I said to him, "When I was in the Middle East, a year ago last fall, I was flying with an English pilot, who was flying me from Beirut, Lebanon, to Jerusalem. An old crusaders' castle is located in that area, and the pilot wanted to make sure that I saw it. So he flew over and over it, and almost frightened me to death, by flying so close to the ground that I thought finally he would try to fly the plane through the doorway of the old castle, and I did not believe the doorway was wide enough to permit the wings of the airplane to pass through it."

In speaking to the pilot of the plane, while I was making my trip in the West

last fall, I referred to that incident in the course of my travels in the Far East, and said "That old crusaders' castle tells a historic story, and I was interested in seeing the castle. But I am much more interested in seeing the site of the proposed Hells Canyon Dam, because the Senator from Oregon has done me the honor of permitting me to join him in sponsoring the bill which calls for the construction of that dam."

So I asked the pilot to fly very carefully—and I emphasized the word "carefully"—so that I might have a full view of the site proposed for the Hells Canyon Dam.

I wish to say to the Senator from Oregon that I saw the wonderful site that God Almighty in His infinite goodness and beneficence put there, so that His children might construct at that point a means of deriving the great benefits and blessings which He intended His children to have from their wonderful heritage in the rocks along that river.

Mr. MORSE. Am I correct in understanding that this week the Senator from Alabama will join me in the introduction at the present session of Congress of the bill calling for the construction of the Hells Canyon Dam?

Mr. HILL. The Senator from Oregon is entirely correct. I am proud to join with him in the introduction of that bill, and I shall be at his side in the battle for the building of that dam. I do not wish to be pessimistic, but I am afraid we have some hard battles ahead.

But I shall join the Senator from Oregon in the fight for the construction of that dam. Knowing him as well as I do, I am confident he will continue in that battle and will persevere in the way that, as I have said earlier in my remarks, the late George Norris persevered in the battle he waged; and I believe that, in the end, that dam will be built for the benefit of the people of the entire Nation.

Mr. MORSE. In other words, the Senator from Alabama agrees with me, does he not, that we must stand together and must fight unceasingly for the preservation and development of our great natural resources in the way one of them will be preserved and developed by means of that bill?

Mr. HILL. The Senator from Oregon is entirely correct, and I am happy to join him in that noble endeavor.

Mr. MORSE. After having visited that part of the country, does the Senator from Alabama agree with me that it would be a colossal mistake, in terms of the development of our natural resources, to authorize the Idaho Power Co. to build a series of low-head dams which would generate approximately half the kilowatt hours the great Hells Canyon Dam would generate?

Mr. HILL. I would say it would be almost criminal to do such a thing.

In that connection, let me say a very serious proposal was made by certain of the Army engineers to have a number of low dams built on the Tennessee River. Such dams would not have made it possible to generate any power there. The dams would have improved navigation, but they would not have made it possible to generate any power. Think what a crime it would have been if Congress had carried out that recommendation.

Earlier in my remarks I spoke of what the power developed in the Tennessee Valley has meant to the defense of our country. I shall not repeat the statements I made in that connection, except to say that during World War II the availability of power from the TVA made it possible for our Nation to produce the aluminum necessary for the manufacture of the planes which carried our flyers over Germany and Japan, and thus contributed so much to the winning of our victory and the preservation of our freedom and the saving of our American institutions. Think what the availability of power from the TVA has meant to the development of the great atomic energy plant at Oak Ridge, which it was possible to develop only because the electric power was available. As a result, it was possible to develop and produce the atomic bomb. Mr. President, where would we be today if we did not have the atomic bomb, I ask the Senator from Oregon?

Mr. MORSE. The Senator is quite right. The building of these dams proved to be one of the wisest defense moves our Government ever made.

The next question I should like to ask the Senator from Alabama is whether he agrees with me that the Hell's Canyon Dam issue is really part and parcel of the same principle that is involved in the pending measure, namely, that it is the issue of protecting the public's interest in the natural resources of the country and preventing, in the name of private enterprise, private monopolists from getting control of the people's property? Is that not true, I ask the Senator from Alabama?

Mr. HILL. I apologize to the Senator. My attention was diverted for a moment by another Senator. Will the Senator kindly repeat his question?

Mr. MORSE. I am very glad to repeat the question, because it only helps emphasize a matter which I think needs to be emphasized over and over and over again in the RECORD. Does the Senator not agree with me that the issue involved in the construction of the Hell's Canyon Dam is in principle the same issue that is involved in protecting the oil lands which are covered by the pending joint resolution in the interests of the people? Is not the issue that of preserving the natural resources of our country for the promotion of the benefit of the people, rather than the promotion of the profit dollars of monopolists?

Mr. HILL. The Senator is entirely correct. The proposal to build that dam poses the question clearly and emphatically, exactly as the Senator has stated. I may say to the Senator, that as we talk about these big questions, we are only recalling the past, as we should. It was Patrick Henry who said, "I have but one lamp by which my feet are guided, and that is the lamp of experience." We should be guided by the light of the story of what has happened in the past, because we are threatened today with a challenge to our forests, to our public lands, to our grazing lands, and to our mineral lands; a threat that they may be despoiled and taken from the trusteeship of the Government of the United States, as the trustee for all the people, to be used, as Theodore Roosevelt said, for present causes, for a few people. It is well to recall the past.

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

Mr. HILL. I yield to my friend from Arkansas.

Mr. FULBRIGHT. In regard to the battle to which the Senator referred a moment ago, in connection with the public lands, I thought we had gotten entirely away from that type of action. Does the Senator recall the last time? Has there been any time subsequent to the era we discussed a minute ago with the Senator from Minnesota, when this type of thing, in regard to great and valuable public lands, has taken place? Has there been any recent period?

Mr. HILL. If there has been any recent period, I do not recall it. I think unquestionably the waste and depletion and despoiling was in the period to which Theodore Roosevelt referred and to which his Commission on Inland Waterways referred. That was in the period before Theodore Roosevelt appointed that commission, and before he and Gifford Pinchot set forth on their great crusade, to wage a battle for the conservation of the natural resources of our country.

Mr. FULBRIGHT. If the Senator will permit me, I may say that is the point I wanted to make, that we thought we had gotten away from this type of thing. Now, to start it again with the submerged public lands would be a revival of a practice which we thought we had discontinued. It would certainly be a new precedent for further action of that kind.

Mr. HILL. The Senator is entirely correct. We would return to the bad old days, the old days of waste, depletion, destruction, and the despoilment of our great natural resources. The Senator knows that a book could be written showing how foolish, how tragic it would be for us to return to the old policy of permitting waste and destruction, for we would not only be wasting and destroying our natural resources, but wasting and destroying the very life of the people of the United States, and the life of our Nation, the United States of America.

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

Mr. HILL. I yield to my friend from New York.

Mr. LEHMAN. I think Theodore Roosevelt was a very great President. He stood between the people who wanted to despoil the country for private profit and for private interest. But is it not a fact that the give-away program that was attempted at that time, a program which sought to take from the people of the country as a whole valuable resources, was on a relatively small scale compared to what is proposed today in this proposed give-away measure, which, in my opinion, would within a relatively short time include not only oil lands but also mineral resources, grazing lands, as the Senator has said, timber lands, and public parks. This would be 100 times more serious than what was proposed and to some extent carried out before the days of Theodore Roosevelt.

Mr. HILL. The Senator is entirely correct. I had contemplated going into that later in my speech to show something about the value of these properties and what it would mean. But what I want to emphasize is that there is no way in the world by which to determine the value of these resources, to determine what they mean now and will mean in future years to the life of our people and of our Nation. The value of soil cannot be estimated in terms of money. After all, all that we eat and wear, the very sustenance of life, has to be taken out of mother earth. For us to permit the depletion of the soil of our lands and the destruction of our forests would result in untold loss. As I said earlier, to destroy the forests would be to destroy the umbrellas which protect the soil from washing away and from erosion. It is impossible for us today to know or even to conceive the injury we would do to our Nation were we to do such a thing.

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

Mr. HILL. I yield to my friend from Arkansas.

Mr. FULBRIGHT. It might be that the Senator is correct about that, but I should like to call his attention to some of the lands where exactly that has happened, lands which today are practically desert areas.

Mr. HILL. I would be glad to have the Senator do that.

Mr. FULBRIGHT. In north Africa and in certain of the Middle East countries, there used to be some of the real garden spots of the world. But the thing about which the Senator is talking has taken place there.

Mr. HILL. I know the Senator from Arkansas has been there. The Senator and I have both been in the Middle East. We know how the Good Book speaks of Lebanon, Syria, Jordan, Palestine, Egypt, and other old countries. One who visits those countries probably feels that he is on holy ground. He remembers that the Bible speaks often of the green pastures. But today, when one goes there, instead of finding green pastures, he sees arid, dead lands, lands which afford no nourishment to sustain either animal or vegetable life. Their soil is incapable of producing anything.

Mr. FULBRIGHT. As the Senator has said, we have no conception of what would happen. We have proof of what has happened in the countries I have mentioned. We have been all through those countries.

Mr. HILL. It is impossible for our finite minds to picture how colossal would be the catastrophe and the tragedy of such a thing. That is what I meant.

Mr. FULBRIGHT. I agree with the Senator. Stated differently, owing to the short-sightedness of so many people, it is impossible for them to visualize what would happen, although it has happened in so many other parts of the world, as the result of just such factors.

Mr. HILL. I have often reflected, so far as the people of the Nation are concerned, upon what I consider to be one of the finest passages to be found in the Good Book, namely, "Where there is no vision, the people perish."

Mr. ANDERSON. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield. Maybe the Senator from New Mexico has a better passage from the Bible.

Mr. ANDERSON. That is a very good passage, but I think for men who are in public life there is no better story than the story of Joseph who was entrusted with the task of feeding a great many people. He stored grain in prosperous years, and when the lean years came the people were saved from starvation because of his wonderful work. When we read that story we take great satisfaction, and then, all of a sudden, we read on a few pages and find a sentence which is absolutely incomprehensible. It reads:

> And there rose over Egypt a king which knew not Joseph.

No matter how long a public servant may work for his people, no matter how many things he may do, no matter how well he may save in the good years in order to take care of the lean years, very frequently we find there rises "over Egypt a king which knew not Joseph."

I hope we shall not hasten that process by giving away the property of the people.

Mr. HILL. I thank the Senator for all he has said.

If I may have the attention of my friend, the distinguished senior Senator from Ohio, the great Republican leader of the Senate of the United States, I should like to pay my tribute to another President of the United States. We have talked much about Theodore Roosevelt. I want to pay my tribute to another President and to the great work he did, the great act of conservation he undertook, and his mighty contribution to the welfare and the life of the Nation in the conservation of its resources. I refer, of course, to William Howard Taft.

I have always honored him, but I particularly pay my tribute to him at this time, while we are considering the matter of the conservation of our natural resources—I might say, the saving of the life of our Nation and its people.

I invite the attention of the Senate to the fact that in the early part of the century President William Howard Taft established the Bureau of Mines and withdrew from public sale large areas of oil, coal, and timber lands. Then began a policy in contrast to the over-centralized development of the coal mines in the hands of a few big interests. We placed our minerals with their great values under Federal regulations for the purpose of conserving them for our people.

It is estimated that today the Federal Government owns 111 trillion cubic feet of gas, 324 billion tons of coal, 4 billion barrels of oil, and 138 billion barrels of oil in the form of shale.

It was the distinguished President of the United States, William Howard Taft, who not only established the Bureau of Mines, but who reached out and put an end to the depletion and the dissipation and the despoilment of these great natural resources.

Mr. MORSE. Mr. President, will the Senator from Alabama yield at that point?

Mr. HILL. I yield.

Mr. MORSE. I am very glad the Senator has paid that tribute to William Howard Taft. We have been so much in the habit of mentioning Theodore Roosevelt and Gifford Pinchot that I think we sometimes overlook the fact that if we go to the Taft papers and his public announcements we will find that during his administration he deserved the reputation of being one of the great conservationists in our history and helped to bring into being some of the Republican reforms in connection with our natural resources which were long overdue.

In my opinion, William Howard Taft, along with Theodore Roosevelt and Gifford Pinchot, will go down in history as one of the three great Republican conservationists.

I am very glad the Senator from Alabama has mentioned him in the debate, because if we study the history of the Taft administration we will find that at times the position he took concerning the resources of the Nation earned for him the criticism of some of the timber barons. Nevertheless, he stood his ground and took the position that, after all, these great resources should be conserved.

We will also find many references to our timber policy, namely, the looking upon our forests as being really agricultural products which ought to be scientifically harvested under a proper program instead of being simply a source of paper. President Taft believed in the constant-yield program, and he believed the forests should be scientifically harvested and preserved for future generations of Americans.

I should like to say, as I said earlier this afternoon, that I think that is the same principle that should be applied to protecting our natural resources for the benefit of all our people. We cannot take a part of our natural resources and say we are going to apply a certain principle to that particular segment. The test is, Are we doing what we should to conserve these natural resources as a heritage and a legacy for future generations of Americans? We can well go back and study the administration of William Howard Taft in connection with the whole field of conserving our natural resources.

Mr. HILL. We should follow the example he gave us of devotion in his efforts and in his determination to protect and preserve our great natural resources.

Mr. TAFT. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield to a worthy son of William Howard Taft to whom we have just paid a much-deserved and just tribute.

Mr. TAFT. Mr. President, does the Senator intend to continue indefinitely this evening?

Mr. HILL. No; I have consideration for my fellow Senators. I realize that this has been a very long day. We met today at 11 o'clock, and it is now 7 o'clock. Out of consideration for my fellow Senators I would be willing at this time to yield the floor. I will say to the Senator that if I continue the speech I have been making I think I can finish it in a much shorter time, but if the Senator desires me to start a new

speech tomorrow, I want to say to him that we shall have reached the point in this debate where no one will count the speeches. If the Senator forces me to start a new speech tomorrow, it may take longer than if I can just pick up where I left off and go on through.

Mr. TAFT. I shall be glad to stay here all night and listen to the Senator. But the Senator will have to take his chances on getting the floor in the morning.

Mr. HILL. The Senator from Ohio has not been present very much today.

I want to thank the Senator for what he said. When we started this morning, the Senator said there was not anything that anyone could add to the debate. Considering the friendly relations which I am proud to say have always existed between the Senator from Ohio and me, I thought he was a little hard on Senators who oppose the joint resolution. I felt almost like pulling my toga over my face and exclaiming, "Et tu Brute?" But since it happens that I serve in the Senate of the United States, I do not wear a toga.

The Senator from Ohio now says he is willing to stay all night to hear me talk, so I feel much better about the situation. The Senator has done much to ameliorate my feelings in the matter, because he has said he is willing to stay all night.

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

Mr. HILL. I yield to the Senator from Ohio.

Mr. TAFT. I merely wish to suggest that it seems to me that my statement has been borne out, because the Senator has talked at least two-thirds of the time on other subjects and has been unable to find anything new to say about the tidelands joint resolution. I think that very clearly there has now been developed a typical filibuster technique, which has been followed by the Senator in many other debates in which he filibustered against various measures that were attempted to be brought to a vote. I admire the technique of the Senator, but certainly it seems to me completely to justify my statement that he has run out of material that is in any way new in connection with the tidelands measure.

Mr. HILL. I appreciate the very high compliment my distinguished friend, the Senator from Ohio, has paid to me as a filibusterer. I even express some pride, if I may use the word, in my technique. I am glad the Senator has interrupted me. However, I say honestly, that I have no disposition in anyway whatsoever to filibuster the pending joint resolution.

Had the Senator done me the honor to remain on the floor, I believe he would have found that some contributions have been made to the debate that were not to be found in the RECORD before I took the floor this morning. I think they have been very important contributions. If I may say so, I think constitutional questions have been brought out with a clarity and a force that the Senate has not previously heard; and in so saying, I am not pinning a bouquet on myself, but I am expressing appreciation to my colleagues who have made so many fine contributions to the debate today. I wish I could persuade my friend, the distinguished Senator from Ohio, to read the RECORD of the debate today. If he would do so, I think the day would be saved. There have been very definite, very real, historic contributions made to the debate by other Senators.

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

Mr. HILL. I yield to the Senator from New York.

Mr. LEHMAN. In the first place, I desire to congratulate the Senator from Alabama for what I think has been a magnificent, constructive debate led by him. I think the entire question of constitutionality and the delays that will come from litigation over the pending measure, if it shall be passed—and I hope it will not pass—will tie up the development of the submerged lands for a very long time.

I wish to make it very clear that I would feel derelict in my duty as a Senator if I did not deny vehemently, with all the force at my command, that this is a filibuster in any sense of the word. It is not a filibuster. I do not recall that any irrelevant remarks or discussions have come into the debate, even though there has been great repetition, largely on the part of the proponents of the joint resolution. Contrary to the usual procedure of a filibuster, everything that has been said on the floor of the Senate since the debate began has been relevant and has been definitely connected with the important subject we are discussing.

A few minutes ago I read an item on one of the news tickers. It said that into the debate have been brought baseball news, racing news, comments on bald heads, and the like. I deny that statement. Nothing of that sort has been brought into the debate. I deny the statement because I am against filibusters with all the strength I have. I think they are evil. I have fought filibusters.

I may say to the distinguished majority leader, for whom I have very great respect, that, so far as the present debate is concerned, I think it is about time the American people, including Senators, understand what is happening. There have not been three Republicans constantly on the floor of the Senate during the day. Similarly there have been on the floor very few Democrats who support the Holland joint resolution. The same tactics are being used as were used during the debate on the McCarran immigration bill, when the opponents of the bill spoke in the hope of educating the public, but had to talk to empty seats. In that debate, the proponents of the bill did not even show us the courtesy of arguing. Senators who are proponents of the pending joint resolution have given the opponents that courtesy up until today.

I think we might just as well make up our minds that this subject has got to be brought home to the American people, so that they will know the evils in what is contemplated, the dangers to our economy, to our safety, to our security, and to the Constitution itself.

So far as I am concerned, I should be very glad and eager to continue this debate—not a filibuster. I deny that, in the slightest degree, it is a filibuster. It is a debate that is being conducted in the hope of educating the American people, including the Congress of the United States. I am willing to continue just as long as any other Senator desires to continue, not necessarily tonight, but next week and the week after, if that should become necessary, in order to educate the American people, if I may say so to my distinguished friends, the Senator from Texas [Mr. DANIEL] and the Senator from Florida [Mr. HOLLAND], because the people do not know the issues and do not understand them. I said earlier today that if the people understood the issues, they would repudiate the joint resolution without any question. The joint resolution is contrary to the interests of the American people, would take from them what belongs to them, and would give it to only three States.

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

Mr. HILL. I yield to my good friend.

Mr. HUMPHREY. On 3 or 4 occasions this afternoon——

Mr. TAFT. Mr. President, if the Senator will yield, I make the point of order that the Senator from Alabama has not yielded for a question. He has therefore lost the floor. The Senator did not yield for a question. The Senator from Minnesota began to make a speech. There was no question before us. I suggest that the Senator from Alabama has lost the floor.

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

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, and that further proceedings under the call be dispensed with.

The VICE PRESIDENT. Is there objection?

Mr. MORSE. Reserving the right to object, Mr. President——

The VICE PRESIDENT. No debate is in order.

Mr. TAFT. Mr. President, the understanding is that the Senator from Alabama may have the floor in the morning without it counting as a second speech, if that is what interests the Senator from Oregon.

Mr. MORSE. I am not surprised that the Senator from Ohio knew what interested the junior Senator from Oregon.

Mr. TAFT. In view of the fact that I have told so many Senators that nothing would be done after 7 o'clock, I do not like to put them to the inconvenience of returning to the Chamber, which would involve a delay of at least half an hour or so. I am quite willing to agree to the understanding which I have stated.

The VICE PRESIDENT. Is there objection to the request of the Senator

from Alabama that the order for the quorum call be rescinded? The Chair hears none, and it is so ordered.

Mr. HILL. Mr. President, I ask unanimous consent that I may continue my speech when the Senate convenes tomorrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Alabama will be recognized when the Senate convenes.

PROTECTION OF PARLIAMENTARY RIGHTS

During the delivery of Mr. HILL's speech,

Mr. MORSE. Mr. President, will the Senator from Alabama yield, with the understanding that my interruption will not cause him to lose the floor, and that the interruption will appear at the close of his remarks?

The PRESIDING OFFICER (Mr. MARTIN in the chair). With that understanding, does the Senator from Alabama yield to the Senator from Oregon?

Mr. HILL. I yield to the Senator from Oregon, with the understanding that I do not lose my rights to the floor.

Mr. MORSE. I may say to my good friend, the Senator from Alabama, that I am hungry to hear his words. However, I find that I must take some food, the necessary fuel for the day. I have conferred with the Parliamentarian, and he has advised me that there is no rule that would prevent my eating a sandwich and drinking a glass of milk at my desk on the floor of the Senate. I do not wish to do that, because I think it would not be in keeping with the dignity of the Senate.

Mr. HILL. It might also be disconcerting to the speaker.

Mr. MORSE. However, I recognize that I dare not leave the floor and still expect to have my parliamentary rights protected unless I can make this appeal to the Senator from Alabama, and I now make it in the form of a question.

Can the Senator from Alabama give me assurance that if I should leave the floor long enough to have lunch, and if any Senator seeks to make a unanimous-consent request by interrupting the Senator from Alabama for that purpose, the Senator from Alabama will either object or afford me the courtesy of a quorum call?

Mr. HILL. I may say to my friend, the distinguished Senator from Oregon, that the only way in which a Senator could ask unanimous consent to have a committee meet during the session of the Senate would be to have the Senator from Alabama yield for that particular purpose. I assure the Senator from Oregon that I shall not yield for such a purpose, if the Senator from Oregon will have his lunch and return soon to the floor.

Mr. MORSE. I wish I could express adequately to the Senator from Alabama the appreciative and warm feeling that comes over me when a Senator extends to me the courtesy such as the Senator from Alabama has extended to me on the floor of the Senate.

Mr. HILL. The Senator from Alabama is always glad to extend any courtesy to the Senator from Oregon.

DISCLOSURE BY EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT OF INFORMATION ABOUT THE PEOPLE'S BUSINESS

During the delivery of Mr. HILL's speech,

Mr. HILL. Mr. President, I understand that the Senator from Texas [Mr. DANIEL] desires to make an insertion in the RECORD. I ask unanimous consent that, without prejudicing my rights to the floor, I be permitted to yield to the junior Senator from Texas.

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

Mr. DANIEL. Mr. President, I have prepared a brief statement on a subject about which I feel most deeply—the subject of the policies of the executive branch of the Federal Government regarding disclosure of information about the people's business.

I ask unanimous consent that my statement, together with a letter I have sent to the President, be included in the body of the RECORD at the conclusion of the remarks of the Senator from Alabama.

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

STATEMENT BY SENATOR DANIEL—INFORMATION ON THE PEOPLE'S BUSINESS, TIME FOR A NEW POLICY

Eighteen months ago, on September 24, 1951, former President Truman issued an Executive order establishing for the first time in our peacetime history a system of news censorship for all departments and agencies in the Federal Government, civilian as well as military.

Today I have written to President Eisenhower asking that he give careful consideration to revoking that Executive order issued by his predecessor.

I feel that such action by the present Chief Executive is advisable and important for these reasons:

1. The Executive order issued by former President Truman confers upon Federal officials unnecessarily broad authority to classify and restrict information without adequately defining the basis for such classification or prescribing the limits of information to be withheld.

2. The order is entirely negative in net effect; it fosters and even requires an attitude of secrecy on the part of executive officers without requiring or encouraging full and prompt disclosure of nonsecurity information.

3. The continuation of this Executive order in full effect can only serve to make secrecy a growing habit among the executive departments and agencies.

4. The national security requires the adoption of an executive policy encouraging full dissemination of information in which resort to classification of information will be the rare exception rather than the general rule.

A POTENTIAL DANGER

Executive Order 10290, as it now stands, constitutes a weapon of potential danger to the proper functioning of our system of representative government.

This was my conviction at the time the order was issued. It is my conviction still.

One year ago, when I began my campaign for the office I now hold, I stated as one of the fundamental principles of my campaign the following:

"To govern themselves, the people must have access to the truth without the censorship of nonmilitary information now imposed by Presidential order."

At that time, I pledged myself to work "to make sure that the people's business is transacted at all times out in the light of day, not under the censorship of official secrecy."

My deep concern about this matter—a concern not removed solely by changes at the White House—stems from personal experience. On the State level, it has been my privilege to serve as an official of the executive branch and of the legislative branch of State Government. Also, outside public service, I have been associated for nearly 25 years with the newspaper business, as a student, as a reporter, and, presently, as a co-publisher of two Texas weekly newspapers.

As a lawyer, as a public official, and as a newspaperman, I have seen the various sides of this question and from several practical vantage points.

A POWER EASILY ABUSED

Frankly, my anxiety over the existence of any executive censorship order arises more from my acquaintance with the powers and prerogatives of executive officers in representative governments than from my experience in the newspaper field.

The executive presiding over an agency or department, large or small, on any level of government holds enormous power over the molding of public opinion. It is a power easily abused. Give an executive an order instructing him to withhold information and granting him unlimited discrimination to exercise that authority and you render abuses virtually inevitable.

THE OPPOSITION OF THE PRESS

At the time President Truman's order was issued, the threat of potential abuse was almost universally recognized by representatives of the press and radio.

One of the most effective comments was made by the New York Times editorially on September 28, 1951:

"Thomas Jefferson several times pointed out that the success of real government by consent depended primarily upon the enlightenment of the electorate. A policy that tends to dry up information at the source through the device of classification will work against that enlightenment. We do not want security information to come into the hands of our adversaries if it can be avoided. But we do want all sorts of information in the hands of our public all the time."

The Associated Press Managing Editors Association described Executive Order 10290 as a "dangerous instrument of news suppression."

The National Editorial Association, representing 5,400 weekly and small town newspapers, declared in a resolution:

"The editors feel that the restriction constitutes a most serious threat to the traditional accessibility to information which is inherent in the Bill of Rights."

The National Federation of Press Women asked for modification of the order "so that the public may be assured of access to information and news that does not endanger the security of this Nation."

The American Society of Newspaper Editors, which had protested the impending release of the President's order before it was issued, reaffirmed its opposition, stating:

"We feel that the net effect of this executive order will be to formalize the suppression of much news to which the public is entitled."

These fears and criticisms were valid and justified in 1951, and remain valid today.

FULL ACCESS TO NEWS IN TIME OF CHANGE

In a period of changing policy and changing directions for our Government, it was never more important that the people be assured full and free access to the vital information upon which these changes are predicated. The people and the officials who serve them must work from the same set of books. Executive Order 10290 enables officials to keep one set of books while the

nurses and medical specialists in the Regular Army and Regular Air Force, and appointment with rank of lieutenant (junior grade) of nurses in the Regular Navy; without amendment (Rept. No. 149); and

S. 1546. A bill to amend the act authorizing the Secretary of War to approve a standard design for a service flag and service lapel button; without amendment (Rept. No. 150).

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

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

BILLS INTRODUCED

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

By Mr. FERGUSON (for himself and Mr. MAYBANK):

S. 1648. A bill to provide for a television studio to be maintained in connection with the Senate Radio-Television Correspondents' Gallery; to the Committee on Rules and Administration.

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

By Mr. KEFAUVER:

S. 1649. A bill to amend section 24 (c) of the Internal Revenue Code to permit the deduction from gross income of certain expenses and interest incurred or accrued, but not paid, during the taxable year; to the Committee on Finance.

S. 1650. A bill to amend chapter 113 of title 18, United States Code; and

S. 1651. A bill for the relief of Maria Anna Coone; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 1652. A bill for the relief of Robert A. Tyrrell; to the Committee on the Judiciary.

By Mr. MANSFIELD (by request):

S. 1653. A bill authorizing the Secretary of the Interior to issue a patent in fee to Mrs. Cynthia Cooper Anderson; to the Committee on Interior and Insular Affairs.

By Mrs. SMITH of Maine:

S. 1654. A bill to amend the act entitled "An act to provide for a method of voting in time of war, by members of the land and naval forces absent from the place of their residence," approved September 16, 1942, as amended; to the Committee on Rules and Administration.

By Mr. LANGER:

S. 1655. A bill for the relief of Seifoullah Lofti; to the Committee on the Judiciary.

By Mr. HENDRICKSON:

S. 1656. A bill for the relief of Gerolf Lamprecht; to the Committee on the Judiciary.

By Mr. CASE:

S. 1657. A bill to provide for the completion of Mount Rushmore National Memorial and the financing thereof by issuance of a special coin; to the Committee on Banking and Currency.

By Mr. DOUGLAS:

S. 1658. A bill for the relief of Maria Nakamura;

S. 1659. A bill for the relief of Antony Timothe Fairchild (Ishida Makoto) and Marie Dolores Fairchild (Shimizu Reiko);

S. 1660. A bill for the relief of Pietro Frisina and family; and

S. 1661. A bill for the relief of Erna Prange Blanks; to the Committee on the Judiciary.

By Mr. JOHNSON of Colorado (by request):

S. 1662. A bill to provide for Federal participation in the design, development, and service testing of jet- and turbine-powered transport aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McCARRAN:

S. 1663. A bill to increase the salaries of Members of Congress, judges of United States courts, and United States attorneys, and for other purposes; to the Committee on the Judiciary.

By Mr. MORSE (for himself, Mr. ANDERSON, Mr. DOUGLAS, Mr. HILL, Mr. HUMPHREY, Mr. JACKSON, Mr. JOHNSTON of South Carolina, Mr. KEFAUVER, Mr. LANGER, Mr. LEHMAN, Mr. MAGNUSON, Mr. MURRAY, Mr. NEELY, and Mr. SPARKMAN):

S. 1664. A bill to authorize the construction, operation, and maintenance of the Snake River project, Idaho-Oregon-Wyoming, and for related purposes; to the Committee on Interior and Insular Affairs.

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

MAINTENANCE OF TELEVISION STUDIO IN CONNECTION WITH SENATE RADIO-TELEVISION CORRESPONDENTS' GALLERY

Mr. FERGUSON. Mr. President, on behalf of myself and the Senator from South Carolina [Mr. MAYBANK], I introduce for appropriate reference a bill to provide for a television studio to be maintained in connection with the Senate Radio-Television Correspondents' Gallery.

The Senate radio and television correspondents are in great need of expanded facilities for their work and activities in the Capitol, and it is with this in mind that the Senator from South Carolina and I join in a bill looking to that end. We are very anxious that something may be done to accommodate the media of radio and television.

Mr. MAYBANK. Mr. President, will the Senator from Michigan yield?

The PRESIDING OFFICER. The Chair recognizes the Senator within the limits of the time of the Senator from Michigan.

Mr. MAYBANK. I merely wish to say that I am in thorough accord with the Senator from Michigan in what he has said, and I hope the committee to which the bill may be referred will expedite its consideration.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1648) to provide for a television studio to be maintained in connection with the Senate Radio-Television Correspondents' Gallery, introduced by Mr. FERGUSON (for himself and Mr. MAYBANK), was received, read twice by its title, and referred to the Committee on Rules and Administration.

TITLE TO CERTAIN SUBMERGED LANDS—AMENDMENT

Mr. ANDERSON submitted an amendment intended to be proposed by him to 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, which was ordered to lie on the table and to be printed.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H. R. 3480. An act to amend section 509 of title V of the Agricultural Act of 1949, to extend for 3 years the period during which agricultural workers may be made available for employment under such title; to the Committee on Agriculture and Forestry.

H. R. 4004. An act to amend section 5210 of the Revised Statutes; to the Committee on Banking and Currency.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. CARLSON, from the Committee on Post Office and Civil Service:

Frederick J. Lawton, of the District of Columbia, to be a Civil Service Commissioner.

By Mr. SALTONSTALL, from the Committee on Armed Services:

Lt. Gen. Charles P. Cabell, United States Air Force, to be Deputy Director of Central Intelligence;

Gen. James Alward Van Fleet, Army of the United States (major general, U. S. Army), to be placed on the retired list in the grade of general;

Harvey C. Slocum, and sundry other persons for appointment in the Regular Army of the United States;

Lt. Gen. Edward Hale Brooks, and Lt. Gen. George Price Hays, to be placed on the retired list, with the rank of lieutenant general; and

David E. Rippetoe, Jr., for promotion to first lieutenant in the Regular Air Force.

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

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

By Mr. KEFAUVER:

Address on the subject The United Nations: A Place to Promote Peace, delivered by Ambassador Henry Cabot Lodge, Jr., United States Ambassador to the United Nations, at the Women's National Press Club annual dinner, in the Hotel Statler, Washington, D. C., April 15, 1953.

By Mr. JOHNSON of Texas:

Article in tribute to the late Larry Slaughter, of Perryton, Tex., published by the journalism students of the Perryton (Tex.) High School.

By Mr. MARTIN:

Editorial entitled "Grass Roots Sentiment," published in the Washington (Pa.) Reporter of April 13, 1953.

By Mr. MUNDT:

Article entitled "Leader and Party Builder," by Raymond Moley.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13)

of the Secretary of State. Scalping by Indians. Red man respected Supreme Court decision (Senator HUMPHREY). Bald heads. Television.

Page 3116: To whom can freshman Senators look for protection against scalping? (Senator GORE).

Page 3117: Country stores in Arkansas and Alabama.

Page 3120: Baseball analogy (Senator DOUGLAS).

Page 3121: Further comments regarding scalps (Senators GORE and HUMPHREY).

Page 3125: Bride requested to repudiate beloved bridegroom. Alabama political campaign—candidate pictured with one foot on a horse going south and the other foot on another horse going north.

Page 3126: Poetry (Senator DOUGLAS). Remarks stating that speeches of former Senator Bruce "studded with gems from great poets and great writers."

Page 3127: New Testament (Senator DOUGLAS).

Page 3128: Senator HILL recalls long tenure in Washington. Recites fight of Senator George W. Norris regarding TVA project.

Pages 3128–3129: TVA—creeping socialism—private enterprise—Oak Ridge plant—atomic bomb (Senators MORSE and HILL). Comment by Senator MORSE on 12 speeches dedicated to Norris delivered week by week on Senate floor. Senator HILL discusses awe-inspiring view of Oregon forest—repeated later practically word-for-word on page 3136.

Page 3132: The Story of Pierre Vergerginaud, written by Claude Bowers.

Page 3133: Discussion by Senators HUMPHREY, JACKSON, and HILL concerning names of Hoover Dam, past, present, and future. Senator HUMPHREY suggests new name—"The Public Be Damned."

Pages 3133–3134: Dissertation by Senator HILL on building of dams. Senator HILL discusses part played by Senator Hiram W. Johnson and Representative Philip Swing in obtaining Hoover Dam. Senators HILL and SPARKMAN discuss fee of lawyer from Alabama, in Ashwander case dealing with TVA.

Page 3135: Discussion of preference clause in the Flood Control Act of 1944.

Page 3136: Comments concerning communism in China.

Page 3137: Discussion of the device of credit mobilier used from about 1851–71 to siphon off the land from the Union Pacific Railroad into private hands.

Page 3138: Discussion entered concerning power conference in Washington last June or July. Senator HILL then read at great length from a speech he made at that time.

Page 3139: Discussion of the raising of hogs and dairy cattle as affected by REA. Senator HILL discusses Muscle Shoals Dam, Wilson Dam and nitrate plant authorized in National Defense Act of 1916.

Page 3139: Senator HILL describes airplane ride over the proposed location of Hells Canyon Dam and tells of relating at great length to his pilot the story of a trip he took in the Middle East with an English pilot over an old crusader's castle located on the route from Beirut, Lebanon, to Jersualem.

Page 3141: Senator HILL discusses the Good Book's description of Lebanon, Syria, Jordan, Palestine, Egypt, and other countries. Senator HILL quotes the Bible. Senator ANDERSON quotes the Bible.

Repeated eulogies to President Theodore Roosevelt, President William Howard Taft, and Gov. Gifford Pinchot.

ORDER FOR RECESS TO 11 A. M. TOMORROW

Mr. TAFT. Mr. President, will the Senator from Alabama yield for a brief announcement and request dealing with another subject?

Mr. HILL. With the understanding that the Senator from Ohio will not attempt to take me off the floor, as he did last night, and that all my rights to the floor will be safeguarded by the Chair, and that I shall be protected in every way——

The PRESIDING OFFICER. The Chair would like to interpose this statement——

Mr. HILL. Mr. President, I merely want to say——

The PRESIDING OFFICER. Will the Senator from Alabama allow the Chair to make a brief statement for the record? The Senator from Alabama is still hanging on.

The Chair stated to the Senator from Alabama that he would protect his rights while the Senator from New York is in the chair.

Mr. HILL. I have great faith in the occupant of the chair.

The PRESIDING OFFICER. The Senator may have great faith. The Senator from Ohio.

Mr. TAFT. Mr. President, I ask unanimous consent that, when the Senate concludes its business today, it recess until 11 o'clock a. m. tomorrow morning.

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

TITLE TO CERTAIN SUBMERGED LANDS

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

Mr. HILL. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. HILL. Mr. President, the Senator from Louisiana has said that this is a filibuster. Well, Lord ha' mercy, no. In the light of the many sessions through which the Senator from Louisiana has sat when a filibuster was in progress, I am astounded, I am shocked, I am surprised to think that he would come here this morning to make such a statement. I know how fine and honest the Senator from Louisiana is, but his statement indicates that he really does not know what a filibuster is. Has the Senator been sitting through all these sessions without realizing what they were all about?

Mr. President, briefly, a filibuster is a prolonged debate carried on by a group of Senators, who associate themselves for that purpose, who get together in meetings, so to speak, to make a solemn resolve that they will talk, and continue to talk, and use every parliamentary means at their command, in order to prevent the passage of a pending measure. The Senator from Louisiana says there is a filibuster. There has been no such meeting; which, of course, he knows. He certainly could know that there has been no such meeting. It certainly could be within the knowledge of the Senator from Louisiana that there has been no such meeting. There has been no such resolve. There has been no such determination made whatever. There is no filibuster here. There is a determination on the part of the Senator from Alabama and some of his confreres to make the RECORD in this case what it should be, by bringing out all the facts and, if possible, citing pertinent decisions and law. But certainly this is no filibuster.

As I have said before, this is a matter of great importance—I might almost say of transcendent importance. As we see it, it is a question of giving away anywhere from $50 billion to $300 billion, and perhaps even more than $300 billion worth of property. It involves a great constitutional question, since the Supreme Court previously based its decision upon what it called an attribute of sovereignty. I do not know whether it is possible to give away an attribute of sovereignty without surrendering the sovereignty itself. There is therefore involved a great consitutional question.

As has been emphasized by the Supreme Court, we are dealing with a matter affecting international waters and the international domain. It affects the jurisdiction of waters belonging to the family of nations. Therefore, no one can tell where the action we take may lead us in our relations with other nations, or what effect it may have on improving or deteriorating our relations with other nations, or whether it may irritate or challenge other nations. We cannot tell how far this action might affect the question of peace or war.

Therefore, we who oppose the pending measure feel that it is of such transcendent importance that we owe a solemn duty, a solemn responsibility to the people of the United States, to elicit all the facts and to cite the decisions, and to make full presentation of the case, not only for the benefit of the Senate of the United States, but for the benefit of the people of the United States.

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

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. HILL. Mr. President, I am going to yield to my friend, from New Mexico, but I want to say that last night I yielded to the distinguished majority leader, my good friend from Ohio [Mr. TAFT], who sought to take me off the floor. As we know, Mr. President, the rule provides that a Senator who is speaking can yield only for a question. We also know that as a matter of custom, as a matter of tradition, as a matter of practice, that strict rule is not enforced. We know that only under very unusual and extraordinary circumstances is the rule strictly enforced. Why, Mr. President? There is a good reason for it. We sit here as a board of directors, so to speak, for the people of the United States, and it is to the interest of the people of the United States and to the welfare of our country, it is to the interest of the peace and security of our country, that Senators engage in what we might call more or less informal discussion.

Can you imagine, Mr. President, the board of directors of a great corporation, when one member of that board is speaking, denying to another member of the board an opportunity to make some brief observation? Through the years,

from the beginning of our Government, common sense has dictated the procedures of the Senate to the end that they may redound to the benefit of the common weal and promote the welfare of the people of the United States.

Common sense and the desire to get the best results by the play of intellects, by the exchange of thought through worthwhile and constructive discussion, so as to bring out all the different facets of a particular problem and enable the Senate to consider all the different arguments, have dictated that the Senate proceed not according to the strict terms of the rule, but according to a somewhat informal procedure. I can well understand that when we are asked to give away billions of dollars, there may be some who like to feel that the least said the better; the fewer disclosures, the fewer facts brought out, the better.

The distinguished Senator from Ohio [Mr. TAFT] has asked for the strict letter of the rule to be applied. He wants his pound of flesh, and he has a right to ask it. Therefore, I am asking the Chair to protect me in my rights.

The PRESIDING OFFICER. The Chair has now been importuned in this connection, and the question of the rules and their importance having been raised by the distinguished Senator from Alabama, the Chair will inform the Senator that so long as the present occupant of the chair is presiding, the rule will be enforced as strictly as is possible. Therefore, the Chair rules that in this instance he will permit yielding only for questions.

Mr. HILL. In view of what happened last night, what I am saying to the distinguished occupant of the chair is that I want the Chair to protect me in my rights, under the rule.

The PRESIDING OFFICER. The Chair will protect the Senator in his rights; the Chair will observe the rules.

Mr. ANDERSON. Mr. President, will the Senator from Alabama yield?

Mr. HILL. Mr. President, under the rule as written, I shall be glad to yield to the Senator from New Mexico for a question.

The PRESIDING OFFICER. Is the Senator from Alabama now yielding only for a question?

Mr. HILL. That is correct.

Mr. ANDERSON. Does the Senator from Alabama recognize that in the CONGRESSIONAL RECORD of yesterday there was inserted an article by the Senator from Louisiana [Mr. LONG] with reference to the pending joint resolution which has bearing on his claim that we need to expand and discuss those questions in order to understand what is being proposed? Does the Senator understand that the article points out that the State of Louisiana is not barred by the Holland joint resolution, as approved by the Senate committee, from claiming the Continental Shelf at a later date?

Mr. HILL. The Senator from New Mexico is absolutely correct. There is nothing whatever in the Holland joint resolution, and I think the Senator from New Mexico makes it very clear, which in any way bars the State of Louisiana from claiming more than within the 3-mile limit. As the Senator from New Mexico knows the Attorney General of Louisiana and the Governor of Louisiana appeared before the committee. As I recall that testimony, they raised the question and certainly laid the foundation for the claim that Louisiana's boundary may extend 10½ miles from the coast. We know that the Legislature of Louisiana has acted in an effort to extend the boundaries of Louisiana to some 27 miles. There is nothing in the joint resolution which in any way estops or in any way forecloses the State of Louisiana from making claims beyond the 3-mile limit. I think that is definite and clear.

Mr. President, on yesterday we discussed the subject of the ownership of tidelands by the States. We started with the Pollard case, which is a landmark case on this question, holding unequivocally that the ownership of the tidelands is in the States.

We also discussed the ownership of the beds of inland waters, such as rivers, lakes, bays, and inlets, which is also in the States. We called attention to the landmark case on that proposition, which is the Waddell case, dealing with Raritan Bay in the good State of New Jersey.

We turn now to the third category of submerged lands dealt with in Senate Joint Resolution 13, namely, the portion of the Continental Shelf underlying the marginal or territorial sea, extending from the line of mean low tide along the coast, or from the mouths of bays, rivers, or other inland waters, to the duly established seaward boundaries of the respective coastal States.

Here, too, we find that the fundamental premise of Senate Joint Resolution 13 is wholly unsound, because it would purport to confirm existing titles held by the respective coastal States to the lands of the Continental Shelf underlying the marginal or territorial sea. The three cases in which this point has been made clear by the Supreme Court are United States against California, which was decided in 1947 and is reported in volume 332 of the United States Reports, beginning at page 19; United States against Louisiana, which was decided in 1950 and is reported in volume 339 of the United States Reports, beginning at page 699; and United States against Texas, which was also decided in 1950 and is reported in volume 339 of the United States Reports, beginning at page 707.

As was brought out yesterday in the debate, the Supreme Court said that, so far as any claim that might have been advanced by any State to the marginal sea was concerned, such claim was only, in the language of the Court, a nebulous suggestion. In other words, it was practically a zero without a rim around it.

It was brought out also yesterday that it was in 1793 that Thomas Jefferson, as Secretary of State under George Washington, made for the United States of America—not for the several States, but for the United States of America—claim to the marginal sea extending 3 miles from the low-water mark.

The first of the Continental Shelf cases—the one against California—involved a controversy between the United States and the State of California over the lands of the Continental Shelf underlying the marginal or territorial sea contiguous to the California coast and lying inside the 3-mile limit. California's main contention before the Supreme Court was that the Thirteen Original States, upon the attainment of independence, acquired from the Crown of England—that is, from George III, then monarch of England—title to all the lands within their respective boundaries under navigable waters, including a 3-mile belt in the marginal sea; and that, since California was admitted as a State on an equal footing with the Thirteen Original States, California at the time of its admission into the Union acquired from the United States and became vested with the title to all lands underlying the marginal sea along its coast.

However, the Supreme Court of the United States said that at the time when this country won its independence from England, there was no settled international custom or understanding among nations that each maritime nation owned a 3-mile water belt in the sea adjacent to its coast; that the idea of a 3-mile belt over which a maritime nation could exercise rights of ownership and control was then, as I have said, but a nebulous suggestion; that shortly after we became a nation, however, our statesmen in the Federal Government—not in State governments—became interested in establishing national dominion over a definite marginal zone in the open sea to protect our neutrality; and that, largely as a result of their efforts, the idea of a definite 3-mile sea belt in which an adjacent maritime nation can exercise broad, if not complete, dominion has been generally accepted throughout the world. That is, under the leadership of Secretary of State Thomas Jefferson, we sought to establish a 3-mile belt for the United States of America and for the other nations of the world.

According to the Supreme Court, not only has the acquisition of the 3-mile belt of marginal sea been accomplished by the National Government—that is, by the Federal Government—but the protection and control of it have been, and are now, functions of national external sovereignty—I emphasize the words "external sovereignty"—since the 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location.

Referring to the rule that had been established by the Supreme Court more than a hundred years earlier respecting the ownership by the States of the tidelands and the beds of navigable inland waters within their boundaries—and those cases start with the Waddell case, dealing with the Raritan Bay in New Jersey, and the case of Pollard's lessees against Hagan, dealing with tidelands—the Court said in the California case that if the rationale of the earlier cases—the cases to which I adverted yesterday, and to which I have just now referred—is a valid basis for a conclusion that paramount rights in inland waters are in the States, the same rationale leads to the conclusion that, because of international interests and responsibilities, the paramount rights in the waters of the marginal sea lying seaward of the low-water mark and outside inland waters are in the Government of the United States.

In other words, what the Supreme Court did was to affirm and ratify the doctrine of the tidewater cases and the inland-water cases, holding that the ownership in tidelands and inland waters was in the States. It said that that rationale led to the conclusion that in international waters, out beyond the inland waters, so to speak, the paramount rights lay with the Federal Government. Rationally sound, and logical indeed, were the decisions of the Supreme Court of the United States.

This holding by the Supreme Court in the California case that neither the Thirteen Original States nor the States carved out of Federal territory and admitted to the Union after independence had ever held any title to or rights in submerged lands of the Continental Shelf beneath the marginal sea was reaffirmed by the Supreme Court 3 years later, as we know, in the Louisiana case.

As I said yesterday, the difficulty is that, this matter having been tried not once, not twice, but three times in the Supreme Court, Senators seek to try it for the fourth time here. As I stated yesterday, ordinarily three strikes is out, but now the proponents of the resolution seek to have a fourth strike. After this question has been determined by the judicial body created by the Constitution to make such determinations with reference to property and such questions as are involved here, it is sought to go to the political arm of the Government, the Congress, and have the political arm overrule the judiciary, the Supreme Court of the United States.

While it would be unbecoming, in view of the separation of powers in our Government, for the Senate to debate the correctness or incorrectness of decisions rendered by the Supreme Court of the United States, I feel that I may properly point out the logic of the results reached by the Court in the Louisiana and California cases respecting the Continental Shelf.

It will be recalled that the State of Louisiana was created by the United States out of territory which all the people of the Nation had previously acquired by purchase from France.

I suppose no event in American history is better known or has become more famous than what we know as the Louisiana Purchase. Thomas Jefferson, as President of the United States, paid some $15 million for what was then known as the Louisiana Territory. It included the present State of Louisiana and territory out of which many other States were carved.

We recall that the State of California was created out of territory which the people of the United States had acquired from Mexico. In acquiring the respective territories, the Government of the United States, representing all the people of the Nation, had succeeded to all the governmental powers and proprietary rights that were theretofore vested in the respective governments of France and Mexico. Hence, when the time came for the admission of Louisiana and California into the Union, the Government of the United States held the title to all lands within the respective territories which had not previously been conveyed by the prior sovereigns or by the United States.

In order to provide financial aid for the States of Louisiana and California, the people of the United States, acting through their Government, made large grants of land to those two States. For example, the United States gave to Louisiana 807,271 acres of land for the support of common schools; 256,292 acres of land for the support of other educational institutions; 373,057 acres of land for the construction of railroads; 500,000 acres of land for miscellaneous improvements; and 9,492,865 acres of land for swamp reclamation—thus making a total of 11,428,485 acres of land given by the people of the United States, acting through their Government, to the State of Louisiana.

In the case of California, the people of the United States, acting through their Government, the Government of the United States, commonly referred to as the Federal Government, have given to the State of California 5,534,293 acres of land for the support of common schools; 196,080 acres of land for the support of other educational institutions; 500,000 acres of land for miscellaneous improvements; 2,192,678 acres of land for swamp reclamation; 393,168 acres of land for State parks; and 6,400 acres of land for public buildings—making a total of 8,822,619 acres of land given by the United States to the State of California.

A careful reading of the various Federal statutes making grants of lands to the respective States of Louisiana and California will reveal that none of them even suggests that it is intended to cover submerged lands of the Continental Shelf beneath the open sea. On the contrary, all these land-grant statutes indicate clearly by their language that they do not include within their scope any submerged lands beneath the open sea. Therefore, the United States has never granted to Louisiana or California any submerged lands of the Continental Shelf within the seaward boundaries of those States, but has retained all such lands.

In the Texas case, the Supreme Court was compelled to deal with a different aspect of the controversy over the Continental Shelf. The State of Texas, unlike the States of Louisiana and California, was not created by the United States out of Federal territory. Instead, as we know, Texas came into the Union through the process of annexation, after the Republic of Texas had won its independence from Mexico and had maintained its existence as an independent nation for about 9 years.

Mr. CLEMENTS. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. Mr. President, I understand that the distinguished senior Senator from Kentucky wishes to place something in the RECORD. With the clear and definite understanding that my yielding to him for this purpose will not in any way affect my rights to the floor, and that his request will appear at the end of my remarks, I am glad to yield to him.

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

Mr. CLEMENTS. I thank my friend from Alabama for his courtesy.

(Mr. CLEMENTS asked and obtained leave to have printed in the Appendix of the RECORD, an address delivered by Senator HENNINGS at a Jackson-Jefferson Day dinner at Pittsburgh, Pa., on April 13, 1953, which appears in the Appendix under the appropriate heading.)

Mr. HILL. Mr. President, I am always delighted to extend any courtesy I can to my genial, fine friend from Kentucky, the senior Senator from Kentucky [Mr. CLEMENTS]. I am sure that the speech he has placed in the RECORD is a challenging speech. Knowing the distinguished Senator from Missouri [Mr. HENNINGS] as I do, I know that he always makes a timely and able speech. I hope Senators will read the speech delivered by the Senator from Missouri, which the Senator from Kentucky has placed in the RECORD.

Mr. CLEMENTS. I appreciate the fact that the Senator from Alabama has called the speech to the attention of Senators. I suggest that the Senator from Alabama invite the attention of any Senators who are not present today to the speech.

Mr. HILL. I shall be delighted to do so.

(At this point Mr. HILL yielded to Mr. SMITH of North Carolina, who read a short poem, and engaged in colloquy with Mr. HILL regarding William R. King, a former Vice President of the United States. On request of Mr. HILL the matter above referred to was ordered to be printed in the RECORD at the conclusion of his speech.)

Mr. CASE rose.

Mr. HILL. Mr. President, I understand the distinguished Senator from South Dakota wishes to have me yield that he may make a request, and with the understanding that my yielding in no way will affect my right to the floor, and that his request may appear elsewhere in the RECORD, I shall be glad to yield.

The PRESIDING OFFICER. Without objection, the Senator from South Dakota may proceed.

Mr. CASE. Mr. President, I thank the distinguished Senator from Alabama.

(At this point Mr. HILL yielded to Mr. CASE to introduce a bill, which appears elsewhere in the RECORD under the appropriate heading.)

Mr. HILL. Mr. President, as I was saying at the time I yielded to my distinguished colleagues in order that they might have opportunity to place matters in the RECORD, in the Texas case, the Supreme Court was compelled to deal with a different aspect of the controversy over the Continental Shelf. The State of Texas, unlike the States of Louisiana and California, was not created by the United States out of Federal territory. Instead, Texas came into the Union through the process of annexation, after the Republic of Texas had secured its independence from Mexico and had maintained its existence as an independent nation for about 9 years.

The annexation of Texas was accomplished by means of two joint resolutions—the joint resolution of March 1, 1845, which prescribed the conditions under which Texas might come into the

Union, and the joint resolution of December 29, 1845, which admitted Texas to the Union as a State after Texas had met the prescribed conditions.

As an affirmative defense in the litigation with the United States over the Continental Shelf, Texas asserted that as an independent nation the Republic of Texas had maintained open, adverse, and exclusive possession of, and had exercised jurisdiction and control over, the lands underlying that part of the Gulf of Mexico within her seaward boundary—that is, out to the 3-league limit—because Texas as a republic had claimed that her territorial boundary extended for 3 leagues, or 10½ miles, into the Gulf of Mexico; and in 1836 the 3-league limit had been fixed by the Republic of Texas, a separate, independent, sovereign nation in the family of nations, as its seaward boundary; and that when Texas was annexed to the United States, the claim and rights of the Republic of Texas to the lands within the 3-league limit were retained for the new State under the provision of the annexation resolution of March 1, 1845, which stated that, except for certain specified cessions of property from the Republic of Texas to the United States, Texas should retain "all the vacant and unappropriated lands lying within its limits."

In deciding the Texas case, the Supreme Court referred to joint resolution of December 29, 1845, which admitted Texas into the Union "on an equal footing with the Original States in all respects whatever" after the people of Texas had met the conditions for admission previously prescribed in the joint resolution of March 1, 1845; and the Supreme Court said that the "equal footing" clause of the joint resolution of admission disposed of Texas' contention that the rights of the Republic of Texas in the lands underlying the 3-league belt of the open sea contiguous to the Texas coast were retained for the State of Texas.

The Supreme Court pointed out that although the requirement of equal footing was designed to create parity as respects political standing and sovereignty, rather than to wipe out diversities among the States in economic matters, yet the "equal footing" clause has long been held by the Court to have a direct effect on certain property rights. Mr. President, I emphasize that point. The equal footing clause goes only to the question of sovereignty and the question of political rights, not to economic matters. As we know there are many differences or variances in economic matters, as between the States. Some States have great wealth; other States do not. However, so far as sovereignty is concerned, all the States are, as they should be and as they must be, on an equal footing.

The Court referred to the early rule under which it had held that to deny to States admitted subsequent to the formation of the Union the ownership of tidelands and the beds of navigable inland waters within their boundaries would deny them admission on an equal footing with the Thirteen Original States; and the Court said that the "equal footing" clause worked the same way in the converse situation presented by the Texas case.

Mr. President, it seems to me that some of our friends want to have their cake and eat it, too; they want to claim their rights to the tidelands and to the beds of all inland waters, all rivers, all bays, all lakes, and all inlets, on the basis of equal footing; but they do not want the doctrine of equal footing, the doctrine on the basis of which they get so much, to apply in so far as the international domain is concerned—in other words, out into what we call the international sea, which is common to the family of nations.

The Court assumed in the Texas case that the Republic of Texas had exercised both governmental powers and proprietary rights with respect to the portion of the Continental Shelf lying inside the seaward boundary of the Republic of Texas—that is, out into the international domain—but the Court said that when Texas came into the Union, she became a sister State on an equal footing with all the other States, which entailed the relinquishment of the national external sovereignty previously exercised by the Republic of Texas, and that as an incident to the transfer of that sovereignty to the United States, any claim that the Republic of Texas might have had to the Continental Shelf beneath the marginal sea was relinquished to the United States. This is because, as the Court said, property rights in the lands of the Continental Shelf underlying the marginal sea were so subordinated to the rights of national external sovereignty as to follow that sovereignty when it was transferred from the Republic of Texas to the United States.

Of course, Texas entered the Union on an equal footing. As I recall, the resolution admitting Texas to the Union, and specifying the qualifications that Texas should meet in order to enter the Union, provided that if Texas in her wisdom wished to divide herself into five States, instead of one State, she would have the right to do so. However, although Texas could well be five States, since she did not see fit to divide herself into a number of States, but preferred to remain as the one great Lone Star State, she entered the Union on an equal footing, which means, among other things, that she has two Senators to represent her in this body. In other words, she has to represent her in this body exactly the same number of Senators as those who represent in the Senate the smallest State in the Union—for instance, such small States as Rhode Island and Delaware. So Texas entered the Union on an equal footing with all the other States.

Hence, the Supreme Court held that whatever rights the Republic of Texas had held in the submerged lands of the Continental Shelf underlying the marginal sea were transferred to the United States under the legislation providing for the admission of Texas to the Union as a State, and, accordingly, that Texas, as a State, had never held any rights in such lands. That point was brought out here yesterday, Mr. President. When a Territory or an independent republic such as Texas enters the Union, it gains many benefits. Many assets come to a Territory or a republic by entering the Federal Union; but also, as in the case of most contracts or agreements or mutual arrangements between parties, certain things have to be given up. Texas gave up her right to make treaties with foreign nations, and gave up her right to levy import taxes, and gave up her right to regulate or control interstate commerce. All the States have given up those rights, because they felt that the benefits they received as incidents to joining the Union amounted to much more than the rights they relinquished. So, along with giving up those rights, Texas relinquished any claim she may have had to the marginal sea, any claim to territory extending from the low-water mark seaward into the Continental Shelf.

In connection with the argument that was made by the State of Texas before the Supreme Court, to the effect that the provision in the joint resolution of March 1, 1845, declaring that Texas should retain "all the vacant and unappropriated lands lying within its limits," permitted Texas to retain the submerged lands of the Continental Shelf underlying the marginal sea adjacent to the Texas coast, it is of interest to note that in the same year, 1845, when the Congress enacted this resolution on the annexation of Texas, the Supreme Court was called upon to consider the meaning of a similar term which was found in another resolution by which a State was admitted to the Union, namely, the resolution admitting to the Union the State of Alabama. That similar term was "waste or unappropriated lands," as used in the Federal legislation admitting Alabama to the Union. In the case of Texas, the Congress used the words "vacant and unappropriated lands," whereas in the case of Alabama the Congress used the term "waste or unappropriated lands."

By the act of March 2, 1819, the people of the Alabama Territory were authorized to call a convention and form a State constitution as a prelude to being admitted into the Union as a State. Among the conditions imposed by Congress was one providing that the convention should adopt an ordinance declaring that the people of the Territory of Alabama "do agree and declare that they forever disclaim all right and 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." On August 2, 1819, the Alabama convention formed a constitution and, in that connection, adopted an ordinance in strict conformity with the formula prescribed by the Congress, to which I have referred. On December 14, 1819, Congress adopted a resolution admitting Alabama into the Union as a State on the conditions previously prescribed.

In the Pollard case, which, as we know, was an Alabama case dealing with tidelands in the city of Mobile, a case which has been cited previously in this discussion, a case which the Supreme Court decided in 1845—108 years ago—the same year in which the joint resolution

prescribing the conditions for the annexation of Texas was enacted—the Supreme Court was called upon to determine whether the express reservation by the United States of the title to all "waste or unappropriated lands" within the Territory of Alabama included tidelands situated below the line of mean high tide. The Supreme Court held that the statutory provision expressly retaining for the United States all the "waste or unappropriated lands lying within the said Territory" referred only to the public lands situated above the line of mean high tide, and that the tidelands passed to the State of Alabama, notwithstanding the express reservation by the United States of all "waste or unappropriated" lands" in Alabama.

It seems obvious that if the express retention by the United States of "waste or unappropriated lands" in the act prescribing conditions for the admission of Alabama into the Union referred only to Government-owned lands situated above the line of mean high tide, the express retention by Texas of "vacant and unappropriated lands" under the joint resolution prescribing conditions for the annexation of Texas to the Union similarly referred only to Texas-owned lands situated above the line of mean high tide. As stated in the debate yesterday, it was not until 1941 that the agency of the government of the State of Texas charged with the duty and responsibility of cataloging and keeping a record of the lands of Texas ever in any way referred to submerged lands. Up to that date all the cataloging in the State of Texas dealt with dry land, with no reference whatever, in any shape or fashion, to submerged lands.

We have seen, therefore, that the States of the Union—whether they be the Thirteen Original States, or States created by the United States out of Federal Territory, or the State of Texas admitted into the Union through the process of annexation—have never held the title to or any rights in the lands of the Continental Shelf underlying the marginal or territorial sea. This being so, the Congress cannot "confirm" these nonexistent titles, as Senate Joint Resolution 13 would purport to do. I emphasize at this point the fact that I used the words "State of Texas" in contradistinction, of course, to the Republic of Texas.

Consequently, Senate Joint Resolution 13 must be considered and debated for what it actually is—namely, an attempt to make a gratuitous grant to the coastal States of the submerged lands of the Continental Shelf beneath the marginal or territorial sea. The question before the Senate is one of high policy.

Mr. THYE rose.

Mr. HILL. Mr. President, I understand that my distinguished friend from Minnesota wishes to place something in the RECORD.

Mr. THYE. That is correct.

Mr. HILL. With the understanding that my yielding will in no way affect my right to the floor, and with the further understanding that the Senator's request will be placed at the end of my remarks, I shall be glad to yield to my good friend, the former Governor from Minnesota, the distinguished Senator from that State [Mr. THYE].

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

Mr. THYE. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD a speech that was delivered by Ambassador Henry Cabot Lodge last evening before the Woman's National Press Club. I thank the distinguished Senator. I should have been here earlier, but I was conducting a hearing on an appropriation bill.

The PRESIDING OFFICER. The Chair is informed by the clerk that the address referred to has already been inserted in the RECORD.

Mr. THYE. I thank the Chair. Then, Mr. President, I regret exceedingly that I was in committee and did not have the honor and privilege of placing the Ambassador's speech in the RECORD.

Mr. HILL. Mr. President, the fact that the Senator from Minnesota sought to insert the address in the RECORD simply shows how diligent the Senator is. He wanted to make sure that this address was in the RECORD, but was prevented from doing so promptly, by reason of his having been engaged in committee, a committee of which he happens to be the chairman, the Subcommittee on Federal Security of the Senate Appropriations Committee, of which subcommittee I also have the honor of being a member, under the chairmanship of the distinguished Senator from Minnesota. I know how diligent the Senator is. This is another evidence of his diligence.

Mr. THYE. I regret exceedingly that the business on the Senate floor has kept the Senator from Alabama away from appropriations hearings being conducted by the subcommittee. We reget that the Senator has been necessarily absent.

Mr. HILL. I appreciate the kind words of the Senator from Minnesota. I regret very much that it has been simply impossible for me to attend the sessions of the subcommittee. In spite of the fact that we have our committee meetings in the morning, the distinguished Senator from Ohio, the majority leader, has seen fit to have the Senate meet, as the Senator knows, each morning at 11 o'clock.

Mr. THYE. That is correct.

Mr. HILL. It is impossible for me to be at two places at one time, and therefore it has been impossible for me to attend the meetings of the subcommittee and at the same time be present on the floor of the Senate. I thank my friend from Minnesota.

Mr. President, as has been brought out in this debate, it has been said that the States involved in this controversy are tremendously important from the standpoint of the national defense and the general welfare. As a matter of fact, as I have previously said, it is impossible for anyone to know the full extent of the mineral wealth contained in the submerged lands of the Continental Shelf beneath the open sea. Who knows but what, in the submerged lands off the coasts of Texas, California, and Louisiana there may be some mineral about which we have known or heard nothing, some mineral which, in its indispensability, may even be as important as uranium is today. We know we must have uranium to make atomic bombs. Where would we be, Mr. President, if we did not have uranium? Where would we be today if we did not have the atomic bomb? No one knows what may lie in those waters. We do know, however, that there are at least some reputable scientists who believe that as our population grows—and we know how rapidly it continues to grow—the day may come when we may have to depend on the submerged lands not only for the minerals and metals and other such resources we need, but for the food we need.

We know another thing, too, Mr. President, that literally hundreds of millions of acres of America's most fertile soil has been washed down the rivers of the United States and poured onto the submerged lands. It may well be that these submerged lands today have a richness that may be comparable to, if not exceeding, the richness of the virgin soil of the United States when the white men first came to this country and began to cultivate the soil. The only mineral development that has been attempted in the submerged areas up to the present time has related to oil and gas, but I may say, Mr. President, that this program is tremendously important from the standpoint of ultimate potentialities.

There are five known fields offshore adjacent to the California coast. All these fields are situated within the 3-mile limit. They contain estimated and proved reserves aggregating approximately 160 million barrels of oil.

Mr. MONRONEY. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield only for a question.

Mr. MONRONEY. I ask the question because I know the Senator is very well informed on this entire subject.

With reference to the California oil fields which the Senator has mentioned, under the joint resolution does the control over them go to the State of California as being the sovereign replacing the sovereignty of the United States, or does it go to municipalities? I am led to believe that we shall be turning them over to municipalities and to town councils, if we quitclaim these lands, particularly if they are in California, and cities such as Long Beach and other municipalities will have under their control the vast untold millions or hundreds of millions of dollars of oil weath for which they may grant leases.

If the Supreme Court of the United States is not capable or is not to be trusted with determining the proper title to the submerged lands, and the Congress assumes that responsibility, what kind of a Pandora's box will we open up as between the various towns along the shore of California? Will Congress again be asked to supplant the Supreme Court's authority by its own judgment? I am sure the Senator can enlighten us with respect to some of the leasing rights.

Mr. HILL. Whenever the Congress of the United States attempts to take from the courts the determination of property rights, a Pandora's box is opened wide.

Heaven only knows where that will lead. Every citizen of the United States today feels safe in the ownership of his property, because he says, "I have a court that will protect me in my rights, and that court will not give a political decision; it will not give a decision as a result of political pressure. That court will decide the case on its merits."

The day we arrogate to the Congress the determination of property rights, as the Senator has said, we open up a Pandora's box. It is my understanding that so far as the oil wells immediately off the city of Long Beach, Calif., are concerned, they are situated in the beds of inland waters. As the Senator well knows, the State has ownership not only of the beds of all rivers, but of bays, harbors, and inlets. It is my understanding that so far as the oil wells which are off Long Beach are concerned, some being almost within the city limits, they are in the ownership of the city. Even if an oil well is located on the main street of Long Beach, it is within the ownership of that city.

We know that there are other oil wells which are not within inland seas. As to those wells, we know there has been an agreement between the Government and the State of California that they may continue to produce, and that the funds derived from the oil produced by those wells will be held in escrow until the final disposition of this question.

The Senator has raised an important question which I think cannot be too much emphasized, namely, the question of coming to Congress for the determination of property rights. What would be the end of such a procedure? Where would it lead? Can the Senator conceive of the confusion confounded that would be brought about if Congress should seek to take away from the judiciary the right to make an unprejudiced and nonpolitical decision on the merits?

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

Mr. HILL. I yield for a question only.

Mr. MONRONEY. Since the Senator has spoken of the case to which I was referring, concerning ownership by the city of Long Beach of title and production rights as far as the low-tide mark within the city limits of Long Beach, would not Long Beach itself, if it cared to contest for the 3-mile limit, if that should be given to California by Congress, have the right to come before Congress on the same basis, having lost an appeal to all the courts, and say, "Our rights in the city of Long Beach are affected, because we do not think our area should stop at the low-tide mark, but should go out 3 miles into the open sea"? Long Beach could claim exactly the same rights in a case of municipality against State as are claimed today in the case of State against Federal sovereignty. Since Congress would be erasing or washing out the importance of Supreme Court decisions as precedents, a municipality might well argue that it would be up to the United States Senate to act, if there were dissatisfaction with the decisions of the Court.

Mr. HILL. The distinguished Senator from Oklahoma has raised a most interesting question. I am glad he has done so, because it is an illustration, one example, of the manifold questions that will be raised—and, no doubt, raised in good faith—by innumerable parties if Congress sees fit to take out of the hands of the courts—the judiciary—the determination of property rights. I am glad the Senator has raised the question.

The United States Geological Survey, upon the basis of available scientific data, has expressed the opinion that the Continental Shelf off the California coast actually contains a grand total of about 2 billion barrels of oil. Of this total, about 1,100,000,000 barrels of oil are estimated to be inside the 3-mile limit, and about 900 million barrels of oil are estimated to seaward of the 3-mile limit off the California coast. In addition, it is estimated that the Continental Shelf off the California coast contains about 3 trillion 500 million cubic feet of gas, of which about 2 trillion cubic feet are inside the 3-mile limit.

The known oil fields inside the 3-mile limit off the Lousiana coast contain estimated proven reserves aggregating about 84 million barrels of oil. Beyond the 3-mile limit off the Louisiana coast, the known oilfields contain estimated proven reserves aggregating about 335 million barrels of oil, and the known gas fields contain estimated proved reserves aggregating about 2 trillion, 100 billion cubic feet of gas.

The Geological Survey estimates that the Continental Shelf off the Louisiana coast actually contains a grand total of approximately 4 billion barrels of oil. About 250 million barrels of this oil are estimated to be inside the 3-mile limit, and about 3,750,000,000 barrels are estimated to be contained in deposits situated seaward of the 3-mile limit. In addition, it is estimated that the Continental Shelf off the Louisiana coast contains a grand total of about 20 trillion cubic feet of gas, 1 trillion 250 billion cubic feet being inside the 3-mile limit.

Thus, as the Senate will see, of the 4 billion barrels conservatively estimated by the Geological Survey today to be on the Continental Shelf off the coast of Louisiana, only about 250 million barrels are estimated to be inside the 3-mile limit; so it is not surprising that the attorney general of Louisiana and the Governor of Louisiana have made the claims they have made. Although the Governor in his testimony said—and I am now quoting him; I am not using my own language—that "Louisianians do not bellow as Texans do," it is not surprising that they come here and talk in terms of 10½ miles. Nor is it not surprising that the Legislature of Louisiana has attempted by legislative act to extend its boundaries beyond 3 miles for an additional 24 miles, or a total of some 27 miles.

There are two known oil fields along the Texas coast which extend seaward into the Continental Shelf beyond the low-water mark on the coast. The portions of these fields which extend into the Continental Shelf contain estimated proven reserves aggregating approximately 15 million barrels of oil.

I wish to emphasize that all the figures I am citing are figures of the United States Geological Survey. They are very conservative figures, far more conservative than are the figures of many other outstanding, distinguished geologists who have also made estimates.

These oil fields are inside the 3-mile limit. There is no known oil field at the present time seaward of the 3-mile limit off the Texas coast.

That is, oil fields have not yet been developed that far out, no doubt because of the pendency of cases in Court and because those fields lie where the United States Government cannot make a lease or take any action to develop them. The Court having held, as I think it correctly and rightly did, that Texas did not have any interest that distance out, there has been no development. This has been one of the very bad features of the long, drawn-out litigation. After the Supreme Court had rendered its opinion in 1947, if the States had been willing to abide by the decision of the Court, development of the oil fields could have gone forward.

However, there is one known gas field in the area between the 3-mile limit and the 3-league limit. As the Senate knows, because it has been stated many times, 3 leagues is, roughly speaking, 10½ miles. There is one known gas field in the area between the 3-mile limit and the 3-league limit claimed by Texas as its seaward boundary in the Gulf of Mexico as of the time when Texas entered the Union through the process of annexation. This gas field contains estimated proved reserves aggregating about 75 billion cubic feet of gas.

It is estimated by the Geological Survey that the Continental Shelf off the Texas coast contains a grand total of approximately 9 billion barrels of oil. About 400 million barrels of this oil are thought to be inside the 3-mile limit, about 1 billion, 200 million barrels are thought to be inside the 3-league limit, and about 7 billion, 800 million barrels of oil are thought to be contained in deposits situated seaward of the 3-league limit.

Senators will see that of the 7 billion barrels of oil estimated to be on the Continental Shelf out from Texas, these being the United States Geological Survey estimates, only 400 million barrels, a very small part, are thought to be inside the 3-mile limit. So we are not surprised that Texas wants to go out beyond the 3-mile limit. We are not surprised even that Texas wishes to go beyond the 3-league limit, out onto the Continental Shelf.

In this connection, let me say that largely under the spur and influence of Texas, a great State represented by great men in another body as well as in this, Texas, in a bill passed by the House of Representatives, was not only given all the oil and gas out to the 10½-mile limit, but was even given 37½ percent of all the revenue from the oil and gas beyond the 10½-mile limit. Fortunately, we were able to defeat that bill in the Senate and it did not become law.

That shows the danger involved in this situation, the danger in the language of the Holland joint resolution, which provides for boundaries hereafter approved by Congress. We can well imagine able and distinguished Representatives of Texas saying, "Of course we are claiming beyond the 10½-mile limit.

The House of Representatives, that body of Congress which is closer to the people than any other body, gave us, in a bill which it passed, 37½ percent of all the revenues from gas and oil beyond the 10½-mile limit."

The Geological Survey also estimates that the Continental Shelf off the Texas coast contains a grand total of about 45 trillion cubic feet of gas, approximately 2 trillion cubic feet of this total quantity being situated landward of the 3-mile limit, and approximately 6 trillion cubic feet being situated landward of the 3-league limit.

Thus, the known oil fields and the known gas fields in the Continental Shelf beneath the open sea adjacent to the coasts of California, Louisiana, and Texas contain estimated proven reserves, aggregating about 594 million barrels of oil and about 2 trillion, 175 billion cubic feet of gas. I emphasize the word "proven." That does not tell all the story, by a jugful. The proven reserves aggregate about 594 million barrels of oil and about 2 trillion, 175 billion cubic feet of gas.

Moreover, the United States Geological Survey has stated that, on the basis of available scientific data, it seems reasonable—remember, the scientists in the Geological Survey are very, very conservative—to estimate that the Continental Shelf beneath the open sea adjacent to the coasts of these three States, Texas, California, and Louisiana, actually contains a grand total of about 15 billion barrels of oil and about 68 trillion, 500 billion cubic feet of gas.

The proposed give-away measure designated as Joint Resolution 13 of the 83d Congress is apparently designed to grant to the three coastal States of California, Louisiana, and Texas portions of the Continental Shelf beneath the open sea containing, according to the Geological Survey, an estimated total of about 2,550,000,000 barrels of oil, and about 9 trillion, 250 billion cubic feet of gas.

On the face of it, that is what the joint resolution might be construed to mean. But, as I have said, and as the distinguished acting chairman of the committee, the able Senator from Oregon [Mr. CORDON] said on this floor when he was explaining this measure, no one knows where the State boundaries are. No man today knows how far out the State boundaries go, whether they go 3 miles, 5 miles, 10½ miles, or 50 miles. Therefore, no one really knows how much oil and gas is involved in this joint resolution.

Furthermore, as I say, there is an invitation for the States to come back and say, "Our boundaries are out so far, because the law provides for boundaries established when the States entered the Union, or boundaries which the Congress may hereafter approve."

The distinguished Senator from Illinois [Mr. DOUGLAS] has well described that provision. He calls it the "come and get it" provision.

I have emphasized the fact that the estimates and figures of the Geological Survey are invariably conservative. The scientists of the United States Geological Survey are known among other geologists and scientists for their conservatism. In other words, if they are in error, they are in error on the short side rather than on the long side.

Petroleum geologists freely confess that there may be untold wealth under the sea. The possible extent of the resources is indicated in an article in the Houston, Tex., Post of October 26, 1952. The article states that a joint report by 18 Texas geologists and registered engineers fixed the value of the gas, oil, and sulfur under the submerged lands off the shore of Texas alone at $80 billion.

Mr. President, I hold in my hand an issue of the Houston Post, a daily newspaper printed in the city of Houston, Tex., bearing the date of Sunday, October 26, 1952. On the front page of the Houston Post we find the following headlines: "Rich Tideland Potential Cited."

As I have said time and again, the word "tideland" is a misnomer and a misrepresentation. However, those who advocate this measure have used it so much that it has come to be accepted in describing the issue before us.

The next headline is "Engineers Say Ultimate Worth Is Over $80 Billion."

The article says that gas, oil, and sulfur worth over $80 billion alone, as estimated by Texas geologists and registered engineers, lie off the coast of Texas.

Mr. President, I believe this article has already been put into the RECORD. Did the Senator from Illinois have it inserted?

Mr. DOUGLAS. I think so.

Mr. HILL. I do not wish to burden the RECORD, but this is a new day, anyway, and if the article went into the RECORD, it went in several days ago, so I ask unanimous consent that this article from the Houston Post be printed at this point in my remarks.

The PRESIDING OFFICER (Mr. DUFF in the chair). Is there objection?

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

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 10⅓ 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 minerals recovered from State-owned lands.

The $80 billion estimate made by the engineers refers, however, to the income from those "Texas submerged land area immediately adjacent to the Gulf coastal belt of railroad commission districts 2, 3, and 4 extending for over 400 miles along the coast line 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 of $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 cheapter 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. Fuqua, of Fort 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. HILL. Mr. President, the Senator from Illinois, in his masterful speech a few days ago, presented to the Senate estimates of other petroleum authorities, that is, other scientists, other engineers, fixing the value of the oil, gas, and sulfur deposits under the Continental Shelf of the United States and Alaska, at about $300 billion at present prices.

I shall not at this time reiterate the estimates of the different authorities whom the Senator from Illinois quoted, and used as his witnesses, to show that there is some $300 billion worth of deposits off the shores of the States under the Continental Shelf. So, in the final analysis, in the measure before the Senate we are dealing with some $300 billion worth of property. That is all set forth in the speech of the Senator from Illinois.

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

Mr. HILL. I yield for a question only.

Mr. DOUGLAS. Does the Senator from Alabama understand that these were not my estimates, but the estimates of Dr. Wallace E. Pratt, formerly vice president of the Standard Oil Company of New Jersey?

Mr. HILL. The Senator from Alabama very clearly understands that they were not in any way whatever the estimates of the Senator from Illinois, because great as is the Senator from Illinois, and versatile as he is as a statesman, a scholar, and an educator, he has never in any way pretended to be a geologist, and the Senator from Alabama understands very clearly that the estimates used by the Senator from Illinois were not those of the Senator, but the estimates of outstanding, reputable, what might be called the most authoritative, geologists to be found. Can we imagine that the great Standard Oil Co., with its mighty empire stretching not only over the United States, but all over the face of the earth, would have other than the very best, the most capable, the finest geologists to be found? The estimates of the Senator from Illinois were the estimates of a great geologist of the Standard Oil Co., and other great geologists who are in the same class and category as the learned expert of the Standard Oil Co.

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

Mr. HILL. I yield to the Senator from Illinois for a question only.

Mr. DOUGLAS. Does the Senator from Alabama understand that Dr. Pratt, who was formerly vice president of the Standard Oil Co. of New Jersey, who made this estimate, is himself an advocate of State control over the submerged lands, and therefore would not be prejudiced in favor of overstating the amounts concerned?

Mr. HILL. Yes, I am quite certain that Dr. Pratt would have no motive and no reason whatever for overstating or in any way whatever exaggerating his estimates. On the other hand, I would imagine that his whole nature, his life, and his experience, would constrain him to make what he felt were conservative estimates.

Mr. DOUGLAS. Will the Senator yield for another question?

Mr. HILL. I yield for a question only, Mr. President.

Mr. DOUGLAS. Is the Senator from Alabama aware of the fact that there is an intermediate estimate between the estimate of the Geological Survey and the estimate of Dr. Pratt, namely, the estimate of Dr. Weeks, a leading geologist also of the Standard Oil Co. of New Jersey?

Mr. HILL. Yes; I am aware of that. I listened with much benefit to the magnificent address of the Senator from Illinois, and I received much helpful information from it. Among other things, I received information as to the testimony given by Dr. Weeks, which the Senator from Illinois presented to the Senate.

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

Mr. HILL. I yield for a question only, Mr. President.

Mr. DOUGLAS. Is the Senator from Alabama aware of the fact that the estimate of Dr. Weeks was based on the assumption that there would be 400 billion barrels of oil on the Continental Shelves of the world, and that on the basis of the relative extent of the Continental Shelves off the coasts of the United States, as compared with the Continental Shelves of the earth, namely, one-tenth, the estimate of 40 billion barrels as his overall figure for this country is a very conservative one?

Mr. HILL. I am aware of that, and the distinguished Senator from Illinois, in his address to the Senate, made that very clear.

Mr. DOUGLAS. Mr. President, will the Senator yield again?

Mr. HILL. I yield for a question only.

Mr. DOUGLAS. Is the Senator from Alabama aware of the fact that in addition to these huge deposits of oil, there are also probably huge deposits of gas?

Mr. HILL. I am not only aware of that fact, but I have cited some very conservative figures about gas in terms of trillions, and I will say to the Senator from Illinois that when we get into estimates of trillions, it is very difficult for the mind of the Senator from Alabama to follow such figures. Think of how much a trillion is. As the Senator from Illinois knows, it is very difficult at times, even when we talk in terms of billions, to realize just how much a billion is. But in the case of gas, the estimates of the Geological Survey, which are extremely conservative, and the estimates of Dr. Weeks and the estimates of Dr. Pratt, are not even in terms of billions, they are in terms of trillions.

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

Mr. HILL. I yield for a question only.

Mr. DOUGLAS. Is the Senator from Alabama aware of the fact that in addition to the oil and the gas, there probably also are very large deposits of sulfur?

Mr. HILL. Oh, yes; not only large deposits of sulfur, but very valuable deposits of sulfur, and, as I said at the time when I think the Senator was called from the floor of the Senate on an important matter of business, no man can project his mind into the future sufficiently to enable him to have any idea of what other valuable minerals may be in the submerged lands off the coasts of Texas, California, and Louisiana. The Senator even suggested that there might be, in the submerged lands, some mineral of which we know nothing, and about which we have heard nothing, but which would be as valuable and as indispensable as uranium is today. Without uranium, where would we be with our atomic-energy program? Where would we be with atomic bombs? And where would we be if we did not have the atomic bomb?

In this measure we may be giving away something far more valuable and far more vital to the life of our Nation and our people than even uranium. We are in the dark so far as these values are concerned, because no man can know about them. Of course we can make a guess. A guess was made here this morning by a distinguished Senator who was entirely wrong; he did not know what he was talking about, as the evidence showed.

So, Mr. President, as I have said, it should be kept in mind that this giveaway measure is really for the benefit of the three States of California, Louisiana, and Texas, since there are no known deposits of oil or gas, or other valuable minerals in the portions of the Continental Shelf adjacent to the shores of the other coastal States.

The prospect of making a gift to California, Louisiana, and Texas of the contiguous areas of the Continental Shelf beneath the marginal sea, and their vast oil and gas resources, is one which ought to alarm and bring outraged protests from every person who believes that our nationally owned natural resources, which are assets of the Nation as a whole, should be conserved and used for the

benefit of all the people of the Nation. From the standpoint of right and justice, the claims of the three States mentioned to the oil and gas deposits underlying the marginal sea adjacent to their shores are certainly no more meritorious than would be any claim that might be asserted by the State of Wyoming, for example, to the Government-owned oil lands in the Teapot Dome Naval Petroleum Reserve, or any claim that might be asserted by the State of Colorado to the Government-owned scenic lands in the Rocky Mountain National Park, or any claim that might be asserted by the State of New Mexico to the Government-owned timber lands in the Gila National Forest.

Mr. President, there should be alarm and protest. As I have said before in the course of this debate, difficulty arises because so much propaganda and so much misleading information have been spread abroad. For instance, the proponents of this measure have made use of the term "tidelands," whereas everyone knows that the tidelands belong to the States. One hundred and eight years ago, in the case of Pollard, Lessees against Hagan, in 1845, the Supreme Court held that the tidelands belong to the States; and in many subsequent decisions, which I mentioned yesterday, that decision about the ownership of the tidelands by the States has been confirmed and ratified by the Supreme Court of the United States. But as a result of the great flood of propaganda, the people of the country have not had the true picture of this situation.

However, I am happy to say that, at long last, it is becoming possible for the people to obtain the true picture. The legislatures of various States, such as Arizona, Tennessee, Minnesota, and Rhode Island, are protesting this giveaway proposal, and are urging Congress to defeat the pending measure.

Mr. DOUGLAS and Mr. MORSE addressed the Chair.

Mr. HILL. Mr. President, I wish to say that the distinguished majority leader, our good friend, the Senator from Ohio [Mr. TAFT], suggested that at 1:30 I yield the floor, and that then the distinguished junior Senator from Oregon [Mr. MORSE] be recognized and speak, and that at the conclusion of his speech the Senate would take a recess until tomorrow.

I notice that it is now a little past 1:30; I have transgressed my agreement by approximately 5 minutes, by speaking until 1:35, rather than 1:30.

Mr. JOHNSTON of South Carolina addressed the Chair.

Mr. HILL. Mr. President, let me inquire whether the Senator from South Carolina desires to make an insertion in the RECORD.

Mr. JOHNSTON of South Carolina. I desire to speak.

Mr. TAFT addressed the Chair.

Mr. HILL. Mr. President, I shall yield only for a question. Of course, Mr. President, everyone knows my devotion to and my great respect for the distinguished senior Senator from Ohio [Mr. TAFT]. As I said yesterday, many a time I have referred to my friend, the Senator from Ohio, as my lawyer, thus showing my great respect for him. However, last evening, after I yielded to a fellow Senator who had asked me to yield, doing so in much the same way the distinguished Senator from Ohio has just now asked me to yield, the first thing I knew the Senator from Ohio was making the point that I had lost the floor, and he was attempting to have the Chair so rule. In that way the Senator from Ohio sought to have me lose my right to the floor.

If the Senator from Ohio wishes to make a request, I shall be delighted to accommodate him; I shall ask unanimous consent that, without any interference with my right to the floor, and with the understanding that what the distinguished Senator from Ohio may say will appear at the end of my remarks, I be allowed to yield to him, the great majority leader of the United States Senate, the Senator from Ohio [Mr. TAFT].

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

Mr. TAFT. Mr. President, I ask unanimous consent that the Senator from Alabama may be allowed to suspend at this time, and to resume at 11 o'clock tomorrow morning, if he wishes to do so.

Let me inquire whether he wishes to resume at 11 o'clock tomorrow morning, or not.

Mr. HILL. I shall be glad to have that request acted upon, Mr. President.

Mr. TAFT. Then I ask unanimous consent that the Senator from Alabama be granted permission to do so, without losing the floor and without being charged with making an additional speech.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. Mr. President, reserving the right to object, let me say that the Senator from Alabama has a right to make two speeches on any question—either the joint resolution itself or any amendment to the joint resolution—before the final vote is taken. Let me also point out that the Senator from Alabama came here with a prepared speech of 73 pages, but in 2 days he has covered only 14 pages. If we may have some assurance as to when the Senator from Alabama will finally complete his first speech—perhaps tomorrow—I would be willing to go along with the request which has just been made; but under the circumstances I am inclined to think that I should object to the request.

Mr. DOUGLAS. Mr. President, I call for the regular order.

Mr. HILL. Mr. President, let me say that I have not covered more pages of my prepared manuscript because there have been so many questions and interrogations, which, incidentally, I believe have been more than well worth while; I think they have shed much light upon the subject matter of this debate. In the course of those interrogations, Senators may have said some things that my friend, the Senator from Louisiana [Mr. LONG], did not like to hear and did not want to hear, but they have been things the Senate should hear and that the American people should know.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio?

Mr. LONG. Mr. President, may we have an agreement that in connection with the requested agreement, the Sena- from Alabama will conclude his first speech in another full day of speaking? [Laughter.]

Mr. HILL. Mr. President, let me say to my friend, the Senator from Louisiana, that I certainly have no idea at this time of consuming anything like a full day; but, on the other hand, I do not know how many interruptions there will be. From time to time various Senators request that I yield, not only for questions, but also for other matters. On tomorrow I might be requested to yield for some very important matter. For instance, there might come to us from the President of the United States a message which the Senate would feel it should hear. I might be asked to yield for that purpose or for many other important purposes.

I realize that the other day the Senator from Louisiana made a most eloquent speech, and I was very proud of him for it. I am usually proud of my friend, the Senator from Louisiana. He made a great speech about free debate.

So, Mr. President, knowing how he and I have stood shoulder to shoulder, let me say that surely the Senator from Louisiana will not object in a matter of this kind. [Laughter.] I know his feelings; I know what is in his heart; I know how often he and I have sat in communion together on the question of the right of a Senator to present his case.

Mr. LONG. Of course, Mr. President, generally speaking, the attitude of the Senator from Louisiana is that a Senator should have to go through a little more effort than has been required recently in the Senate, if he is to delay the Senate for the amount of time we are being delayed by the speech now being made. Generally my attitude has been that if, in connection with an attempt to delay the Senate, a Senator speaks for an entire day, he has done as much speaking as he should expect for one speech.

However, I shall not object further to the request that the Senator from Alabama be allowed to interrupt his speech.

Mr. HILL. I thank the Senator from Louisiana.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is so ordered.

Mr. HILL. I thank the Senator from Ohio very much, and, pursuant to the agreement just entered into, I now yield the floor.

PRAYER FOR LEADERS—POEM BY HOPE ROBERTSON NORBURN

During the delivery of Mr. HILL's speech,

Mr. SMITH of North Carolina. Mr. President——

Mr. HILL. Mr. President, I understand that my good friend, the Senator from North Carolina [Mr. SMITH], former president of the American Bar Association, and a great lawyer, wishes that I might yield to him that he may have something printed in the RECORD, and under the conditions that it will in

no way affect my right to hold the floor, and with the understanding that his request and what he desires printed may appear elsewhere in the RECORD, I yield to the Senator.

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

Mr. SMITH of North Carolina. Mr. President, I thank the distinguished Senator from Alabama for his graciousness, which he always exhibits, and particularly for his action some weeks ago. At that time, in making an announcement about a distinguished man who was elected Vice President of the United States a good many years ago, the Senator from Alabama omitted to tell the Senate that that distinguished man was born and reared in North Carolina; served in the Halls of Congress from North Carolina, and then went to Alabama, no doubt on missionary work, and there remained to help form the government of that great State. The distinguished Senator from Alabama was so gracious, when I called the matter to his attention, as to have the record of William R. King placed in the RECORD, in my absence. I wish to thank him publicly for his action.

I now wish to ask unanimous consent to have placed in the RECORD a very short prayer in the form of a poem, which was written by a constituent of mine in North Carolina. She is the daughter of one of the most distinguished men of North Carolina, or, for that matter, of America, one who is well known as a businessman. She is the daughter of Reuben Robertson, of Asheville, N. C. This young woman has written a few lines which I think all of us could well take to heart, and I should like to take a moment to read the prayer into the RECORD. It is entitled "Prayer for Leaders," and reads:

PRAYER FOR LEADERS

O send Thy leaders, Lord, to keep
Us from corruption's power,
O send Thy chosen captains now
In this decisive hour.

Then arm them with Thy spirit, Lord,
Defend them with Thy might,
O guide them through the wilderness
With Thy transcendent light.

And let them serve this people well
In seeking Thy design,
And listening, let them answer Thee,
"Not my will, Lord, but Thine."

—*Hope Robertson Norburn.*

I thank the Senator from Alabama for giving me the opportunity to place this poem into the RECORD.

Mr. HILL. Mr. President, I count it a privilege to be able to yield to the Senator from North Carolina so that he might read the beautiful poem into the RECORD.

The Senator from North Carolina referred to my remarks about William R. King, former Vice President of the United States. It was a great pleasure for me to speak on this floor reminding not only the Senate but the country of the fact that William R. King was born in Sampson County, N. C.; that he served as a member of the Legislature of North Carolina; that he served as prosecuting attorney, or what we sometimes call solicitor, of his circuit in that State; that he represented his district in North Carolina for 5 years in the House of Representatives of the Congress of the United States; that he then went as secretary of legation to Russia, as I recall, and also to France. By then he had grown so wise that he left North Carolina and came to Alabama. In Alabama he took, if not a leading part, surely one of the most important parts in writing the constitution of the State of Alabama. He so impressed the people of the State with his character, his devotion, and his ability, that when the Constitution was ratified and Alabama came into the Union, in 1819, the Legislature of Alabama elected William R. King as one of the first 2 Senators elected to this body from the State of Alabama.

Then, with the exception of a short time, most of which he spent as our Minister to France, William R. King served until 1852 as a Member of this body, representing the great State of Alabama, and a good part of the time we find that Senator King was held in such high esteem by his colleagues that he was the President pro tempore of this distinguished body.

As I recall, in 1852 Senator King was nominated by the Democratic Party for Vice President, to run with its nominee, Franklin K. Pierce, who was nominated for President. Unfortunately, before Mr. King's term was to begin, his health failed—he was suffering from a bad case of tuberculosis—and he was forced to go to Cuba seeking to find some cure for the dread malady from which he suffered. He was sworn in as Vice President on March 4, 1853, in Habana, Cuba. He was not able to discover a cure, so he returned to Alabama, and a few days after he had returned, in March 1853, he died at his home in Selma, Ala.

Mr. President, I wish to say to the Senator from North Carolina that William R. King, this distinguished son of the Republic, was great enough and big enough for both North Carolina and Alabama, to share their pride in this magnificent American.

TITLE TO CERTAIN SUBMERGED LANDS

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

Mr. MORSE obtained the floor.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield to me for a moment?

Mr. MORSE. I yield, provided I do not lose my right to the floor.

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

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a proclamation by the mayors of Granite City, Ill.; Madison, Ill.; and Venice, Ill., asking that Senate Joint Resolution 13 be defeated, and giving their reasons therefor.

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

The proclamation is as follows:

PROCLAMATION ON TIDELANDS OIL

Whereas the Supreme Court of the United States has held that the oil rich submerged coastal land commonly known as tidelands belongs to all the people of the United States; and

Whereas the House of Representatives has recently passed legislation giving away 15 billion barrels of oil valued at $40 billion in said oil rich undersea lands to the three States of California, Texas, and Louisiana to the exclusion of the citizens of the other 45 States, including the citizens of Granite City, Madison, and Venice; and

Whereas the oil contained in the tidelands is vital to the security of the United States; and

Whereas we use 1 million barrels of oil a day more than we produce, making it necessary for us to purchase some 360 million barrels of oil a year abroad; and

Whereas the tidelands oil bill will come up for passage in the Senate of the United States in the very near future; and

Whereas we deem that the passage of this bill would be a national catastrophe: Now, therefore, we, the undersigned, mayors of the cities of Granite City, Madison, and Venice, deeming it to be detrimental to the interest of our citizens to give away, said land, do therefore urge each of our Senators in the United States Senate to vote against the proposed pillage of our natural resources as embodied in the tidelands oil bill and we do hereby urge all the citizens of our communities to write to their Senators protesting the giving to the States of California, Texas, and Louisiana those resources which rightfully belong to all of the people of the United States.

LEONARD S. DAVIS,
Mayor of the City of Granite City.
STEPHEN MAERAS,
Mayor of the City of Madison.
HARRY HARTMAN,
Mayor of the City of Venice.

Mr. DOUGLAS. Mr. President, I also ask unanimous consent that an editorial entitled "The Tidelands Oil Dispute," published in the Chicago Daily Sun-Times of April 13, 1953, be printed in the RECORD at this point in my remarks.

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

THE TIDELANDS OIL DISPUTE

The question of State against Federal title to offshore oil lands—so-called tidelands oil—should be settled on the basis of law. Unfortunately, the controversy has aroused political passions and they, rather than the legal aspects of the case, have dominated congressional consideration of this greatly important national issue.

As matters now stand, the House has passed what amounts to a quitclaim bill. The measure would waive Federal rights to submerged land extending from the low-tide mark to certain historic offshore boundaries—ranging from 3 miles to 10½ miles in this case. The measure also would specifically grant title to these submerged lands to the adjacent States.

Legislation along similar lines is now before the Senate. Opponents of the bill, among them Senator DOUGLAS, Democrat, of Illinois, have slowly been gathering strength—but not enough to defeat it. They have united behind a measure which would reaffirm Federal control of the offshore area and provide that royalties from oil be distributed among all the States to help finance public education. DOUGLAS has estimated

that Illinois would receive millions of dollars annually.

Under either the House or the Senate bill, oil royalties would go only to the States which have title to the submerged lands. The States which would benefit principally are Texas, Louisiana, and California.

On three occasions the United States Supreme Court has held that the offshore areas at issue in the present legislation are part of the Federal domain and do not belong to the States. The Sun-Times has consistently supported the Federal claim to the offshore deposits and, although we supported the candidacy of President Eisenhower, we did not and do not subscribe to his belief that the submerged lands should belong to the States.

So long as it acts within the framework of the Constitution, Congress can pass any laws it desires, including laws to give away Federal lands. But many legal authorities have serious doubts as to the constitutionality of legislation to convey title to the offshore deposits to the States.

Some of these doubts have been set forth in a brief prepared for opponents of the Senate bill by Urban A. Lavery, Chicago attorney and former editor of the American Bar Association Journal.

Lavery questions whether international law might not impose barriers against a Nation's giving individual States title to land under territorial waters. Under long-standing principles of international law, nations rather than their political subdivisions exercise dominion over the territorial waters extending from the low-tide mark to the commonly accepted 3-mile limit.

But a nation's sovereignty over its territorial waters is limited at least to the extent that ships of foreign nations are permitted to travel freely over, and anchor in, such waters for all "inoffensive" purposes. Are there other limitations which would apply in the case of offshore oil deposits and submerged oil lands lying on the Continental Shelf beyond the 3-mile limit?

The Senate should ponder that question carefully before taking precipitate action. It should also adopt the Lavery brief's proposal to make the legislation inoperative until the Supreme Court has ruled, in a declaratory judgment, whether it violates the Constitution—possibly by contravening directly or indirectly international laws to which we, as a nation, have subscribed in the form of treaties or conventions.

If the Court found that the legislation did not violate the Constitution in any way, then there would be no question of Congress' right to give away the submerged land. However, we would still feel that such a step would be morally, though not legally, wrong.

While the Eisenhower administration has modified its original position on the offshore legislation, the President is apparently committed to signing it when and if it passes Congress. As an Eisenhower supporter, we nevertheless help he will reconsider his stand.

The prospect of congressional passage of the offshore legislation has already given impetus to other assaults on the public domain. Senator HUNT, Democrat, of Wyoming, wants to give his State control of federally owned oil lands which have brought $153 million in royalties to the Federal Government.

According to Senator BUTLER, Republican, of Nebraska, chairman of the Senate Interior Committee, sentiment is developing to apply the offshore oil principle to all Federal lands, including public grazing lands and those which have rich mineral deposits. Enactment of the offshore legislation would set a dangerous precedent for such action.

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a telegram from the Chicago Federation of Labor, which expresses opposition to the passage of Senate Joint Resolution 13, and I also ask unanimous consent that two editorials from the Detroit News, one from the issue of March 2, 1953, entitled "Clouding the Offshore Oil Issue," and the other from the issue of April 3, 1953, entitled "Offshore Oil: Clouding the Issue," be printed in the RECORD at this point in my remarks.

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

CHICAGO, ILL., *April 1, 1953.*

Hon. PAUL H. DOUGLAS,
Senate Office Building:

The Chicago Federation of Labor, representing over half a million union members and their families, are opposed to passage of tidelands oil bill and urge your cooperation in defeating legislation which would give four coastal States wealth belonging to all States in the Union.

WILLIAM A. LEE,
President.
WILLIAM F. CLEARY,
Secretary.

[From the Detroit News of March 2, 1953]

CLOUDING THE OFFSHORE OIL ISSUE

State Attorney General Millard recently went to Washington to testify at a Senate committee hearing on the issue of offshore oil. In favoring the Holland bill, which would reverse the Supreme Court's holding that these deposits belong to the United States, Millard presumably spoke for Michigan, although with what warrant it is not clear.

It can be argued that it is to the best interests of Michigan that the deposits should remain a naval oil reserve, rather than be turned over to the States and through them to private exploiters. The News at any rate thinks so, as does the Governor of this State.

Casting further doubt on the justification for his Washington mission was Millard's discovery there that the question of ownership of the Great Lakes bottoms is not at issue. His ostensible object in testifying for the Holland bill was to support its proposed quitclaim of Federal title to these as well as to the ocean bottom. However, the rival Anderson bill, although maintaining the Federal title to offshore oil, would equally quitclaim the land under the Great Lakes.

As a matter of fact, the Federal Government never has laid claim to the lake bottoms—as Millard might have discovered without going to Washington. At least 2 United States Attorneys General and at least 2 Solicitors General have publicly stated this, as well they might. The Supreme Court in an 1892 decision (*Illinois Central Railroad* v. *Illinois*) firmly established the States' ownership of inland waters within their boundaries, which Congress itself had placed at the middle of the lakes and connecting channels. The last is something which Millard might have discovered by referring to Michigan's own constitution.

In voting on the pending legislation, Michigan Congressmen will do well to pass over Millard's testimony as purporting to represent the State's position. The sole question deserving their attention is whether, in a country already dependent in peacetime on imported oil, those offshore deposits should not be reserved for the national defense.

[From the Detroit News of April 3, 1953]

OFFSHORE OIL: CLOUDING THE ISSUE

Michigan Congressmen for the most part voted for the misnamed tidelands oil bill, which would donate to the States and, through them, to private exploiters oil found under the ocean bottom beyond the low-tide mark.

The votes thus cast were influenced by assurances from Michigan Attorney General Millard that this State, no less than California and Texas, has a large stake in the legislation. There are vast deposits of oil and salt under the Great Lakes, Mr. Millard told the Congressmen. The only reason why citizens have not been licensed to develop them, he said is the cloud cast on the State's title by the 1947 Supreme Court decision holding offshore oil to belong to the Federal Government.

The facts of the case, however, are these:

The 1947 decision did not apply to the lake bottoms, which, under a Supreme Court decision of 60 years ago, belong to the States. Since 1947, 2 Attorneys General and 2 Solicitors General have disavowed any Federal purpose of contesting the earlier decision.

At least up to the end of 1948, this view of the matter was fully accepted at Lansing. In November of that year, the State conservation department, as on a few previous occasions, leased to two wildcatters the right to drill for oil in Lake Michigan off Oceana County.

In 1950, however, a ruling by the Attorney General's office put a stop to further State leases. The ruling held past leases illegal, not because of the Supreme Court decision on offshore oil, but for a reason remarkable for lying much closer to home.

The reason was that the legislature never had bethought itself to empower the conservation department to lease lake-bottom drilling rights.

Mr. Millard's problem, if he really wants to get the lake-bottom bonanza developed, would appear to be found in Lansing, rather than in Washington. If he has made any effort to obtain for the conservation department the power to make lake-bottom leases, the fact does not appear on the record. Nobody appears to have made such an effort—suggesting a curious absence of excitement over the problem.

Excitement over the offshore oil bill is something else again. Known ocean-bottom deposits are worth billions, and the Supreme Court has said they belong to all the people, not just to California and Texas or a few oil companies. It is hard to see why Michigan should want it otherwise.

A JUST PEACE FOR ALL PEOPLES—ADDRESS BY THE PRESIDENT BEFORE THE AMERICAN SOCIETY OF NEWSPAPER EDITORS (S. DOC. NO. 39)

Mr. KNOWLAND. Mr. President, will the Senator from Oregon yield to me, in order that I may propound a unanimous-consent request, provided it is understood that in yielding for that purpose, the Senator from Oregon will not lose the floor?

Mr. MORSE. I yield with that understanding.

Mr. KNOWLAND. Mr. President, I ask unanimous consent to have printed in the body of the RECORD the speech which was made at noon today by the President of the United States when addressing the American Society of Newspaper Editors, and that it be printed as a Senate document.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The speech of the President of the United States is as follows.

In this spring of 1953, the free world weighs one question above all others—the chance for a just peace for all peoples.

true balance of Thy perfect will, so that no meanness of spirit, no vanity or selfishness are ever justified by momentary expediencies.

Make us then, O Lord our God, to walk constantly in Thy presence, that we may temper our motives, frame our words, and fashion our acts by Thy judgments and not by the changing opinions of men.

We humbly implore Thy mercies, that our hearts may be pure, our minds clear, our acts just, and our consciences free. In our moral ambiguities, give us a clear sense of what is right in Thy sight. In our fears, steel us to the performance of our duties with strong faith that if God be for us we need not fear either failure or defeat because the victory is sure. When we are tempted to selfishness, forgetting for even one moment our weaker brothers, at home or abroad, draw us quickly back to the remembrance that what we do to the least of these we have done unto Thee.

So grant us Thy mercy, O God, with the forgiveness of our sins, for Thy name's sake. Amen.

THE JOURNAL

On request of Mr. TAFT, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 14, Wednesday, April 15, and Thursday, April 16, 1953, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

ANNOUNCEMENT AS TO PROCEDURE AND SATURDAY SESSION

The PRESIDENT pro tempore. Under the unanimous-consent agreement heretofore entered, the senior Senator from Alabama [Mr. HILL] is entitled to the floor.

Mr. TAFT. Mr. President, will the Senator from Alabama, without losing his rights to the floor, yield to me?

Mr. HILL. With the understanding that I will not lose the floor, I yield.

Mr. TAFT. I merely wish to state for the RECORD that at 12 o'clock I shall call for a quorum in order to provide for a morning hour, during which time such business as is usually in order in the morning hour may be conducted, this to be done without the Senator from Alabama losing the floor. I thought it better to wait until 12 o'clock, so that more Senators may have an opportunity to be present.

Mr. JOHNSON of Texas. Mr. President, may I ask the distinguished majority leader how long he plans to have the Senate remain in session today?

Mr. TAFT. I expect to have the Senate recess about 5:30.

Mr. JOHNSON of Texas. Does the Senator plan to have the Senate meet tomorrow morning at 10 o'clock?

Mr. TAFT. It is planned to have a session beginning tomorrow morning at 11 o'clock, and continuing for about the same length of time as is proposed for today.

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. Mr. President, it is obvious that the people of 45 States, other than the States of California, Louisiana, and Texas, ought to take a hard look at the provisions of Senate Joint Resolution 13, bearing in mind that the enactment of this measure would deprive them of their national birthright and would give them in return either nothing at all, in the case of the interior States, or the proverbial mess of pottage, in the case of the coastal States other than California, Louisiana, and Texas.

This giveaway proposal ought to raise a storm of criticism from the people of 45 States. In particular, all schoolteachers, all schoolchildren, all parents of schoolchildren, and all friends of education in the 45 States ought to unite in overwhelming the Congress with protests, because we have in the prospective income from the great oil and gas deposits on the Continental Shelf a mighty potential for the advancement of education throughout the United States.

Certainly, it would be the utmost folly, at a time when the people of the United States are staggering under a national debt amounting to more than $265 billion, for the Congress to give away to the three States of California, Louisiana, and Texas immensely valuable oil and gas deposits, the income from which should be devoted to purposes of the needs of, urgent needs of, national defense and to education in all the 48 States.

In this connection, I should like to advert for a moment to the somewhat amazing sophistry that is involved in the argument advanced by some of the proponents of Senate Joint Resolution 13 to the effect that the people of the United States ought to give Continental Shelf lands beneath the marginal sea to the States of California, Louisiana, and Texas because these States might derive for their own citizens a greater financial return from the development of such lands for oil and gas than would be derived for the people of the whole Nation if these lands were retained and developed under Federal control. Of course, the answer to this contention is that the maximum income for the people of the United States would be derived from the development of these lands for oil and gas under Federal management if the Congress would follow the recommendation repeatedly made by the executive branch during the former national administration and would enact legislation providing for the issuance of oil and gas leases on lands of the Continental Shelf by means of competitive bidding.

Mr. President, time and again the executive branch of the Government, the branch charged with the administration of lands and natural resources held by the Government as trustee for all the people, has urged Congress that legislation be enacted to provide the maximum income from oil, from gas, and from other great natural resources.

It is true that oil and gas leases covering "wildcat"—and I emphasize the word "wildcat"—public domain lands are issued by the Federal Government on a noncompetitive basis to the first qualified person applying for such a lease. However, this is done because the executive branch is compelled by the Congress to proceed on such a basis.

No one knows better than Senators that the executive branch, the administrative officers, and officials of the executive branch, cannot and should not write the law. It is their function to apply and execute the law as it is written by Congress.

Section 17 of the Mineral Leasing Act of 1920, as amended, specifically provides that—

> When the lands to be leased are not within any known geological structure of a producing oil or gas field, the person first making application for the lease who is qualified to hold a lease * * * shall be entitled to a lease of such lands without competitive bidding.

That language is clear. It is specific. It is not subject to varying interpretations of any kind. It is a binding mandate. It is a binding command to the administrative officials of the executive branch, whose duty it is to make these leases. Under this language the administrators are given no discretion whatever. They are not permitted in any way to act according to their best judgment, according to what they think might bring the maximum return to the Government of the United States as trustee for all the people. Under this language the administrative officials can do only one thing. Without any competition, without any advertisement for lessees, they must grant a lease to the first qualified person who may apply for it. There is no discretion whatever. The statute is binding. Without any competition whatever, the first person who may apply for a lease is entitled to receive it. Fortunately, it has been held by the Solicitor of the Interior Department and by the Attorney General of the United States that the Mineral Leasing Act of 1920 is not applicable to lands of the Continental Shelf, so that the provision in that act, with respect to the issuance of oil and gas leases on a noncompetitive basis, would not operate to limit in any way the financial return that might be derived by the Federal Government from the development of the Continental Shelf lands for oil and gas or for other minerals and natural resources. These assets, under appropriate legislation enacted by the Congress, could, and should be developed in such a way as to realize the maximum financial benefits for their owners, the people of the United States.

Quite apart from the financial aspects of this problem, the importance of oil in these times to the national economy and to the Government itself can hardly be overestimated.

According to statistics compiled by the Department of the Interior, it is expected that the domestic consumption of petroleum products in the United States during 1953 will average approximately 8 million barrels a day. If, as seems

likely, the agencies of the Federal Government use petroleum products in 1953 as extensively as they did in 1952, it is reasonable to estimate that about 500,000 barrels of the average daily domestic consumption of petroleum products during 1953 will be attributable to agencies of the Federal Government, including the three military departments of the Army, the Navy, and the Air Force in the conduct of their activities for the defense of the Nation. These Departments, as we know, use huge amounts of oil in the conduct of their activities for the defense of the Nation. The distinguished Presiding Officer [Mr. CORDON], acting chairman of the Committee on Interior and Insular Affairs during the consideration of this measure, is a veteran of World War I, as I am. He knows that that war was a horse-drawn war, or a mule-drawn war, so to speak. World War II was a war of modern mechanical instruments. We did not have mules or horses. We had tractors, jeeps, and motor vehicles of all kinds, as well as mighty airplanes, all of which had to be fed with gasoline and oil, none of which were worth anything whatever without gasoline and other petroleum products to operate them.

Aside from the consumption by the Government and the agencies of Government, the total domestic production of petroleum in the United States during 1953 is expected to average somewhat less than 7 million barrels per day. The production of petroleum from Government-owned lands other than lands of the Continental Shelf will probably average about 300,000 barrels a day during 1953, of which the Government's share as royalty will doubtless average somewhat less than 40,000 barrels a day.

Hence, the average daily production of petroleum in the United States during 1953 is expected to fall far short of meeting the average daily domestic demand for petroleum products during the same period. The deficiency of oil and petroleum products in the United States will probably amount to about 1 million barrels a day. Insofar as the Government itself is concerned, its royalty oil from Government-owned lands, other than the Continental Shelf, during 1953 will be only a drop in the bucket as compared to the amount of petroleum products which the Armed Forces and other agencies of the Government are expected to consume in 1953.

It is obvious that if a worsening of the international situation should extend the involvement of the United States in armed conflict beyond the scope of our present military activities in Korea, the consumption of petroleum products for defense purposes alone by the Government, and by industries working for the Government, would greatly expand.

I emphasize defense purposes not only in the sense of the petroleum products which we must have for our tanks, our jeeps, and our motor vehicles of all kinds—the mechanical engines with which we fight today—but I also emphasize industries, the great pride of America, the factor which, more than anything else, perhaps, gives America her mighty strength and her great productive capacity. Without petroleum products we would find productive capacity largely paralyzed. We must have oil to operate our industries, to produce the materials and instruments which we need for the defense of our country.

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

Mr. HILL. I yield for a question only.

Mr. ANDERSON. Would not the Senator also add the fact that the workers in industry, who are traveling back and forth to their jobs, consume more gasoline in time of an emergency than otherwise, because during such a time there is fuller employment and workers are very much required in such jobs? Therefore would not the Senator agree that the civilian consumption, quite apart from the industrial consumption, greatly increases in time of emergency because of the increased use of private automobiles?

Mr. HILL. The Senator is absolutely correct. If we were in a war, trying to save our country, our freedom, and our institutions, it would be an all-out effort. Not only would we use every man and woman, but perhaps even children in some places. We would use every possible industry, plant, and factory, and every possible industrial engine and device. We would go all out, and that would mean the consumption of more and more oil and more and more other petroleum products than we use in normal times, as the Senator from New Mexico has suggested by his question.

As I said yesterday, we have done much, by the Marshall plan and similar assistance plans, to build up the industry of Europe. We know that next to the United States the industry of Europe has the second greatest capacity for industrial production in the world. We have done all we can possibly do to build up that industry. One of the reasons for our building up the industry of Europe is that we recognize the importance and the essentiality of that industry to our defense as well as to the defense of the entire free world.

As the Senator from New Mexico so well knows, Europe is almost entirely dependent upon the Middle East for its oil and other petroleum products. As we all know, the Middle East is at Russia's back door. If Russia were to take the Middle East, or if Russia were in a position where she could control the oil of the Middle East, or in a position where she could stop the flow of oil from the Middle East to Europe, Europe would naturally have to look to the United States and the Western Hemisphere for every drop of oil she would need for her industrial production.

In that connection it is interesting to recall that after World War II we found the records of the conversations between Ribbentrop, representing Germany, and Molotov, representing Russia, at the time Russia and Germany entered into the agreements which brought about the alliance between Germany and Russia, prior to Germany's attack upon Russia. One of the most interesting and most significant, and, I may say, one of the most challenging aspects of those agreements, so far as the people of the United States are concerned, is that in those agreements Molotov, representing Russia, made it definite and clear that Russia would look upon the Middle East as a sphere of special influence for Russia.

In other words, what Russia said to Germany, in effect, was: "We will have this mutual understanding. We will enter into this mutual pact. We will help each other. We will exchange goods. We will trade together. We will do all that, but we want it clearly understood by you that the Middle East, where more than half the world's oil supply is located today, is to be our special preserve. Russia will be the one that will have a preferred place in the Middle East and priority to get the oil there. We will have the priorities in the Middle East."

So, as the Senator from New Mexico suggests, when we deal with oil we deal with a product which is absolutely vital to the defense of the United States and to the preservation of our institutions and our freedom.

I hope the Senator from New Mexico will agree with me that, if we reached the point where we had no oil and therefore could no longer fly our airplanes, fueled with oil and gasoline, and carrying atomic bombs to Russia, we would be at the mercy of Russia, and Russia could dictate terms to us, because she had the oil and the airplanes in which to send atomic bombs to America and literally wipe it from the face of the world. In such event, one of the very first conditions of her terms to us would be the liquidation of the leaders of the United States, including the liquidation of the Members of the United States Senate. I am certain that the Senator from New Mexico will agree with me about that.

Mr. ANDERSON. Mr. President, will the Senator from Alabama yield for a question?

The PRESIDING OFFICER (Mr. BUSH in the chair). Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. HILL. Mr. President, I yield for a question only.

Mr. ANDERSON. Does the Senator from Alabama recall that in the hearings held this year by the Committee on Interior and Insular Affairs the former Secretary of the Interior, Mr. Chapman, dealt with the question of oil in the Middle East and the importance of it to Russia? Does the Senator further recall that the former Secretary of the Interior, who had been in charge of the production of petroleum, said that, roughly, 58 percent of the world's known oil reserves lie in the Eastern Hemisphere, and that of this amount approximately 86 percent is in the Middle East?

Mr. HILL. The Senator from Alabama recalls that testimony of the former Secretary of the Interior, and he read and reread it. Furthermore, as the Senator from Alabama recalls, in the light of that testimony, one evening the Senator from New Mexico, the Senator from Alabama, and one or two other Senators sought to get a detailed picture of the situation in the Middle East. The Senator from New Mexico and the Senator from Alabama, along with several other Senators, went to the office of the Secretary of the Interior. We went

to his office because in his office he had all of the charts and maps and all the detailed information on that subject.

We stayed in the Secretary's office, as the Senator from Alabama will recall, for more than 2 hours.

In graphic form, the former Secretary of the Interior referred to the charts and maps and showed how the vast oilfields in the Middle East were vulnerable to attack by the Russians and how those countries producing the oil are so geographically situated that all that Russia would have to do would be to reach out her long arm and grab the oil and take it away from Europe, away from the United States, and away from the whole free world, and then use it in her airplanes and send the airplanes to the United States and drop bombs on Washington, New York, Philadelphia, Detroit, and Birmingham, Ala., and on all the other great centers of industry in the United States.

The Senator from New Mexico knows that not only would that oil make it possible for Russia to send her atomic bombs to the United States, but the Senator from New Mexico knows also that there are other forms of warfare which, thank Heaven, have not yet been resorted to. There are forms of warfare that employ disease germs and there are forms of warfare for the spreading of all kinds of gases. Is there anyone who has any sense at all and who knows anything at all about the history of Russia, and the way in which she has broken promise after promise and solemn commitment after solemn commitment, who would feel for even one minute that if Russia thought it was in her interest to resort to that kind of warfare she would hesitate to resort to it?

Mr. President, I do not want the people of the United States to feel that it is only the people who live in the great industrial centers of the United States, such as Detroit, Cleveland, or Pittsburgh, who are in grave danger. I say to you, Mr. President, that because of modern technological developments and the advances and discoveries of our scientists, the Russians have the oil with which to send their airplanes to this country to wreak havoc and death and destruction over any part of the United States they may wish to attack. I believe the Senator from New Mexico will agree with that statement. There is just no limit, when we think of what modern science has disclosed to the world, and we are foolish to think that while we have great engines of war for some reason the Russians do not have them. We know that today the airplane the Russians have—and I refer to the type known as the MIG—is one of the very best airplanes in the world; it is superior to any other airplane yet devised by the talents and capacity of men, possibly with the exception of the F-86.

In view of the present great demand for petroleum products by the Government for defense purposes, and at least the possibility that the Government's requirements in this respect might be substantially increased, as suggested by the question of the Senator from New Mexica, it would be difficult to conceive of a more prodigal proposal than the present one for the Government to give away lands of the Continental Shelf containing billions of barrels of oil and other precious resources.

Mr. President, I was speaking of the destruction of human life and plants, mills, factories, and workshops. Of course, the Senator from New Mexico well knows, as is well known by everyone who has kept up with developments, that the Russians also have the power to destroy our livestock, our crops, our growing fields of grain, including corn and wheat, and other commodities upon which the very sustenance and life of the people of the United States depend.

Can anyone be unaware of the dangerous situation in Iran—the oil lifeline of half the world? Surely none are so simple as to imagine that Russia in her schemes has overlooked this vast source of oil that she needs for her huge war machine.

I have just referred to the agreements between Molotov and Ribbentrop. At that time they were talking about the great oil deposits in Iran.

While we still hope for a safe solution of the Iranian oil crisis, we would be faithless guardians for our people if we did not, as prudent men, act on the assumption that oil of the Middle East might be lost to western Europe and to us. In such case all free nations must look to this hemisphere. In such case our oil becomes not alone a national resource to be conserved and guarded for the future welfare of our children, but a national resource which must be preserved by a watchful government, if our Nation is to survive.

A modern army travels, not on its stomach, but on oil. The Wehrmacht, the mighty war machine of Adolf Hitler, ground to a shuddering halt because of lack of oil. Mr. President, where did the American Air Force make one of its first great raids in World War II, when it got ready to strike Adolf Hitler and his minions? In World War II the American Air Force made one of its first great raids on the Axis against the Ploesti oil refineries, and it kept up a steady attack until Hitler had no oil. Those refineries were not even in Germany; they were in Rumania. So in that war one of the first great strikes made by the American Air Force was against the Ploesti oil refineries in Rumania.

Mr. JACKSON. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield for a question only to my friend, the Senator from Washington.

Mr. JACKSON. I desire to compliment the Senator from Alabama on his statement. Most persons are unaware of the fact that at that time the oil situation was critical, so far as the enemy was concerned. If war should come again, it would be necessary to strike in the same area, but simply a little farther over.

Mr. HILL. The Senator from Washington is absolutely correct. As he knows, what was left of the vaunted Luftwaffe and the Japanese Air Force stayed on the ground because they had no oil.

Of course, Mr. President, we recall that Charles Augustus Lindbergh, the first aviator with the will, the courage, and skill to fly an airplane from New York to Paris, across the great Atlantic Ocean, subsequently reported that the German Luftwaffe was almost invincible. However, when that air force lacked oil, it could no longer take to the air.

VISIT TO THE SENATE BY STUDENTS FROM HONEA PATH (S. C.) HIGH SCHOOL

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. HILL. Does the Senator from South Carolina wish me to yield for a question only?

Mr. JOHNSTON of South Carolina. I should like the Senator from Alabama to yield, to permit me to make a unanimous-consent request.

Mr. HILL. Mr. President, with the understanding that in yielding for that purpose, my right to the floor will not be affected in any way, I shall be glad to yield to my friend, the Senator from South Carolina, to permit him to make a unanimous-consent request.

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

Mr. JOHNSTON of South Carolina. Mr. President, in the gallery at this time are approximately 50 young people from the Honea Path, S. C., High School. Honea Path is my native city, and I should like to have the Members of the Senate pause long enough to extend greetings to these young people. I ask them to stand, so that the Senate may see the fine delegation from the Honea Path, S. C., High School. [Applause.]

I thank the Senator very much, indeed.

Mr. HILL. Mr. President, I am always delighted to extend any courtesy that I can to my good friend, the Senator from South Carolina [Mr. JOHNSTON]. I have been particularly delighted to yield to him at this time, in order that he may present to the Senate the splendid delegation of young men and women from his great State of South Carolina.

He knows, as I do, that the people of Alabama have a deep appreciation and a very warm attachment for the people of South Carolina. We know how fine are the young people of that State, and I think it is particularly fitting that the young men and women from the Honea Path High School have visited the Senate today, as we wage this battle, because it is a battle for the education of the young people of our Nation, for it is proposed by an amendment pending that the revenues to be derived from the oil in the submerged lands and in the Continental Shelf may be used to meet the desperate needs of our schools, so as to give the youth of South Carolina and the youth of all the other States of the Union better and more adequate opportunities for education.

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. Mr. President, let me emphasize that today oil is strategic target No. 1. Today any army staff would certainly be derelict in the performance of its duty and would fail the Nation if it did not regard oil as strategic target No. 1, for, as I have said, without oil, airplanes cannot fly, tanks cannot move, and all the other engines of war are absolutely helpless. I may say they become sitting ducks for the enemy. So oil is strategic target No. 1, for the very simple reason that, if a nation does not have oil, it has power neither for offense nor for defense. Without oil we not only cannot carry the war to the enemy, but we cannot even defend ourselves.

Mr. President, the Federal Government, charged under the Constitution of the United States with responsibility for the national defense must at all costs conserve its oil for the purposes of defense. Let me emphasize the fact that the defense of the United States is not the responsibility of any one State, fine and splendid and magnificent as is each of the 48 States of the Union. The States, as separate States, have no duty in this matter. The responsibility is that of the Government of the United States of America. We know that perhaps the most compelling reason for the formation of the Federal Union and the Government of the United States was that the power and strength and resources of all the people might be brought together under one head, for the defense of all the people.

Mr. President, if I desired to delay this matter—which I do not—I could make a speech on the trials, tribulations, and sufferings of George Washington when he was trying to win our independence. He did not have behind him a central government sufficiently strong to support him in the battles he was fighting for the independence of the American Colonies which became States. He was, so to speak, a mere petitioner, entreating the individual States to do this or that. Naturally, one State would reply, "We have done thus and so. Why does not some other State do what you are now asking to have done?"

Let us consider the story of those dark and desperate days at Valley Forge. What was Washington struggling for? It was to get men, food, supplies, and other materials necessary for the waging of the war. If there is to be found in all the history of the world a heartbreaking story of a man making a valiant stand for the life, liberty, and freedom of a people against tremendous odds, against all kinds of disappointments, against all kinds of denials, I may say, it is the story of George Washington at Valley Forge. It was as a result of that poignant lesson that there was brought into being this great Federal Union, that we might have a central government of the United States, with the responsibility and power to defend all people and to preserve the freedom which the sword of Washington had won for us against the tyranny of the British Crown.

Mr. President, I have thus far looked only at the growing demands for oil. As the Senator from New Mexico suggested by his question a little while ago, we know the tremendous increase in the demands for oil which would result from a full-scale war. We also know that the annual rate of consumption of petroleum is increasing rapidly, not only within the United States but also throughout the free world. The Paley Commission, which I think was headed by one of the most devoted men of the Nation, and one of the ablest, made a thorough study and investigation. It had no axes to grind. It had no one to favor, one way or the other. Its purpose was to find but one thing. The position of the Commission, and of Mr. Paley, may be interpreted in the light of the statement, "This one thing I do; and that is to search out and find the truth."

The Paley Commission estimated that within 25 years the demand for crude oil in the United States will have increased 110 percent over the demand of 1950. The demand in Europe will be increased over 1950 by 233 percent, and the demand in South America by a similar figure of 233 percent. This brings the total increased demands of the free world to an average of 168 percent.

Mr. President, I am advised that the distinguished Senator from Delaware [Mr. FREAR] would like me to yield to him briefly, in order that he may present a distinguished group of visitors from his State of Delaware. With the understanding that it will be in no way interfere with my rights to the floor, and will in no way prejudice my right to continue with this speech, I shall be glad to yield to the Senator from Delaware at this time. I ask unanimous consent that I may so yield.

The PRESIDING OFFICER. Without objection, and with that understanding, the Senator from Delaware is recognized for 3 minutes.

VISIT TO THE SENATE OF A GROUP OF LADIES FROM DELAWARE

Mr. FREAR. Mr. President, first paying my high compliments, of course, to the distinguished Senator from Alabama, and to express my appreciation of his having yielded in order that I might have this privilege, I invite Members of the Senate to view the distinguished group in the family gallery of the Senate. I invite the beautiful and delightful ladies from the State of Delaware who constitute the group to rise, so that the Senate may give them appropriate recognition.

[The ladies rose, and were greeted with applause.]

Mr. FREAR. Mr. President, this distinguished group of ladies is in Washington for the purpose of attending a luncheon at the Democratic Women's Club at noon today. Mr. President, I am sure our distinguished guests will understand that our hearty applause is entirely spontaneous.

I thank the Senator from Alabama for yielding.

Mr. HILL. Mr. President, I am delighted to have yielded to my friend, the Senator from Delaware. I am always glad to extend him any courtesy I can. I am particularly delighted to have yielded to him for this purpose. We in Alabama, the home State of that marvelous woman, Helen Keller, feel that we are rightfully accredited with having the most beautiful and the most intelligent women in the world. On this occasion I am made aware of the fact that the State of Delaware also has exceptionally beautiful and intelligent women.

Mr. FREAR. Mr. President, will the Senator yield for but one more remark?

Mr. HILL. I yield, with the understanding that it does not affect my right to the floor.

The PRESIDING OFFICER. With that understanding, the Senator from Delaware is recognized further.

Mr. FREAR. Mr. President, this is an especially delightful occasion, since I note the presence on the floor of my distinguished colleague the senior Senator from Delaware [Mr. WILLIAMS], my cosponsor in arranging for the visit of this distinguished group of ladies to the Senate.

Mr. HILL. Mr. President, I am delighted to know that for this privilege we are indebted not only to the junior Senator from Delaware [Mr. FREAR] but also to the distinguished senior Senator from Delaware [Mr. WILLIAMS]. I do not always agree with the distinguished senior Senator, but there is one thing we certainly will agree on, and that is as to the worth of these fine, attractive ladies from Delaware.

Mr. WILLIAMS. I thank the Senator.

Mr. HILL. I am delighted to know that the senior Senator from Delaware was a cosponsor in bringing them to the Senate.

TITLE TO CERTAIN SUBMERGED LANDS

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

Mr. HILL. Mr. President, as we know, the United States has embarked on great programs to rebuild, as I have said, the economic and moral strength of the free world. We have poured out billions of dollars for that purpose. We are also engaged in programs to lend technical assistance to undeveloped countries to broaden their economy. Under the point 4 program, as we speak of it, we have sent able men and women to many countries to help the peoples of the world to meet their complex problems, both social and economic.

I recall, Mr. President, that a year ago last fall I had the pleasure of going to the Middle East. On the ship on which I traveled there were fine, splendid Americans from the great State of Utah, going, as we might say, as missionaries of good will, to carry technical aid to the peoples of the Middle East. Among them there were doctors, sanitarians, educators, and agriculturists, proceeding to Iran and to Saudi Arabia, countries which we know are so vital to our defense and our peace and to the peace of all the world. These patriotic

men and women were going at great sacrifice to themselves, because their salaries were relatively very small, and they would have to live under conditions in no way comparable to the conditions under which they lived in the United States, under conditions which would deny them many of the comforts, conveniences, and pleasures they enjoyed in the United States. Yet they were making these great sacrifices and going far from home as missionaries to aid the peoples of the Middle East and to bring help and encouragement to them.

All these programs, Mr. President, whether they be related to the Marshall plan, the point 4 program, or any of the others of our economic programs, will add to the increasing demands for oil next year and every year following. We are instructing the people of those other nations how to become more mechanized; and the more mechanized and the more industrialized their life and civilization become, the greater the demand for oil and for the products of petroleum.

As I have previously said, Mr. President, armies, navies, and air forces are absolutely useless without a readily available supply of fuel. The industrial potential of those revitalized countries will be useless without adequate supplies of petroleum products.

The increasing demand for petroleum products can be most clearly illustrated by reference to a few facts. Not very many years ago the railroads of the United States relied almost entirely upon steam locomotives, using coal for fuel. Today more than 85 percent of the locomotives on American railroads are diesel powered, and that percentage is growing greater each day.

During World War II—think of this, Mr. President—a P-51 fighter plane consumed approximately 65 gallons of motor fuel an hour. Today one of our jet fighters will use between 300 and 500 gallons of fuel an hour. That is an increase of 7 or 8 times in the consumption of oil and petroleum products.

A B-36 bomber consumers five times as much fuel an hour as does a B-17. We used the B-17 in World War II largely to wreak havoc upon Germany and Japan. We now have a jet bomber which is far superior to the B-36 bomber. It consumes far more oil and petroleum products than does the B-36. As a matter of fact, I think we may say that, in the absence of rehabilitation, the B-36 has become practically an obsolete plane.

So it would be safe to say, Mr. President, that we must think in terms of 10 times as much fuel for our present bombers.

Senators may think I emphasize too much the matter of bombers, but, as I have previously stated, no man with any sense could have any reliance upon our successfuly conducting a war without bombers. We are a free people, and the preservation of our freedom depends in large measure upon our great bombers and the atomic bomb. The atomic bomb would be as nothing, it would not be even a cipher without a rim around it, if we did not have bombers with the capacity to carry atomic bombs to the enemy. The Politburo knows that. When they gather around the table in Moscow and think about the United States, the first thing they consider is our airplanes which can carry atomic bombs. Suppose they could send their airplanes, armed with atomic bombs, to this country and know that we could not retaliate.

We would be like a man at the mercy of another man who is holding a pistol against his temple. Yet no bomber is worth anything at all—it might as well not be in existence—unless oil is available with which to operate it. In the event of a major war we shall need the United States reserves along with the much smaller reserves in Canada and Venezuela to supply most of the oil for the free world.

The real impact of this demand becomes better realized when we see that approximately 60 percent of the ship tonnage transported to Europe during the last war consisted of oil and oil products. Think of that, Mr. President. We had great armies of magnificent fighting men in Europe. We had to send them guns, tanks, bulldozers, cannon, rifles, everything, from toothpaste on up. We also had to send many of those things to our allies. Of all the multitudinous mass of material that we sent to Europe, 60 percent of the shipping tonnage was oil. Think of that. It shows how absolutely necessary and indispensable oil is to any fighting machine.

Mr. WELKER. Mr. President, will the Senator yield, with the express provision and stipulation that he shall not lose the floor?

Mr. HILL. I am glad to yield to the Senator from Idaho.

Mr. WELKER. Is it the understanding of the senior Senator from Alabama that at this time the absence of a quorum was to be suggested?

Mr. HILL. I may say to the acting majority leader that the senior Senator from Ohio [Mr. TAFT] advised me that at 12 o'clock he would ask me to yield the floor, with the understanding that it would be only temporarily, and that I would be permitted to continue my speech, so that he could suggest the absence of a quorum, and then have what is known as a morning hour, when Senators might submit unanimous consent requests to introduce bills, submit resolutions, and make insertions in the RECORD.

Mr. WELKER. With that understanding and with such stipulation, will the Senator from Alabama yield?

Mr. HILL. With the understanding that my right to the floor will not be prejudiced and that I will be permitted to continue with my speech, I shall be glad to yield at this time to the distinguished acting majority leader.

I observe that the majority leader himself, the Senator from Ohio [Mr. TAFT], has now come to the floor, presumably for the purpose of suggesting the absence of a quorum.

The PRESIDING OFFICER (Mr. BUSH in the chair). The understanding with the Senator from Alabama is explicit, and the Chair now recognizes the Senator from Ohio.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. TAFT. I announce that the Senator from Ohio [Mr. BRICKER], the Senator from Kentucky [Mr. COOPER], the Senator from Pennsylvania [Mr. DUFF], the Senator from Indiana [Mr. JENNER], and the Senator from Wisconsin [Mr. WILEY] are necessarily absent.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent by leave of the Senate.

Mr. CLEMENTS. I announce that the Senator from Virginia [Mr. BYRD] and the Senators from North Carolina [Mr. HOEY and Mr. SMITH] are absent on official business.

The Senator from New Mexico [Mr. CHAVEZ] is necessarily absent.

The Senator from New York [Mr. LEHMAN], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Montana [Mr. MURRAY] are absent by leave of the Senate.

The Senator from Washington [Mr. MAGNUSON] is absent by leave of the Senate on official committee business.

The PRESIDING OFFICER. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. TAFT. Mr. President, I ask unanimous consent that, without the Senator from Alabama [Mr. HILL] losing the floor, Members of the Senate may be permitted to introduce routine matters which would be in order during a morning hour, provided that in making such presentations no Senator may speak for more than 2 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE

On his own request, and by unanimous consent, Mr. PASTORE was excused from attendance on the sessions of the Senate following today, until Tuesday next.

people of Russia. It did not cringe. It did not smirk with sarcasm. It simply said that the people of this country were thinking about them over there; that they were in our prayers. Perhaps it was the first expression in a long time from an important American official which implied that behind the Iron Curtain, people might have the same feelings that people have elsewhere.

The sequence of steps that has followed may have been forthcoming anyway. Red China's offer to exchange sick and wounded prisoners. Malenkov's proposals of peaceful negotiations on all East-West issues. Chuikov's apology to Britain for the death of seven airmen. Moscow's open door to 10 visiting American editors.

Amid the warnings to beware of trickery, again Eisenhower braved cynics to say that Communist proposals would be taken at face value unless doubledealing appeared; and, step by step, other proposals come. Agreement is reached on a Swede to be Secretary-General of the United Nations. A 4-power conference is proposed to reunite Germany. Timidly, cautiously, a flower of hope is pushing up in a world that was dark and cold with fear.

A few Sundays back I heard a minister say: "To pull weeds is not enough; to have a garden, you must plant seeds, and nourish them with warmth and moisture."

At the time I did not relate that to world politics. But last week, when President Eisenhower said that, in the long run, religion is the only thing which can overcome communism, it occurred to me that possibly a seed of faith is just as important in solving the problems of international relationship as the rattling of atomic musketry. Perhaps not more so but equally so.

Hence, if from the new tone in Panmunjon a bit of cheer reaches out to the homes of the world, it might be traced to those who have dared to assume that even the people of Russia are human beings, too, and that the new masters of the Kremlin are not wholly insensible to what those people in their hearts desire.

FRANCIS CASE.

Written at Washington, D. C., April 9, 1953.

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 Alabama has the floor.

Mr. HILL. Mr. President, General Johnson of the Munitions Board, has estimated that we must have at least a 15-percent standby capacity in crude-oil production and refinery capacity, and that to be safe we should have a 25-percent margin.

Today it is estimated that we have not more than 11- or 12-percent standby capacity. We need to develop new oil wells and new oil fields as rapidly as possible in order to provide the needed production margin. We must not be placed in a position of having to damage our existing wells by too rapid extraction of oil.

Even today, although we are at peace and are living under more or less a normal situation, we are importing approximately 1 million barrels of oil a day. We are supporting the war in Korea, although it is not by any means an all-out war.

So, as I have said, we must not be placed in a position of having to damage our existing wells by too rapid extraction of oil.

How, then, can we achieve this standby production capacity in our relatively nonvulnerable oil wells in the United States, in order to meet the possible loss of vulnerable fields? We must be ready to replace the approximately 1 million barrels of oil we import each day, and must be ready to supply Western Europe and the rest of the free world in the event the Middle East fields are destroyed.

Mr. President, in connection with our need for oil, I wish to bring to the attention of the Senate an article which appeared on April 15, 1953, just a few days ago, in the Los Angeles Mirror. The heading of the article reads as follows: "Oilman Criticizes Petroleum Waste."

Mr. President, the waste of oil, as criticized in the article, is occurring in the State of California.

I now read from the article:

Lack of an oil conservation law in California has resulted in the waste of millions of barrels of petroleum, according to T. S. Petersen, president of the Standard Oil Company of California.

I would say that the president of the Standard Oil Co. of California would be a pretty high-class man, a very intelligent man, a very able man, a very safe man, a man who would not speak unless he had studied the facts and knew whereof he spoke.

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

Mr. HILL. I yield to my friend from New Mexico for a question only.

The PRESIDING OFFICER. The Senator from Arizona is recognized to ask a question.

Mr. HILL. The Senator from New Mexico, Mr. President. The Grand Canyon is in Arizona, and there is something grand about the Senator from New Mexico, so I am not surprised that the Chair referred to him as the Senator from Arizona.

Mr. ANDERSON. Mr. President, I wonder whether the Senator from Alabama has ever had his attention drawn to a study of fuel resources by the Senate Committee on Interior and Insular Affairs during the 82d Congress. If so, I am wondering whether he was not attracted to the fact that the very man to whom he refers, Mr. Petersen, who is not a stranger to us, since many of us met him and were impressed by the soundness of his views, appeared before the committee.

Mr. HILL. I recall well the committee which studied the question of fuel supply, oil and petroleum products, and the availability of the supply to the United States and to the free world. The study which the committee was making was very timely, and my State had Mr. Petersen come all the way across the United States in order to give his testimony. A story in the Los Angeles Mirror says:

Lack of an oil conservation law in California has resulted in the waste of millions of barrels of petroleum, according to T. S. Petersen, president of Standard Oil Co. of California.

Petersen spoke yesterday at an Invest in America Week meeting of the Bond Club of Los Angeles.

The quotation of the words "millions of barrels" is from the words of Mr. Petersen. I call particular attention to the expression Invest in America Week. The story continues:

California is the only oil-producing State without a law controlling production methods. Many fields, Petersen said, are being overproduced. Underground pressure can't be maintained at proper levels and much oil is being permanently lost.

The State's reserves now are being used faster than any other major oil-producing area in the world, Petersen declared. Last year California used 9.3 percent of its estimated reserve of 3,850,000,000 barrels as compared to 8 percent for the Nation as a whole.

He estimated—

That, of course, refers to Mr. Petersen.

He estimated that natural gas which was flared, or otherwise wasted, up to 1931 would have filled the State's needs for 2½ years at its present rate of consumption.

California is producing nearly 1 million barrels a day—highest in history—but it still isn't enough to keep pace with growing demands. For the past 2 years the State has had to import about 32,000 barrels a day.

Think of it, Mr. President, importing oil in California.

I continue:

Higher costs of imported oil, he said, and the increased cost of exploration in marginal areas, help explain recent increases in gasoline prices.

Tidelands—

Mr. President, it has been said again and again, and I shall not repeat it, for there is no question about it, that the tidelands belong to the respective States. In other words, the tidelands in California belong to the State of California.

Tidelands offer little hope for alleviating the shortage immediately, Petersen believes. Restrictive State legislation, for one thing, he said, makes tideland drilling almost impossible.

In other words, according to Mr. Petersen, president of the Standard Oil Co. of California, the oil land in California is not being wisely and properly developed and husbanded. Yet, by this giveaway measure, we would turn over the oil belonging to the United States Government to California, which has been so indicted by Mr. Petersen, president of the Standard Oil Co. of California.

Mr. President, our first Secretary of Defense, the able but tragic James Forrestal, who knew the value of oil in connection with the national defense, called the offshore oil "our most priceless possession." With his long background of experience as wartime Secretary of the Navy, he strongly opposed the giveaway bills which were the predecessors of that before us today. If he were alive today—whether in public office or as a private citizen—I know his voice would be raised once again in warning that this oil must be preserved under Federal control.

Mr. Forrestal, in a statement prepared for testimony before a congressional committee, used the following words:

With respect to the future, it is not anticipated that any new sources will soon replace petroleum for military motive power.

There he has summed up in one sentence what I tried to say earlier in my speech today. All the tanks, all the airplanes, and all the other mechanized instruments of defense we have today would be worthless without petroleum. No one anticipates a new source to provide the petroleum which we must have for our military motive power. Secretary Forrestal continued:

Indeed, rather than writing down the military value of oil, our future strategic needs of oil must be calculated on the basis of a greater rate of oil consumption than we had during the last war. The maximum military requirements of petroleum in the event of a war emergency are now estimated nearly to double the requirements of World War II.

In other words, Secretary Forrestal, if he could speak, would say to us, "Senators, we are responsible for the defense of our country, for the defense of the freedom of our people. But if we were to have another war, we could well expect that our requirements of petroleum would be twice what they were in World War II."

Secretary Forrestal continued:

Further, the essential civilian requirements—especially in the light of wide changeovers from coal to oil for domestic and industrial purposes—are anticipated to be appreciably higher than during the last war. It now appears that 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.

We are importing today a million barrels of oil a day. According to Secretary Forrestal, we would have to import, not a million barrels but twice that much. He said:

The basic fact that oil is an absolutely essential commodity for the fulfillment of the mission of the National Military Establishment is incontrovertible.

Earlier in my speech I discussed the question of the relation of oil to our defense machine, the absolutely compelling necessity for oil, and everything I said earlier in my speech I find confirmed by this great man, the first Secretary of Defense in our history and a profound student of the defense of our country, the late Secretary James Forrestal.

As wartime Petroleum Administrator, the late Harold Ickes was responsible for the petroleum supplies for our Armed Forces and for our entire wartime economy. I want to pause here to pay brief tribute to the memory of Harold Ickes. He was one of the most devoted and most valiant fighters for the rights and welfare and security of our country that the United States has produced. Harold Ickes realized, perhaps more keenly than did anyone else, how vital the petroleum deposits of the United States are to the security of the United States and to the defense of our freedom.

In his testimony before a subcommittee of the Joint Senate and House Committees on the Judiciary, he stated on March 8, 1948:

I think we are in a desperate situation. If I might say so, I think the paramount obligation of Congress today is not to give away oil but to get more oil against a distinct possibility and perhaps probability of another war. We could not possibly fight on our present domestic oil supply.

In other words, Mr. President, the Secretary of the Interior was telling us why we should not give away our oil; that we would need every drop of it and more besides if we should again have to fight to preserve our country and to save our freedom and our institutions.

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

Mr. HILL. I yield for a question.

Mr. DOUGLAS. Is not the Senator from Alabama aware of the fact that if the giveaway joint resolution is passed, at least the State of Rhode Island will almost immediately institute suit alleging that the action of Congress in turning over these priceless assets to a few States without consideration is an abuse of trust?

Mr. HILL. I am aware, of course, also that the Legislature of Rhode Island has already instructed the attorney general of Rhode Island, if Congress attempts to give away the oil in the submerged lands, to go to the Supreme Court of the United States and make every possible effort to stop it, because the Legislature of Rhode Island realizes, and all of us who have studied the question realize, that in giving away the oil we are giving away that which Mr. Forrestal and the late Secretary Ickes have declared to be vital to the defense of the United States.

Mr. DOUGLAS. Is it not true that during the time such suit is pending, private capital will be reluctant to seek leases from the States of California, Louisiana, and Texas, or to engage in exploration work on the west coast of Florida, so that the result will be the preventing of development of those much needed resources?

Mr. HILL. The Senator is absolutely correct, and I am glad he asked that question, because, to me, it is a very important point. As the Senator from Illinois knows, and as everyone who has given any thought to the question of the development of oil knows, an oil well cannot be developed over night. It has been estimated that it will take several years to develop the oil fields in question to such a point that oil can be obtained from them if it is needed in a great national emergency or in the event of war. If this giveaway joint resolution passes, Rhode Island, in defense of her rights, we might even say in defense of her defense, will take court action. That means litigation and delay, and practically nothing will be done, so that the oil will remain in the ground unused, and, if we need oil in the event of war or of some other great national emergency, it will not be available.

Mr. DOUGLAS. Whereas, if Senate Joint Resolution 13 is defeated and Federal title in the properties continues, there will be a perfectly clear assurance to the private oil interests that they can go ahead and, on such terms as are provided in the Anderson bill, lease the field, and thus bring about immediate orderly development and assure the availability of the resources in the event of war.

Mr. HILL. The Senator is absolutely correct. The distinguished Senator from New Mexico [Mr. ANDERSON] has not only provided in his bill that leases may be made and that development may go forward, but he has provided for the procedures, and given the stimulation, the encouragement, and the direction, I may say, so that the oilfields may be developed, and so that in the event of war the oil will be where we can get it and use it for the defense of the United States of America.

Mr. ANDERSON. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield for a question.

Mr. ANDERSON. Will the Senator from Alabama not agree that the development of the field in that way might be better than is provided in the House bill? If the Senator is not familiar with the bill passed by the House, it provides that on the Continental Shelf leases shall be from 640 acres in proven territory to 2,560 acres in wildcat territory. The Senator will recall that it requires from a half million dollars to a million dollars to drill a well in an area where there is 50 fathoms of water. Does he believe that any company will, under those circumstances, drill an oil well?

Mr. HILL. Under the House bill, I think it is extremely doubtful that any oil company will drill a well and produce oil which will be available to us. On the other hand, the Senator from New Mexico, in his bill, has approached the matter in a very wise and constructive way, in such a way as will make the oil available for us if and when we need it for the defense of our country.

Mr. ANDERSON. Does the Senator from Alabama recognize that if the House bill does not make it possible for oil to be developed in the Continental Shelf, it perhaps indicates that the people who wanted the bill passed by the House were more interested in getting their hands on the near-in oil?

Mr. HILL. I think that is not only true, but they were more interested in getting their hands on the oil within the marginal sea than in the oil beyond the marginal sea. The House of Representatives once passed a bill giving to the States a large percentage of the profits to be derived from oil produced beyond the marginal sea. It may well be that some had in mind giving to the States all the oil within the marginal sea, and then they would fix it so that nothing could be done about the oil beyond the marginal sea. They would let the oil remain there until they could muster the strength to get their hands on the oil beyond the marginal sea.

Mr. ANDERSON. Would it not also be possible under the terms of the House bill, that with respect to the area on the Continental Shelf, where there are places that could not possibly be operated by the Government, someone might come along and say, "The Government cannot lease in the Continental Shelf. It shows how poorly the Government operates."

Mr. HILL. That is exactly right. They have been unwilling to permit the

Government to get larger revenues from the oil and are doing everything on earth that can be done to make it appear that the Federal Government cannot operate in a businesslike, economical, and efficient way to get the maximum return. I am sure they would like to bring about that situation so that they could stand up and say, "The States give us much more than does the Federal Government."

The executive branch of the Government is charged with the responsibility of making oil leases, and of administering the oil the Government is now selling. Of course, Congress cannot administer it; that is a job for the executive branch. The executive branch has come before Congress time and again, saying, "Change the law. Take these shackles from us. Take off the manacles, so that we can get more return for the Federal Government. The Federal Government is entitled to a larger return."

But Congress has been unwilling to remove the shackles. Congress wants to see the States get more than the Federal Government receives. The reason why the States are receiving more is that Congress has been unwilling to allow the Federal Government to get more.

Mr. President, only the Federal Government can determine the needs for oil for defense purposes. Only the highest experts of the Army, the Navy, and the Air Force, in collaboration with the technicians of the Department of the Interior and other technicians of the Government who deal with oil and natural resources, can weigh the fluctuations in the supply of oil and the demand. Only they know what the defense machine needs. They are the ones who must weigh the chances in Iran. They must consider what the likelihood is for the United States to continue to obtain oil from the Middle East, and in what amounts. They must determine how easily and how soon the great Middle East pipe line may be sabotaged. They must determine the availability of tankers, not only our own tankers, but also the tankers of the Western Allies. They must decide how much oil can be safely diverted from the Western Hemisphere to western Europe, should Middle Eastern oil fall to Russia. They must decide how best to develop, use, and conserve our oil.

I read a few moments ago in the Los Angeles Mirror, a news item from California, pertaining to what the President of the Standard Oil Co. of California had to say about production there. I have great respect for California, so what I am saying is not in criticism, but does any Senator believe that any official of California is thinking in terms of the questions which I have here posed? No official there has any responsibility, duty, or obligation with respect to these matters. The questions I have raised rest squarely on the officials of the Federal Government, because under the Constitution it is the Federal Government which is charged with the defense of the United States, not State governments.

Not only does Senate Joint Resolution 13 give away vast petroleum reserves of the Nation, but it fails to provide a program for the overall development of the entire Continental Shelf, and thus will seriously jeopardize the necessary expansion of our production potential essential for national defense. Approximately 5 years are required to develop a normal oil field, after initial exploratory work has indicated the presence of oil. Estimates vary as to the length of time that would be required to develop oil reserves from submerged land. Of course, it is known that more time is required to develop oil beneath submerged lands in the waters of the sea than would be required to develop oil exploration on dry land, where it is not necessary to contend with water. All authorities agree that a considerably longer period of time would be required to develop such resources than would be required to develop a normal field. Under such circumstances, it is essential that the development of the submerged areas proceed rapidly and in as orderly a manner as possible.

Mr. President, another reason why I oppose Senate Joint Resolution 13, which is a giveaway measure, is that I feel there is a serious omission, what might even prove to be a tragic omission, in that there is no provision whatsoever for the exploration of and development of oilfields beyond what is called the marginal sea, out to the Continental Shelf. According to geologists, oil exists beyond the marginal sea. Although we know it takes years to explore for oil and to develop any deposits which are found in order to make the oil available for the defense of our country, if we should need it, the joint resolution is stark and naked with reference to making any provision whatsoever for the development of oil beyond the marginal sea. That oil would be worth nothing to us if we should need it tomorrow morning or in the near future. It will take time to make that oil worth something to us, and to make it available to serve us in the defense of our country. Yet the joint resolution now pending before the Senate proposes to give away the oil in the marginal sea, with no provision whatsoever for the development of oil beyond the marginal sea, which we may so desperately need in the event of war or other great national emergency. This is, indeed, a terrible and tragic failure in the joint resolution.

III. THIS GIVEAWAY PROPOSAL WOULD ESTABLISH A RUINOUS PRECEDENT

If the proposed giveaway program respecting the Continental Shelf lands beneath the marginal sea, and their oil and gas deposits, should be enacted into law, such action would undoubtedly constitute a precedent for ever-increasing demands that the Federal Government give away to the States other great natural resources constituting the national heritage of all the people of the United States—such as the public-domain lands, the national forests, the national parks, the national wildlife refuges, oil-shale lands, and the minerals in them. We know there are bills pending today in the Senate to give away these great heritages, just as there is now pending a joint resolution to give away the great oil heritage.

The people of the United States own within the boundaries of the several States rural-type lands aggregating about 409 million acres. These include public domain lands totaling approximately 181 million acres, national forest lands totaling approximately 160 million acres, national park lands totaling approximately 17 million acres, and national wildlife refuge lands totaling approximately 9½ million acres.

The Government-owned rural-type uplands within the boundaries of the States are estimated to contain approximately 4 billion barrels of oil, oil shale capable of producing approximately 135 billion barrels of oil, approximately 335 billion tons of coal, vast quantities of other minerals, including gold, silver, copper, phosphate, and great resources of all kinds, in addition to about 591 billion board-feet of sawtimber.

The vast mineral and other resources in these federally owned uplands within the States can be roughly estimated to have a total ultimate value of approximately $1,180,000,000,000. Thus, these federally owned rural-type uplands within the States comprise a vast and tremendously valuable national heritage for all the people of the United States.

In addition, the people of the United States own in the Territory of Alaska more than 360 million acres of land. This total includes about 272 million acres of public domain lands, more than 20½ million acres of national forest lands, approximately 8 million acres of national wildlife refuge lands, and approximately 7 million acres of national park lands. These federally owned uplands in Alaska are estimated to contain vast mineral deposits and tremendous quantities of saw timber, having an ultimate value that can be roughly estimated at about $552 billion.

If we pass Senate Joint Resolution 13, giving away to the States the submerged lands of the Continental Shelf underlying the marginal sea, which the Nation acquired and holds by virtue of its national external sovereignty, it would be difficult for the Congress to find a logical reason for resisting efforts upon the part of the States to obtain the transfer from the United States to the several States of all federally owned rural-type uplands within their respective boundaries. As I have said, there are bills pending today to do that very thing—to give away the great resources of the uplands.

It has been pointed out previously in this discussion that the Supreme Court, in the litigation between the United States and California over the Continental Shelf, said that the international interests and responsibilities of the United States are paramount in the marginal sea, and, accordingly, that the protection and control of the marginal sea and the lands underlying it have always been, and are now, functions of national external sovereignty. In the Texas case, decided some 3 years later, the Supreme Court added the following significant language on this point:

> Once low-water mark is passed the international domain is reached. Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign. * * * If the property, whatever it may be, lies seaward of the low-water mark, its use, disposition, management, and control involve national interests and national responsibilities.

On the contrary, the federally owned uplands now being discussed—that is, the public domain lands, the national forest lands, the national park lands, the national wildlife-refuge lands, and other rural-type lands—are owned and held by the United States in its proprietary capacity.

As the Court has said, the submerged lands are held as an attribute of national sovereignty, whereas the uplands, or what we speak of as forest lands or public lands, are owned in what we call ordinary proprietary ownership.

The ownership and control of these uplands, dry lands, and forest lands, do not involve any international interests or responsibilities. There is no international interest or responsibility involved in what we call the public lands in our great Western States. Consequently, if the Congress of the United States should conclude that it is constitutionally permissible and that it is wise public policy for the United States to give away to the coastal States the submerged lands of the Continental Shelf underlying the marginal sea, where international interests and responsibilities are paramount, it would be exceedingly difficult to argue with conviction that rural-type federally owned uplands, which are merely held by the United States in its proprietary capacity, ought not to be given to the respective States within whose boundaries they are situated.

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

Mr. HILL. I yield to the Senator from Illinois for a question only.

Mr. DOUGLAS. Is not this giving away of the offshore oil deposits vitally connected with the possible future giving away of the oil shale deposits of Wyoming and other mountain States?

Mr. HILL. Yes. As I have been trying to say, the submerged lands under the sea are held by the Government in a much superior way, under a much higher form of control, a more supreme control, shall we say, than are the oil shale lands, because the oil shale lands are owned not because of any attribute of sovereignty, not because they are in the international domain, where the matter of relations with other nations is involved, but simply because of what we call ordinary proprietary ownership—the kind of ownership the Senator from Illinois or I might have if we owned a house or a piece of property in one of our respective States, or happened to own a house in the city of Washington. It is the ordinary, run-of-the-mine, everyday proprietary ownership.

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

Mr. HILL. I yield.

Mr. DOUGLAS. If we give away the offshore oil today, will we not be forced to give away the oil shale tomorrow?

Mr. HILL. It would be very difficult, if not impossible, to present any kind of worthwhile argument against giving away the oil shale lands held in proprietary ownership if we were to give away the submerged lands, which are held as an attribute of the national sovereignty of the Government of the United States.

As the Senator from Illinois knows, my father was a doctor. Although he was a surgeon, he was often called to the home of a patient to examine him and determine whether or not he needed an operation. He used to tell the story of one such home where he visited. In the front door were two holes. One was a large hole, at the bottom of the door. The other was a much smaller hole. He said to the owner of the house, "Why do you have those two holes?"

"Well," the owner said, "the larger hole is for the big cat to come in, and the smaller hole is for the little cat to come in."

Mr. President, what we are doing is cutting a large hole. Of course, as the Senator from Illinois knows, not only will the big cat come in through the large hole, but the little cat will come in through the large hole also. We are inviting the little cat to come through the large hole when we cut a big hole for the big cat. How in the world, Mr. President, are we going to keep the little cat from coming through that large hole?

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

The PRESIDING OFFICER (Mr. PURTELL in the chair). Does the Senator from Alabama yield to the Senator from Illinois?

Mr. HILL. I yield.

Mr. DOUGLAS. In other words, is it not correct to say that the pending joint resolution lets the oil cats out of the bag? [Laughter.]

Mr. HILL. The Senator from Illinois is correct. That is exactly what the joint resolution would do. It would let the oil cats out of the bag. It cuts a hole in the door for the oil cats to come through. I thank the Senator from Illinois.

A general movement to divest the American people of their national heritage in the form of Government-owned rural-type lands, which consist of forest lands and oil-shale land and grazing lands and other similar type of land, would be extremely disadvantageous to States within whose boundaries the acreages of such federally owned lands are comparatively small but whose people have important interests in Government-owned rural-type lands which are situated elsewhere. I may say that some of the States in this category are Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, and Wisconsin, and other States.

Let me say, Mr. President, that even the people of the State of Texas—and I have already expressed my great admiration for the people of Texas and my appreciation of that great empire State—would stand to lose in the long run from the provisions of Senate Joint Resolution 13, if the measure should be enacted into law and should turn out to be the prelude, the beginning, to a general program for the making of grants of federally owned rural-type lands to the several States, including Alaska, upon its admission into the Union. This would be so even if it is assumed that Senate Joint Resolution 13 would give to the State of Texas oil and gas deposits in the marginal sea—and I am accepting now the claim of Texas that her boundary extends 3 leagues, or 10½ miles into the marginal sea—amounting approximately to 1,200,000,000 barrels of oil and about 6 trillion cubic feet of gas, and that subsequent legislation would give Texas a total of more than 2½ million acres of federally owned rural-type uplands in that State.

The people of the State of Texas comprise about 5.1 percent of the total population of the United States, and, accordingly, they have a proportionate interest in the total of more than 766 million acres of rural-type uplands that the people of the United States own within the boundaries of the States other than Texas and in Alaska. Hence, the people of Texas have a proportionate interest in the $1,731,000,000,000 representing the estimated ultimate value of the minerals, timber, the soil, and other resources in such lands. Although a general giveaway program respecting the lands of the Continental Shelf underlying the marginal sea and respecting federally owned rural-type uplands might give to Texas property having a total ultimate value as high as $5 billion, the same program of giving away the uplands, with their forests and minerals and other resources, might deprive the people of Texas of about $88 billion, representing their proportionate interest in the estimated ultimate value of Government-owned rural-type uplands situated within the boundaries of other States and in Alaska.

Mr. President, there are a great many people throughout the United States who are alive to the question of conservation with respect to our great natural resources, which in the past have been wasted and depleted and exploited and despoiled, with the result that great wealth that once belonged to all Americans is now gone. Likewise there are many who are interested in providing adequate educational opportunities for the boys and girls of America in order to give them an adequate chance to best develop the talents God has given them, and in order to best train and educate and prepare themselves, not only for their advancement and for their own advantage, so that they may make the most of their opportunities and at the same time become fine, upstanding citizens. It is not too much to call upon these friends of conservation and of education, and upon all persons who are concerned over the financial solvency of the Government—and we all know that today we have a huge national debt, and that many honest and good people, and, I may say, many wise people, who are very earnestly and very sincerely concerned about the financial solvency of our country—to unite in unyielding opposition to this proposed first step toward a general movement of give away, a general movement to divest the American people of their national heritage in the form of the great natural resources which are contained in the lands owned by all the people of the United States, and held in trust by the Government of the United States for all the people.

Therefore, Mr. President, I wish that we might, in every city and hamlet and village and crossroads, sound the alarm regarding the danger that threatens the Nation in the pending joint resolution.

IV. THE GIVE-AWAY PROPOSAL RAISES A GRAVE CONSTITUTIONAL QUESTION

Mr. President, we have already seen, according to the Supreme Court of the United States, the highest court of the land, that the submerged lands of the Continental Shelf beneath the marginal sea were acquired and are held by the Government of the United States, in its sovereign capacity as a trustee for the people of North Dakota, of Idaho, of Illinois, of Alabama, and of all the other States. The submerged lands are not held by the several coastal States individually, because the international interests and responsibilities of the United States are of paramount importance once the open sea is reached; that property rights in the lands underlying the marginal sea are so subordinated to the rights of national external sovereignty as to be inextricably merged with such sovereignty; and, accordingly, that the use, disposition, management, and control of the lands of the Continental Shelf beneath the marginal sea involve national interests and national responsibilities. After these principles of constitutional law have been clearly enunciated and established by the Supreme Court it is difficult to see how it could be persuasively argued by the proponents of Senate Joint Resolution 13 that the Constitution permits the Congress to ignore the national interests, to abdicate the national responsibilities, and to renounce the national external sovereignty respecting these lands by placing their use, disposition, management, and control in the hands of the individual coastal States.

It may be argued, of course, that the enactment of Senate Joint Resolution 13 would be within the scope of the power conferred upon the Congress by clause 2 of section 3 of article IV of the Constitution "to dispose of the territory or other property belonging to the United States." Such an argument might be based upon the Supreme Court's reference in the California case to this power of Congress under clause 2 of section 3 of article IV of the Constitution as being without limitation. However, at this point in the California decision the Court was apparently thinking about the need for legislation to govern the future administration of the Continental Shelf lands and their mineral deposits, and did not have in mind the possibility that Congress might endeavor to abdicate its national responsibilities by making to the coastal States a blanket gift of the Continental Shelf lands beneath the marginal sea.

The lands of the Continental Shelf underlying the marginal sea were acquired and are held by the Federal Government by virtue of its national external sovereignty. They are held by the Government as the representative of and in trust for the people of the Nation, just as the beds of the navigable inland waters within the boundaries of a State are held by the State government as the representative of and in trust for the people of the State. Consequently, great significance attaches to the case of Illinois Central Railroad against Illinois, which was decided by the Supreme Court in 1892, and which is reported in volume 146 of the United States Reports, beginning at page 387.

The case just referred to involved a suit by the attorney general of Illinois, on behalf of the people of Illinois, against the Illinois Central Railroad Co. and others. One of the purposes of the suit was to obtain a judicial determination respecting the title claimed by the railroad company to a large area of the bed of Lake Michigan within the corporate limits of the city of Chicago. The railroad company claimed title to this submerged area under a State statute enacted on April 16, 1869, which declared that all the right and title of the State of Illinois in and to such submerged lands "are granted in fee to the railroad company, its successors and assigns."

Mr. DOUGLAS. Mr. President, will the Senator from Alabama yield to me?

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

Mr. HILL. I yield for a question only.

Mr. DOUGLAS. Is it not true that at that time the Illinois Legislature was dominated by the Republicans and was in an extremely generous mood to the Illinois-Central Railroad?

Mr. HILL. I daresay that what the Senator from Illinois has said is absolutely true.

Mr. President, today I shall not say anything unkind about the railroads. In fact, I am in a rather sympathetic mood toward them, for, as we know, they have a rather heavy ad valorem tax placed upon their trackage and their rights-of-way, and some of the tax moneys go to build highways over which their competitors, the truck lines, operate. So I have a rather sympathetic feeling toward the railroads.

Whereas today the railroads are rather diligent, as they should be, in trying to look out for their own interests, yet they do not now exert, as they did in the past, political influence in legislative and other matters.

Of course Mr. President, the Senator from Illinois [Mr. DOUGLAS], who is a great student of history, knows that in the old days some of the railroads not only sought to control, but, I believe it may be correctly said, in many ways did control many influential persons in State governments.

In the Illinois Central Railroad case, the Supreme Court held that the attempted conveyance by the Illinois Legislature in 1869 of the large area of land underlying Lake Michigan was invalid. Referring to the nature of the title of a State to the lands beneath navigable inland waters within its boundaries, the Supreme Court said—Mr. President, this decision is a very important one; it is the gravamen of the proposition which I believe to be true; namely, that the Federal Government cannot give title to these submerged lands. In the Illinois Central case the Supreme Court dealt with the bed of inland waters, the ownership of which is not disputed; and we think that is absolutely right and proper. In its decision in that case, the Court said:

> It is a title—

In other words, Mr. President, the title of the State to the lands under the bed of Lake Michigan—

> 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 or 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—

Mr. President, if I may add to what the Court said, let me say that at that point the Court was saying, in other words, except for such purposes as add to the interest for which the State holds the property in trust.

I read further from the Court's decision:

> or can be disposed of without any substantial impairment of the public interest in the lands and waters remaining. * * * 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 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. In the administration of government the use of such powers may for a limited period be delegated to a municipality or other body, but there always remains with the State the right to revoke those powers and exercise them in a more direct manner, and one more conformable to its wishes. So with trusts connected with public property, or property of a special character, like lands under navigable waters, they cannot be placed entirely beyond the direction and control of the State.

All of that is from the Court's opinion. If Senators would only take the time to read again the decision in the great landmark case of Pollard against Hagan, an Alabama case which went to the Supreme Court, they would see the sound reasoning behind that quotation. Just as the District of Columbia cannot today, I take it, close Constitution Avenue and other streets, a State cannot close up the inland navigable waters, or sell them to a railroad which might build a bridge there which would be an obstruction preventing the movement of ships

back and forth. That is the whole theory. As the Court said in the case of Pollard against Hagan, the rivers must be open highways, they must be common highways.

For example, if the Senator from Mississippi wants to get on a boat on the Tombigbee River where it enters the State of Mississippi, and proceed on down the river, Alabama cannot say to him, "No, siree, you cannot come down that river; we find that we can derive profit by allowing the river to be obstructed." Alabama owns the bed of the Tombigbee River in Alabama. It owns the shores along the bay. But we hold them in trust for all the people, in order that the people may use them.

Reference has been made to the word "open." Open, in the law, means open to all the people, open to ships and smaller boats. It might even mean open to a bateau or an old Indian canoe that might move up and down the stream. That is what the Court was talking about when it said the State of Illinois could not relinquish the beds to the Illinois Railroad, or to anyone else, the beds underlying the water on the Chicago lakefront since the State of Illinois owns those beds, and holds them in trust for the people and for the interests of the people.

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

Mr. HILL. I yield to the Senator from Tennessee for a question only.

Mr. KEFAUVER. Referring to decision in the case from which he has just been reading and relating it to the present controversy, I should like to ask the Senator whether, under the Holland joint resolution, something is attempted to be done which the Supreme Court of the United States has repeatedly held cannot be done, namely, to give ownership of land and of the natural resources under the marginal sea to the State. If that be so, would not Congress be attempting to do an unconstitutional thing?

Mr. HILL. I am glad to answer the question. That is the point I am trying to make. The Supreme Court, away back in the Waddell case, in 1844, and in the case of Pollard against Hagan, in 1845, as well as in innumerable other cases, many of which I have cited earlier in my speech, has held what surely must appeal to the reason and common sense of every citizen and of every Senator. What the court has held is that the State holds the beds of rivers, bays, harbors, and inland waters, as trustee for all the people. The title to the beds of navigable waters is held by the State as an attribute of sovereignty.

The Supreme Court of the United States, in the California, Texas, and Louisiana cases, held that out in the sea we enter the realm of the international domain, the realm of international affairs, and the realm of the family of nations; and that there the rights are in the Federal Government as an attribute of its sovereignty. The State holds the beds of the inland waters as an attribute of sovereignty; the Federal Government holds the rights out in the open international domain as an attribute of sovereignty. So, just as the court held that Illinois could not dispose of this attribute of sovereignty, I believe the court will hold that the Government of the United States cannot dispose of its attribute of sovereignty. When I refer to the Government of the United States, in this instance I mean that the Congress cannot dispose of this attribute of sovereignty. Of course, I take it the people of the United States could amend the Constitution, since the sovereign power resides in the people. I sometimes like to reflect upon the fact that we in Congress are not the sovereigns in this country, that those in the executive branch of the Government, are not, and that even judges who have a lifetime tenure in the judiciary, and who sit in the Supreme Court, are not. The sovereignty is not in the Members of Congress; it is in the people of the several States, in whom the only sovereign power we know resides. The only power the executive branch has, and the only power Congress has, is the power given them by the people. The people have given to the Congress certain powers, and Congress in turn, at times, delegates some of those powers to the Executive. The people themselves, through the Constitution, have also vested certain powers in the Executive. But we have here a question regarding an attribute of sovereignty. I do not believe the Congress has power to relinquish an attribute of sovereignty. Rather, I think that right is vested only in the people, the real sovereigns in this country.

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

Mr. HILL. Mr. President, I may say to the Senator from Tennessee that one reason why I have held the floor as long as I have is that I desire to make the record complete; and the Senator knows it is not an easy thing to do as I have been trying to do it, and that the comfortable thing would be to sit down and take it easy. But when this matter reaches the Supreme Court of the United States, I want the Court to know that we were cognizant of what is involved, and that it raises a serious constitutional question going to the sovereignty of the Government of the United States.

It might well be that if this giveaway resolution were held constitutional, the next thing to follow logically would be to strike down the decision in the Illinois Central case and to strike down the sovereignty of the States. What is this sovereignty, Mr. President? It is the citadel, the fortress of the people themselves. For someone in the executive branch of the Government to deny, to impair, to diminish, to relinquish, or to give away this sovereignty is to take away that which is basically and fundamentally something which belongs to the people.

Mr. KEFAUVER. I should like to ask the Senator if it is not true that in view of the great necessity for the development, exploitation, and conservation of the oil resources in the marginal sea, if the effort in the Holland joint resolution to transfer that which belongs as a matter of sovereignty to the people should be successful, it would delay the very important development and exploitation of the natural resources under the marginal sea for years and years while disputed questions are being debated and decided by the Supreme Court?

Mr. HILL. I will say to my distinguished friend that while he had to be absent from the floor engaged in important public business, that very question was asked by the distinguished Senator from Illinois [Mr. DOUGLAS], and I said the Legislature of Rhode Island has already acted and has instructed its Attorney General, if this joint resolution is passed to go into court seek to protect the rights of the people of Rhode Island. That will mean delay and litigation, and it will further hold up this development. As I have said, I think one of the worst things about the joint resolution, bad as is the giveaway proposal, is the terrible and tragic omission to make any provision for the development of the oil which lies beyond the marginal sea. We know that 80 percent of the oil lies in the Continental Shelf beyond the marginal sea, and we know it will take a long time to develop it, possibly 5 years or more. We also know that if there should be another war or some other great national emergency, we shall need that oil. Yet the joint resolution makes no provision whatever to develop it. If we should need that oil within the next year of the next 2 years, unless developed, it would not be worth anything to us; it might as well not be in those lands beneath the sea, because it takes a long time to develop it. All the resolution does is to give it away. It does nothing for the United States of America.

Mr. KEFAUVER. I wonder if the Senator thinks that perhaps the reason why the joint resolution does not provide for what is to be done with the resources in the Continental Shelf beyond the 3-mile limit or the historic boundaries of the States is that those interested in the joint resolution may not want that question disposed of, in the expectation that if it is disposed of in favor of the Federal Government at this time it might prevent an effort later to have it transferred to the States.

Mr. HILL. I think the Senator from Tennessee has put his hand on something that is very real in this situation. He knows that at one time the proponents of the giveaway persuaded the House of Representatives to pass a bill which gave to three States a large share of the revenues from the oil in the Continental Shelf beyond the marginal sea. The thought may well be in the minds of some that "we will get all the oil in the marginal sea and do nothing whatever about the oil beyond the marginal sea, and then come back and make a second fight."

Mr. KEFAUVER. I should like to ask the Senator from Alabama if the provision giving title to the land beneath the sea and to the natural resources might not result in a very real dispute between the Federal Government and the States, and if it might not come about in this way: Take the San Diego naval base, for instance. If the States are given jurisdiction over the natural resources of the sea, could they not claim the right to erect oil installations immediately in front of the naval base at San Diego, and perhaps interfere with

its use? Of course, there are other naval bases in many other locations.

Mr. HILL. My friend from Tennessee is a valued member of the Committee on Armed Services and has studied the matter as it relates to naval bases as well as to other defense installations. I can see that there might be much difficulty arising out of the situation he has mentioned. The defense of our country is paramount, but, after all is said and done, not even the Constitution of the United States, wonderful as is that document, is self-executing. If there is a violation of it, it must be enforced by the courts, and that sometimes brings about all kinds of delays, troubles, and difficulties. So I am glad to have the Senator from Tennessee refer to the question of defense.

Mr. President, the common right of navigation of the navigable waters of bays, lakes, and rivers requires that the respective States retain the ownership and control of such inland bodies of water except as to individual parcels which may be needed for the erection of structures in aid of commerce. It would seem to follow, necessarily, that the public common right of navigation in the marginal sea similarly requires the Federal Government to retain the ownership and control of the lands in the Continental Shelf underlying the marginal sea.

Mr. President, in everything I have said in this debate I have studiously sought to avoid the use of any words which might have any opprobrious connotation. I have confined myself entirely to the use of the word "giveaway." Yet, we know that persons and publications that have favored the provisions of Senate Joint Resolution 13 at times have been perhaps intemperate and inaccurate and have spoken of the action of the executive branch in connection with the controversy over the Continental Shelf as a tidelands grab. We have already stated that the controversy in recent years between the United States on the one hand and the States of California, Louisiana, and Texas on the other hand did not involve tidelands to any extent whatever. There was no question of tidelands involved, and no responsible official of the Federal Government claims on behalf of the United States the right to the tidelands situated within the boundaries of the States. The claim is and has been related to lands in the Continental Shelf beyond the low-water mark, beneath the open sea. There has been no element of grab involved in the actions of Federal officials respecting the lands in the Continental Shelf.

The developments leading up to the controversy between the United States and the States of California, Louisiana, and Texas over the Continental Shelf began in the 1920's, when the State of California claimed the ownership of, and began to issue oil and gas leases on, certain submerged lands underlying the Santa Barbara Channel. That channel is from 19 to 28 miles wide and lies between the mainland of California and the islands of Santa Cruz, Santa Rosa, and San Miguel. By 1929 oil production was being obtained from three offshore oil fields in the Santa Barbara Channel. In 1933 an offshore oil field underlying a portion of the San Pedro Channel—a body of water which lies between the mainland of California and Santa Catalina Island, some 20 miles offshore—was brought into production under leases issued by the State of California. These offshore oil fields are situated within a distance of 3 miles from the California mainland and inside the seaward boundary of the State of California.

With the development of oil production from submerged lands along the California coast, a number of persons, as we might have expected, began to file with the Department of the Interior applications under the Mineral Leasing Act of 1920 for Federal oil and gas rights in submerged lands situated in or near the California offshore producing areas. In a series of departmental decisions beginning in 1934 and extending over a period of more than 2½ years, the Department of the Interior consistently rejected such applications on the ground that the submerged lands for which the applicants had applied were the property of the State of California.

I wish to state frankly, and in fairness, that officials of the Department of the Interior in that day followed this policy. I believe they thought honestly that the lands belonged to the State of California. That was the policy at the time Secretary of the Interior Ickes took office. I cannot forget that that Department was once under the secretaryship of Albert B. Fall. I do not know whether it was under the secretaryship of Mr. Fall or of someone else that this policy was first adopted.

Some of the applicants were quite persistent, however, and insisted that the oil-producing submerged lands along the California coast were the property of the Federal Government rather than the property of the State of California. Largely as a result of such insistence, the Department of the Interior discontinued the rejection of these applications after April 1937.

In August 1937, the Senate passed unanimously Senate Joint Resolution 208 of the 75th Congress, which authorized and directed the Attorney General of the United States to take speedy and appropriate steps for the purpose of asserting and establishing the title of the United States to the submerged lands of the Continental Shelf off the coast of the United States and the petroleum deposits underlying such lands.

I wish to read an excerpt from the joint resolution of August 1937. I do not believe that Senators who are serving today have any right to indulge in a presumption that Senators who served in 1937 were less able, less diligent, or less vigilant in their regard for the rights of their States and their interest in their States than are Senators of the present day.

On August 19, 1937, 75th Congress, 1st session, the Senate passed Senate Joint Resolution 208. I shall not read the entire resolution, but only the portion which is germane:

> Whereas large petroleum deposits underlie various submerged lands along the coast of the United States and below low-water mark and within a distance of 3 miles under the ocean below said low-water mark; and
>
> Whereas all such submerged lands below said low-water mark and within such 3-mile limit lying along the coast of the United States are asserted to be the property of the United States; and
>
> Whereas various persons have heretofore entered, or in the immediate future propose to enter, upon such submerged lands and remove the petroleum deposits underlying the same without the consent or permission of the United States, and to the irreparable damage and injury of the United States; and
>
> Whereas immediate action on the part of the United States is necessary to preserve such petroleum deposits for the future use of the United States.
>
> * * * the Attorney General of the United States be, and he is hereby, authorized and directed, by and through speedy and appropriate proceedings, to assert, maintain, and establish the title and possession of the United States to the submerged lands aforesaid, and all petroleum deposits underlying the same, and to cause and effectuate by proper proceedings the removal and ejectment of all persons now or hereafter trespassing upon or otherwise occupying the said submerged lands or removing the petroleum deposits therefrom, without the consent and permission of the United States, and through such proper proceedings to be by the said Attorney General instituted to stop and prevent the taking or removing of petroleum products by others than the United States from the said submerged lands as aforesaid.

The joint resolution was unanimously reported by the Senate Committee on the Judiciary and subsequently was unanimously passed by the Senate. The joint resolution then went to the House of Representatives, where, in the Committee on the Judiciary, it was amended to apply only to submerged lands of the State of California. At that time the only controversy or only issue was with reference to the submerged lands of California, and the joint resolution was favorably reported by the House Committee on the Judiciary.

So if it is desired to know the genesis of the claim of the Federal Government to submerged lands, let us be fair and accurate. It is easy to say that it originated with some bureaucrat in the executive branch who was seeking to grab for himself more power or was trying to augment the power of the United States. But back in August 1937, nearly 16 years ago, the Senate of the United States, as created by the Constitution of the United States, asserted these claims and adopted a resolution directing the Attorney General of the United States to enforce them, and to make certain that no one, without the permission of the Government of the United States, in any way trespassed upon, removed, or made use of these great petroleum deposits.

Thus, it is significant to note that the Senate was the first organ of the Federal Government to take a position that the United States was entitled to, and should vigorously assert a claim to, the lands of the Continental Shelf and their mineral resources.

When I say "Continental Shelf," I mean the whole Continental Shelf, from low-water mark out. What we speak of is that part of the Continental Shelf under the marginal sea, as well as that part beyond the marginal sea—everything from low-water mark in the marginal sea on out onto the Continental Shelf.

In the House of Representatives, the Committee on the Judiciary of the 75th Congress reported favorably on Senate Joint Resolution 208, but proposed that its provisions be changed so as to set aside as a naval-pretroleum reserve all petroleum deposits in the Continental Shelf off the coast of California. No further action was taken by the House on Senate Joint Resolution 208 of the 75th Congress.

Subsequently, intermittent consideration was given by officials of the Department of the Interior to the problem of whether the initial departmental position respecting the ownership by California of the oil-producing submerged lands along the California coast had been correct. Finally, upon the recommendation of the Secretary of the Interior, the President in 1939 appointed an interdepartmental committee, consisting of representatives of the Department of Justice, the Department of State, the Navy Department, and the Department of the Interior, to study the matter. This committee submitted its report to the President in March 1940.

Mr. President, this has not been an overnight action. It is not a case of someone, on the spur of the moment, or as a result of a sudden impulse, reaching out, as has been charged, and trying to grab something. First we had the considered action of the United States Senate and the House Committee on the Judiciary. Then the subject received the attention of an interdepartmental committee of the executive branch, including representatives of the Department of Justice, the law department of the Government, the Department of State, that department which has the primary responsibility for dealing with questions involving the international domain and relations with other nations; also the Navy Department, the Department which at that time had great need for petroleum, had given so much study to it, and knew so much about the whole subject. On that committee there were also representatives from the Department of the Interior, which is the Department primarily charged with responsibility for the care, management, and administration of the lands and the great resources which the United States Government holds in trusteeship for all the people of the United States. As I said, the interdepartmental committee submitted its report to the President in March 1940. The committee recommended that the Attorney General be instructed to take appropriate steps to assert a claim on behalf of the Federal Government to the oil-producing submerged lands off the California coast. The report was approved by the President in April 1940.

The interdepartmental committee, after studying the question for about a year, came to the same conclusion at which the people's representatives in the United States Senate and on the House Committee on the Judiciary had arrived, namely, that that property belonged to the Government of the United States and was held in trusteeship for all the people, and that the Government should take whatever steps were necessary to make certain that that claim was enforced, and that there should be no trespassing upon these great mineral deposits without the permission and consent of the trustee, the Government of the United States.

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

Mr. HILL. I yield for a question only.

Mr. HUMPHREY. Do I correctly understand that the Senator from Alabama has pointed out that the Judiciary Committee of the House of Representatives acted favorably upon the resolution?

Mr. HILL. It did. The Senator from Minnesota was called from the Chamber on important business and did not hear what I said on that subject. The House committee acted on the resolution, but it limited the resolution to the coast of California, and there was good reason for that, because at that time that was the only coast with respect to which there was any controversy, or where there was any known oil. The Judiciary Committee of the House reported the resolution favorably after the Senate had unanimously passed it.

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

Mr. HILL. I am delighted to yield, for a question only.

Mr. HUMPHREY. Does the Senator from Alabama remember the occasion of the Senate action in reference to the resolution to which he referred? Does he recall what transpired prior to the action, and at the time?

Mr. HILL. The Senator from Alabama was not at that time a Member of the Senate. He was then a Member of the House of Representatives. The Senator from Alabama knows that the record shows very clearly that there was a period of 4 or 5 months during which consideration was given to the resolution by the Senate Committee on the Judiciary before the Senate committee reported the resolution to the Senate for consideration and action.

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

Mr. HILL. The Senator from Alabama yields to the Senator from Minnesota for a question only.

Mr. HUMPHREY. Does the Senator recall whether or not that resolution referred to all the submerged lands, or was it confined to California?

Mr. HILL. Before the Senator from Minnesota, who was detained on important business, entered the Chamber, the Senator from Alabama read to the Senate excerpts from the language of the resolution. The Senator from Alabama would say that the language of the resolution as passed by the Senate applied to submerged lands generally, and not to any particular submerged lands. I read a portion of the language of the resolution:

> Whereas large petroleum deposits underlie various submerged lands along the coast of the United States and below low-water mark and within a distance of 3 miles under the ocean below said low-water mark—

I should say undoubtedly that that language would cover submerged lands off the coast of the United States, wherever those lands might lie.

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

Mr. HILL. I yield for a question only.

Mr. HUMPHREY. Is it the opinion of the Senator from Alabama that the committees of the Congress in 1939 and 1940 which reviewed the resolution referred to and its purposes were mindful of the so-called claims to historic boundaries?

Mr. HILL. I think they must have been. The Senate was then composed, as it is now composed, of two Senators from each State. I think if the Senator will go back and read the record of the consideration of the resolution, he will find that that question was in the minds of Senators.

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

Mr. HILL. I yield to my friend for a question only.

Mr. HUMPHREY. Is the Senator saying, in other words, that the States which now contest the validity of the Supreme Court's decisions and wish to overrule them were represented on the floor of the Senate at that time by men of competence, ability, and knowledge?

Mr. HILL. I should say so. I happened to know the men who were distinguished Senators from those States at that time. I can bear witness to the fact that they were diligent, faithful, able Senators, well and ably representing their States.

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

Mr. HILL. For a question only.

Mr. HUMPHREY. Would the Senator agree that, when the Supreme Court made its ruling in the California case in 1947, in that momentous decision, it was mindful of the actions of the committees of the Congress as well as the unanimous vote of the United States Senate?

Mr. HILL. I do not believe there can be any doubt about it, as the Senator will find if he examines the brief in the case. The Senator from Minnesota knows that one of the leading attorneys, if not the leading attorney, in that case, was our very able colleague, the junior Senator from Texas [Mr. DANIEL], and the Members of the Senate have seen the distinguished Senator from Texas demonstrate again and again his painstaking thoroughness and ability. If the Senator from Minnesota will look at the brief he will find that it is several inches thick.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield further?

The PRESIDING OFFICER (Mr. PAYNE in the chair). Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. HILL. I yield for a question only.

Mr. HUMPHREY. Mr. President, would it be a fair statement to say, and would it be a fair conclusion to come to, that the decision of the Supreme Court does not stand only on the Government's brief, or on the Court's own logic, but that its decision is likewise supported by a committee of the Senate and a unanimous vote of the Senate, as well as by a committee of the House, which acted by a majority vote, and by the interdepartmental committee of the executive branch of the Government? Is that a fair statement of the history of this case?

Mr. HILL. I think that is a fair statement. The Senate of the United States, the House Committee on the Judiciary, the interdepartmental committee of the executive branch, the President of the United States, and the Supreme Court of the United States all were in full accord on this matter.

Mr. HUMPHREY. I thank the Senator.

Mr. HILL. I thank the Senator for his contribution.

Mr. President, I have referred to the fact that the interdepartmental committee report was approved in 1940. Principally because of the international emergency which gripped the world at that time, no action to effectuate the committee's recommendation was taken for several years. As we know, we were not yet in the war at that time, but we were in a very unusual situation. As I recall, it was about that time that we passed the Lend-Lease Act to help certain nations who afterward became our allies in the great war. Therefore, because of that situation, no action to effectuate the committee's recommendations was taken for several years. I refer to the recommendations of the interdepartmental committee, of course.

In May 1945 the Attorney General of the United States instituted in the United States District Court for the Southern District of California a suit against the Pacific Western Oil Corp., based upon that company's action in producing oil from an offshore deposit under a lease issued by the State of California. In October of the same year, the Attorney General dismissed the suit which had been instituted against the Pacific Western Oil Corp., and invoked, under the Constitution, the original jurisdiction of the Supreme Court by instituting a suit against the State of California, in order to determine whether the offshore oil-producing lands along the California coast were State lands or Federal lands. As of that time, the State of California had issued oil and gas leases covering approximately 10,700 acres of submerged coastal lands, and the oil production under such leases was averaging approximately 950,000 barrels per month.

The results of the litigation against California, and of the subsequent related litigation against the States of Louisiana and Texas, have been stated earlier in this discussion and I shall not go back over them now.

The point I want to make now is that the officials of the executive branch merely followed the constitutionally approved procedure by asking the judiciary to consider and pass upon a claim of right asserted by the United States to the submerged lands of the Continental Shelf. This was in the best American tradition and could not, by any stretch of the imagination, be regarded as a grab or a steal by any fairminded person.

The truth is that what the executive branch did was to follow what the Senate had ordered the Attorney General of the United States to do. I do not believe it behooves anyone, any propagandist, or any publication to talk about a grab or a steal.

As I said in the beginning, I have been very careful during my speech, which I began in Wednesday, to refrain from the use of any such words and to speak only in the terms of a giveaway. I believe there is no opprobrious connotation in the term. Much as we might deplore it or grievously wrong as we may feel a giveaway to be, there is nothing in the use of the term that connotes an opprobrious action or a bad motive. I have tried not only to refrain from the use of such a term, but I have, in fact, not used it.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield for a question only.

Mr. HUMPHREY. Is the Senator from Alabama saying that the Federal Government, through the Attorney General, in attempting to adjudicate the rights of the respective States and the Federal Government in the California case, instead of initiating an ordinary suit, or following through on an ordinary suit against a private concern, did what the Constitution provides, namely, originate a suit in the Supreme Court, in accordance with the original jurisdiction of the Supreme Court in cases where there is a conflict of interests between the States and the Federal Government? Is that correct?

Mr. HILL. That is correct. The Senate and the Interdepartmental Committee had made a declaration to the effect that the property belonged to the United States, and the Attorney General, instead of taking what might be called a roundabout course, went to the heart of the matter, as the Constitution provides, and filed in the Supreme Court of the United States a suit against the State of California.

Mr. HUMPHREY. Mr. President, will the Senator yield for a further question on that point?

Mr. HILL. I yield for a question only.

Mr. HUMPHREY. Does not the Constitution, in article III, section 2, prescribe that whenever there is a conflict between the Federal Government on the one hand, and a State on the other, a special procedure shall be followed? In other words, the procedure outlined is to proceed with a suit in the United States Supreme Court, under its right of original jurisdiction, and in that way settle the dispute by process of judicial decision, rather than by process of legislative action? Is that correct?

Mr. HILL. The Senator is correct. Instead of trying to get some kind of political decision the Government went into the Supreme Court and got a judicial decision. It filed suit and got a proper, lawful decision from the Supreme Court.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield further?

Mr. HILL. I yield for a question only.

Mr. HUMPHREY. The Senator from Alabama is aware of the fact, is he not, that article I of the Constitution outlines the responsibilities, duties, obligations, and powers of the Congress of the United States?

Mr. HILL. As I recall, the Senator from Minnesota is correct.

Mr. HUMPHREY. The Senator from Alabama is also aware of the fact, is he not, that article III of the Constitution outlines the duties, prerogatives, and responsibilities of the judiciary?

Mr. HILL. That is correct. The first article of the Constitution deals with the legislative branch. The second article deals with the executive branch, and the third article deals with the judicial branch.

Mr. HUMPHREY. The Senator from Alabama is an able student of the Constitution. Does he recall any language in article I of the Constitution, prescribing the powers of the legislative branch, which relates to the adjudication of disputes between the Federal Government and a State government, as a constitutional process?

Mr. HILL. The Senator from Alabama not only does not recall any such language, but, on the contrary, the very language and intent and purport and purpose of the Constitution, as set forth in article III, is to provide that justiciable issues shall go to the courts. That is why the courts were created. The framers of the Constitution, in their great wisdom, not only prescribed that the courts should determine such questions, but they went even further than merely to create the courts. They gave to the judges life tenure. They wanted them to be absolutely free and independent, and not subject to pressures, influences, and motivations. They had in mind one thought and one thought only. As St. Paul said, "This one thing I know." They wanted the judges to be in a position to make a fair and just determination of judicial questions.

So, in order insofar as humanly possible to throw absolute protection around the Court and its judges, the framers of the Constitution not only provided for life tenure for the judges, but also provided that, as the Senator knows, the remuneration of the judges could not be reduced during their tenure. No doubt the framers of the Constitution said themselves, "Perhaps the Congress, the legislative branch of the Government, might not like some decision of the Court, and might attempt to punish the Court by reducing the pay of its members." Of course, but for the constitutional provision, the pay could be reduced to such a point that many judges would have to leave the Court, unless they had outside incomes and were willing to use them for their livelihood.

Therefore, but for that provision of the Constitution, conceivably the Congress might say, "We do not like the judges, for they do not decide the cases as we want them decided. So we are going to reduce their salaries to such a level that they will have to leave the Court. That will make all judges listen to what we in the Congress have to say."

Mr. HUMPRHEY. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield for a question.

Mr. HUMPHREY. Does the Senator from Alabama recall that during the Constitutional Convention and the debates which occurred at that time, one of the most crucial and vital issues was the relationship of the central Government of the Federal Republic to the respective States and their powers?

Mr. HILL. There is no doubt that that was one of the great issues in the Constitutional Convention.

The Senator from Minnesota will recall that at the Convention there was such sharp disagreement over the question of the power of the several States; that at one point it seemed as if the Convention would not be able to frame a Constitution.

Mr. HUMPHREY. Yes.

Mr. HILL. It was only when old Benjamin Franklin, perhaps the wisest man of his time, unless it was Thomas Jefferson, came forward with the plan by which in the House of Representatives the representation of each State would be based on its population, no matter how large or how small its population might be, whereas in the Senate each State would have the same representation—namely, two Senators. Thus the framers of the Constitution drafted a provision which cannot be found in any other constitution. Oh, Mr. President, what a wonderful and immortal document the Constitution of the United States is. As I said yesterday, Mr. Gladstone said it is the greatest instrument ever devised by the genius of man. As we know, all but one of the provisions of the Constitution can be changed or amended by an amendment that is duly proposed and then is ratified by the legislatures of, or by conventions in, three-fourths of the States. The one provision of the Constitution which cannot be amended in that way is the provision that no State shall be deprived of its equal suffrage in the Senate without the consent of the State.

Mr. HUMPHREY. Mr. President, will the Senator yield at this point for a further question?

Mr. HILL. I shall yield in a moment.

In other words, Mr. President, 47 of the 48 States in the Union might vote unanimously to take away from the 48th State its two Senators, or to reduce its representatives in the Senate from 2 Senators to 1 Senator, but that could not be done except with the consent of the 48th State.

Mr. MAYBANK. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield for a question only.

Mr. MAYBANK. I am in thorough agreement with what the distinguished Senator from Alabama has said, namely, that the 48 States shall have two Senators each, and I hope the arrangement will remain that way. [Laughter.]

Mr. HILL. It has been that way from the beginning of our Government, from the time when George Washington was President. From 1789 down to this good year of our Lord 1953, that arrangement has continued; and I think no one would dare suggest that there be any change in the arrangement by which each State is represented in the Senate by two Senators. In the Constitutional Convention there was what we know as "the great compromise," namely, the proposition that each State should be represented in the House of Representatives on the basis of the number of people living in the State, but that each State should have equal representation in the Senate, namely, two Senators each. It matters not whether a State has a large population, as have the States of New York and Ohio and others, or whether it has a small population, as have the States of Nevada and New Mexico—regardless of size, each State has the same representation in the Senate of the United States, and in the Senate each State has the same voice and rights and powers.

Mr. STENNIS. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield to my friend, the Senator from Mississippi. Let me say that there is great kinship between the Senator from Mississippi and the Senator from Alabama; not only are we warm, close, personal friends, but Alabama and Mississippi were carved out of the same territory. Once both States were a part of the State of Georgia. Thereafter, Alabama and Mississippi were carved out of the State of Georgia; and when our States entered the Union, they entered on an equal basis, with each State having two Senators in the Senate of the United States.

Now I yield for a question only to my friend, the Senator from Mississippi.

Mr. STENNIS. I shall state briefly what I have to say, and shall put it in the form of a question to the Senator from Alabama. Can the Senator from Alabama imagine that he will ever find a better chance to give to the Senator from Minnesota a good lecture on States rights? What the Senator from Alabama has said seems to be sinking in and having some effect, and I commend him for it. [Laughter.]

Mr. HILL. In reply to my friend, the Senator from Mississippi, let me say that one of the glorious things about our Government under the Constitution is that there are States rights, and there are also Federal rights. As I said a little while ago, in this Nation the sovereigns are the people. We remember that the late William Jennings Bryan, who was the great orator of his time, I suppose, used to speak of the American Republic as the republic in which every man is sovereign. He meant that, after all, the sovereignty, the great residue of power, is in the people; that the people, in their wisdom, under our Federal system, with the Federal Government and the State governments, have delegated certain rights and powers to the Federal Government, and then have reserved to the States or to themselves all the other rights.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield to me for a question?

Mr. HILL. I yield.

Mr. HUMPHREY. Would the Senator from Alabama interpret the remarks of our dear friend, the great Senator from Mississippi [Mr. STENNIS], as a testimonial of his faith in the position of the Senator from Alabama on this crucial joint resolution?

Mr. HILL. Mr. President, I do not wish to presume too much, but I hope it is a declaration of faith. I certainly hope so. Nothing would be more gratifying or pleasing to me than to feel that it is a declaration of faith.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield for another question?

Mr. HILL. I yield for a question.

Mr. HUMPHREY. Does the Senator from Alabama feel that possibly the Senator from Mississippi is about to read the mind of the Senator from Minnesota, when the Senator states that the section of the Constitution, namely, article III, section 2, relating to the unique and original jurisdiction of the Supreme Court, is included in the Constitution in order to protect the rights of the States, as well as the sovereign rights of the Federal Government; or, in other words, that it is the key provision of the Constitution to protect the integrity of both sovereignties, namely, the internal sovereignty of the States and the external sovereignty of the Federal Government? Would the Senator from Alabama agree with that position?

Mr. HILL. I agree with the Senator from Minnesota; and I repeat what I said yesterday, namely, that the sad part about the matter now before the Senate is that through the years there has been so much propaganda about it. All sorts of pamphlets and bulletins have been distributed, and all kinds of newspaper articles have been printed. Of course, most of the latter were inspired, and I am sure that some of them were not even written in the State in which the newspaper was published. A great deal of that sort of thing has occurred, and many decisions have been made on that basis. That is but natural, for we cannot escape the environment or the atmosphere in which we live. We know that, as the atmosphere affects the life and growth of a plant, so the atmosphere affects the individual. Alabama once had a governor named B. B. Comer, who also served for a short time in the Senate. His great word was "environment." He tended to judge men largely by their environment. Placed under a certain environment, an individual might be expected to react in a certain way; placed under a different environment, he might be expected to react differently.

In the present situation, the atmosphere or environment has been unfortunate. I deeply and sorely regret it. The sad thing about it is that the pending measure has been represented as one affecting tidelands. It has not a thing in the world to do with tidelands, neither has it anything to do with States' rights. Mr. President, it is a pity that Members of the House and Senate could not have been saved from manufactured atmosphere of that sort, and from propaganda of that sort, so that they might proceed, as did the Supreme Court, sitting in that great building which we like to think of as a temple of justice, calmly to study the facts and the law relating to the pending proposal and, unhampered by propaganda, and free from any prejudicial atmosphere, reach a conclusion based solely on the law and the merits of the case.

Mr. President, I have given some time and study to the subject now being discussed, and the longer I have pondered over it, the more I have come to a realization of the logic and soundness of the decisions of the Supreme Court of the United States. I do not always agree with the Supreme Court. There have been decisions of the Court with which I have not agreed, and in the future there will probably be others, but the more I have studied the matter now pending, including the law, and the cases, the more I have been persuaded

and convinced that the Supreme Court was entirely correct.

To sum it up in a few words, there are beds of inland waters, including rivers, harbors, and bays, all of which are under the ownership of the State. The tidelands are under State ownership as an attribute of internal or State sovereignty. The rights to the submerged lands, out in the international domain, are held as an attribute of national or external sovereignty.

Does that not make sense, Mr. President? To whom do we look in matters affecting the international domain? To whom do we look in matters affecting international relations? To whom do we look in matters affecting peace and war? We look to the National Government, the Federal Government. The Senator from Mississippi [Mr. STENNIS], now acting as minority leader, who is a student of the Constitution, knows that there was no more compelling reason for the formation of the Federal Union than that of providing one sovereignty to deal on behalf of all the people of the United States with matters affecting international relations. That, perhaps more than anything else, perhaps even more than the regulation of commerce between the States, was the compelling reason, the motive, for bringing the Federal Government into being.

As the Senator from Mississippi knows, he and I have stood side by side on this floor contending for States rights. What I am doing here today is mere child's play compared with what some of us have done in the past in endeavoring to hold the line in respect to the rights of the States. But, just as we have sought to hold the line for the States, so, if we are not to impair and destroy the constitutional system, we must hold the line for the National Government. The problem is just that simple. The State exercises internal sovereignty; the Federal Government, external sovereignty. Internal sovereignty is an attribute of the State; external sovereignty, an attribute of the National Government.

Mr. President, that is all there is to this case. An effort has been made to misrepresent and misname the issue as one affecting tidelands, and much has been said about the open sea, as though the law did not define the open sea as water kept open for the people, to enable them to move around, as one is free to move on the streets of the city. My friend from Georgia, now sitting in the Senate Chamber, is free to travel from Washington to his home tonight, without paying a fee to anyone for the right of ingress and egress. Senators may talk all they wish about State boundary lines seaward, but, as the Court said in the Louisiana case, the State boundary lying in the international domain has nothing to do with this case, because that comes under the sovereignty of our Federal Government. No State has an army that I know of, no State has a navy or air force that I know of. No State sends its representatives to Paris to attend meetings of the Big Four or to meetings to discuss the North Atlantic Treaty Organization, or the organization of the European Defense Community. No State sends delegates to the United Nations. The Federal Government sends an ambassador and other representatives to the United Nations, because the Federal Government is the representative of all the people, and as such exercises sovereignty in such matters.

Mr. President, the tragedy of this situation is that in some quarters there has been a failure to study the matter and to reach conclusions on the basis of the law and the facts and of logic and commonsense. Instead terrific political pressure, spurious slogans, false symbols, and a great wave of groundless propaganda have been allowed to play a predominant part.

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

Mr. HILL. I yield to the Senator from Minnesota for a question only.

Mr. HUMPHREY. Does the Senator agree with me that the proposition he is developing, in a very logical and germane manner, as to the sovereignty of the United States, was proclaimed in the most clear and concise and definite terms by that great first Secretary of State, Thomas Jefferson, when he proclaimed once and for all that the sovereignty of the United States extended at least to the 3-mile limit?

Mr. HILL. The Senator is entirely correct. It was the act of that very farseeing man, that real prophet of American democracy. If it be said that the sword of Washington won our independence from the British Crown, it may also be said that it was the mighty philosophy of Thomas Jefferson that gave us our democratic America. Of that marvelous man, who seemed to be God-inspired, it may be said that the more we study his life and works, the more we realize his many virtues, the many facets of his character, and his remarkable, I may say almost superhuman, ability. We remember that he was the first to proclaim that people are made in the image of their God, and are endowed by their Creator, by the God who gave them life and who made them in His image, with the inalienable rights of life, liberty, and the pursuit of happiness. He was the father of the doctrine of a nation having control of the area 3 miles beyond its shores. He pioneered that doctrine, and provided the leadership which brought about its acceptance by other nations of the world.

Mr. President, I did not intend to embark on a discourse about Thomas Jefferson, but since I have done so, I should like to relate an incident. A year ago last fall I was in the Middle East, in the lands about which we read in the Good Book—Lebanon, Syria, Jordan, Palestine, Egypt, and Saudi Arabia. I felt that I was on holy ground. As I thought about the stories I had read and the history I had read in the Bible, I felt that I should take off my shoes.

One night at a meeting in Beirut, I was called on, as a Senator of the United States, to say something about America. Naturally, I talked about our great cities, our tall buildings, our mighty transportation system, our marvelous manufacturing plants of all kinds, our tremendous productive capacity, and about our beautiful prairies, fields, and majestic mountains. I spoke of those things, and the people listened, I thought, attentively; but when I spoke of Thomas Jefferson as being the author of the Declaration of Independence, with its assertion that men have certain unalienable rights to life, liberty, and the pursuit of happiness, it was then that that mighty audience rose in acclamation.

It was Thomas Jefferson, as the Senator from Minnesota [Mr. HUMPHREY] has said, who first proclaimed and made real the doctrine of the control by the Government of a belt 3 miles from the low-water mark. He was not claiming it, as I shall show later in my speech, for individual States, but, as Secretary of State, for the United States of America.

Mr. President, I was speaking about the action of executive officials and of the Senate in asserting certain claims and in recommending and directing that cases be brought in the Supreme Court. While the executive officials of Louisiana and Texas may have believed up until the time when the Supreme Court passed upon the question, which was in 1947, that Louisiana and Texas owned and had the right to issue oil and gas leases on lands of the Continental Shelf lying within their respective seaward boundaries as fixed by the legislation under which they came into the Union, there was never the slightest basis for a bona fide belief that these States owned and could issue oil and gas leases on lands of the Continental Shelf lying beyond such seaward boundaries. Yet, it is estimated that about 80 percent of the Continental Shelf lands on which the State of Louisiana issued oil and gas leases are situated beyond the 3-mile limit claimed by Louisiana as its seaward boundary under the legislation admitting Louisiana to the Union; and that approximately 44 percent of the Continental Shelf lands on which the State of Texas issued oil and gas leases are situated beyond the 3-league limit claimed by Texas as its seaward boundary under the legislation admitting Texas to the Union.

In the case of Louisiana the enabling act of February 20, 1811, authorizing the inhabitants of Louisiana to draft a constitution and to form a State government preparatory to being admitted to the Union as a State, and the act of April 8, 1812, admitting the State of Louisiana into the Union, both provided that the new State should be bounded by the Gulf of Mexico in the area between the mouth of the Sabine River and the mouth of Lake Pontchartrain, and that all islands within 3 leagues of the coast should comprise part of the State. For the purpose of our present discussion we need not decide whether this legislation fixed the seaward boundary of Louisiana at the low-water mark where the mainland or any island within 3 leagues of the coast meets the Gulf of Mexico, or at the 3-mile limit off the mainland and off any islands within 3 leagues of the coast.

Mr. ANDERSON. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield for a question.

Mr. ANDERSON. Under the terms of Senate Joint Resolution 13, as the Senator from Alabama has pointed out, 80 percent of the Continental Shelf lands

on which Louisiana has issued oil and gas leases are beyond the 3-mile limit. Who would get the money from those leases beyond the 3-mile line?

Mr. HILL. As I understand, it would go to the State.

Mr. ANDERSON. If any is now impounded, which belongs to the United States Government, where would that money go?

Mr. HILL. To the State.

ORDER FOR RECESS UNTIL TOMORROW AT 11 O'CLOCK A. M.

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

Mr. HILL. I yield only for a question.

Mr. TAFT. My question is whether the Senator is willing for me to make a unanimous-consent request on the condition that he shall not lose the floor?

Mr. HILL. Mr. President, I ask unanimous consent that I may yield to the Senator from Ohio in order that he may make a unanimous-consent request, with the understanding that it will in no way prejudice my right to the floor and that I may be permitted to continue my speech.

The PRESIDING OFFICER (Mr. CARLSON in the chair). Is there objection? The Chair hears none.

Mr. TAFT. Mr. President, I ask unanimous consent that when the Senate completes its business today it take a recess until 11 o'clock tomorrow morning.

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

Mr. HILL. Mr. President, do I correctly understand that the Senator from Ohio means that I can speak until 11 o'clock tomorrow morning? I have no intention of doing such a thing. I may say to my good friend that he and I have such a warm and cordial relationship which has been established in the Senate Committee on Labor and Public Welfare that sometimes I indulge with him in a little levity. I think the answer is self-evident, that the Senator from Ohio has no desire for me to retain the floor until 11 o'clock tomorrow morning.

Mr. TAFT. May I say to the Senator that it is expected that the Senate will take a recess about 5:30 o'clock this afternoon.

Mr. HILL. I thank the Senator from Ohio very much for that information.

Mr. TAFT. And, may I say that I hope the Senator will finish his speech long before that time?

Mr. HILL. Mr. President, if the Senator from Ohio had been present and listening to my speech I might take some umbrage at what he says about concluding my speech today, but since he was not present and does not know, shall I say, how good it has been, I suppose I have no reason to take umbrage at the Senator's remarks.

I have had the honor at times, when I was Democratic whip of this body, to be acting majority leader. The majority leader has a program; he must get bills passed. The present majority leader is seeking to get action on bills. Most of the time, I think, he would be willing to settle for no debate or discussion at all, but to go ahead and pass the bills on the program, because it is his responsibility, as majority leader, to see that the program is disposed of. Of course, the Senator wants expedition and action.

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. HUMPHREY. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield to the Senator from Minnesota for a question only.

Mr. HUMPHREY. Has the Senator from Alabama been made aware of the legislative program that Congress is about to undertake? Has he seen its particulars outlined?

Mr. HILL. I have read in the press about certain bills that it is said must be passed, but I cannot say that I am really informed as to the program of the majority party or the program of the majority leader.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. Yes; I yield for a question.

Mr. HUMPHREY. Would it be fair to say that the delay in the legislative program is not due to the action of the Senate; that the delay in the receipt of the budgets and the delay in action on appropriation bills is not the fault of the Senate? Would it not be fair to say that the Senate has been waiting for some time to proceed with those great burdens of state, in order to get them well on their way?

Mr. HILL. The Senator from Minnesota is absolutely correct. Of course, the Senator knows that the bills which must be passed, the bills which are absolutely necessary and essential to the operation of the Government, are the appropriation bills. The Senator from Minnesota understands the reason for the great delay in acting upon appropriation bills. Aside from one very inconsequential appropriation bill, inconsequential certainly from the standpoint of its containing only a few items, no appropriation bill has so far come from the House of Representatives. The reason why the House has not acted upon appropriation bills is that the House has been waiting on the Bureau of the Budget. The Bureau of the Budget, representing the administration, has not given to the House the advice and information which the House must have in order to act on those bills, so the House has been stymied. To a certain degree, the House has been paralyzed to act on those bills. I say that with no criticism at all of the House.

Mr. HUMPHREY. Certainly not.

Mr. HILL. The House simply has not been able to act. It has not had the information on which to act.

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

Mr. HILL. I yield for a question only.

Mr. HUMPHREY. Is it not true that one of the reasons why the Senate has not had an opportunity to act on appropriation bills up until now is that the administration, and properly so, has been very carefully, methodically, and with great concern going over the appropriation items, in the hope of making economies? Is not that the reason?

Mr. HILL. Yes; it is my understanding that that is the reason.

Mr. HUMPHREY. Would the Senator say that that was a worthy objective?

Mr. HILL. I should say that that was a worthy objective for the administration, and a worthy objective for Congress, to effect any sound economy possible.

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

Mr. HILL. I yield to the Senator from Minnesota for a question only.

Mr. HUMPHREY. Is it not true that the President, the Bureau of the Budget, and department heads have been examining very carefully the budget which was submitted by former President Truman, with the objective in mind of reducing that budget, or at least of bringing it into closer balance? Is not that a sound objective?

Mr. HILL. I am not in the confidence of the Bureau of the Budget. I am not on the inside. I am not a member of the Sanhedrin of this administration, so to speak. However, it is my understanding that the Senator's statement is correct.

Mr. HUMPHREY. Does the Senator from Alabama understand that there is some hope that the budget may be reduced by between three and five billion dollars? Has the Senator heard of that?

Mr. HILL. From what I have heard and from what I have read in the press, the Senator's statement seems to be correct.

Mr. HUMPHREY. Would not the Senator from Alabama agree with me that if it should take 90 days to scrutinize and reduce the budget in an amount from three to five billion dollars, that might be considered time very well spent, if it should save the taxpayers that amount of money?

Mr. HILL. I certainly agree with the Senator that if there is any way by which to effect sound, wise economy, we must do everything to bring such a condition about. If time is required to do that, it will be time well spent.

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

Mr. HILL. I yield to the Senator from Minnesota for a further question.

Mr. HUMPHREY. In view of the Senator's sentiments and his very appropriate remarks concerning the necessity for economy and the saving to the taxpayers, in terms of the taxpayers' dollars, together with the Senator's statement that that is a worthy objective, could the Senator likewise say that it is a worthy objective that sufficient time be taken by Congress to save 150 million American people $100 billion worth of their natural resources?

Mr. HILL. I would agree, except that I would say that the distinguished Senator from Illinois [Mr. DOUGLAS] produced testimony from most authoritative and reputable witnesses to the effect

that the saving might be not $100 billion, but $300 billion. But the Senator is exactly correct in his statement. That is one reason why I am standing on the Senate floor, and have been standing here for some time. I feel that the subject is most important, and that the time spent in discussing it is well worth while if it will effect a saving of many billions of dollars for the people of the United States.

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

Mr. HILL. I yield to the Senator from Minnesota for a question only.

Mr. HUMPHREY. Is it not often the case that whenever there is a program or a deal that may yield special benefits to a special group, it is expedient to have a quick conclusion of the program or to drive a bargain that will nail it down quickly?

Mr. HILL. That is always the case. If there is to be something given away, naturally those who are to be beneficiaries of the giveaway wish to have action taken in the quickest way possible, with as little disclosure as possible, or as few of the facts as possible pertaining thereto brought to light. That is always true.

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

Mr. HILL. I yield for a question only.

Mr. HUMPHREY. My remarks will always be in the form of questions. Is it not true that the measure to which we are now directing our attention fundamentally affects the welfare, and in particular the education, of millions of children throughout the Nation, and that if Senate Joint Resolution 13 is passed, the State of Alabama, the State of Minnesota, yes, and 46 other States, will be denied their fair opportunity of returns from the great natural resources in the submerged lands?

Mr. HILL. Definitely; that is my opinion. That is one reason why I am standing on the Senate floor, side by side with my associates, in opposition to the joint resolution.

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

Mr. HILL. I yield to the Senator from New Mexico for a question only.

Mr. ANDERSON. Does not the Senator from Alabama think that perhaps a wrong inference might be drawn from the statement by the Senator from Ohio concerning the sponsors of the joint resolution? Does not the Senator from Alabama agree with me that it might be fair to point out that the Senator from Florida [Mr. HOLLAND] and the Senator from Texas [Mr. DANIEL] have not crowded us, but that the crowding has come from the majority leader? Would not the Senator from Alabama agree that that is a fair statement?

Mr. HILL. I think that in fairness to the Senator from Florida [Mr. HOLLAND] and the Senator from Texas [Mr. DANIEL] the statement of the Senator from New Mexico ought to have been made and ought to be in the RECORD. I think it is fair to the Senators mentioned for the Senator from New Mexico to have said what he did. I concur in the statement made by the Senator from New Mexico.

Mr. ANDERSON. Would not the Senator from Alabama agree with me that, although there has been much talk about this debate causing a delay in the legislative program, nevertheless an announcement has also been made that as soon as the Senate has passed certain proposed legislation with respect to controls and the economy, the Hawaiian statehood bill be taken up, and does not the Senator agree that that bill has not been reported by the committee?

Mr. HILL. The Senator, who is a member of the Committee on Interior and Insular Affairs, is correct.

He knows well that there has never been any report by that committee of the bill, and he knows full well that until the committee acts on the bill and reports it to the Senate, and until the bill goes to the calendar of the Senate by action of his committee, there will be no consideration of the bill. The Senator is exactly correct.

Mr. ANDERSON. Does the Senator also agree that the mutual-security pact is not even before the Foreign Relations Committee as yet?

Mr. HILL. The Senator is exactly right.

The Senator from Alabama knows one thing further. I have served in the Senate for 15 years. I know that whenever the leadership of the Senate, whether it be Republican or Democratic, feels that there is some measure which must be passed, or some action which it is necessary to take—and it has been done time and time again—all that it is necessary to do is to ask unanimous consent temporarily to lay aside the unfinished business and proceed to consider the emergency legislation. Then, when the emergency legislation has been disposed of, the unfinished business automatically comes before the Senate.

Mr. HUMPHREY. Mr. President, will the Senator yield for a question at that point?

Mr. HILL. I yield for a question.

Mr. HUMPHREY. In other words, is the Senator from Alabama now saying that, despite the duration, intensity, and comprehensiveness of this debate over submerged lands, we are always ready and willing to deal with emergency measures which may require the action of the Senate?

Mr. HILL. I think I can speak for Senators who are opposed to the pending joint resolution when I say that if there is any measure which the majority leader or the majority policy committee feel is urgent and should be considered without delay, certainly, so far as we of the opposition are concerned, we would not in any way object to taking it up, laying aside the pending measure until the emergency matter can be considered and acted upon by the Senate.

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

Mr. HILL. I yield for a question.

Mr. HUMPHREY. Is it not fair to say that so far as the Senator from Alabama is concerned, as well as the Senator from Minnesota and other Senators to whom the Senator from Alabama has been speaking, under no circumstances will we stand in the way of vitally needed legislative action by the Congress? We are prepared at any moment, at the request of the majority leader, to legislate in any field in which legislation may expire, for example, or with respect to which the needs of the Government or of the country may require definite, precise, and quick action. Is that a fair statement?

Mr. HILL. That is absolutely a fair statement.

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

Mr. HILL. I yield for a question only.

Mr. HUMPHREY. Is it not fair, then, for us to say to the public, to the press, and to our associates that, regardless of what may be the requirements of the present debate and the present legislative proposal, we stand ready to cooperate unqualifiedly with the majority leader in processing and passing whatever legislation may be necessary for the continuation, for example, of the Defense Production Act, or any other emergency legislation which is necessary for the well-being of the country? Is not that what needs to be said, and is it not a fair statement?

Mr. HILL. The Senator makes a fair and accurate statement. He is absolutely correct. As everyone knows, there is nothing emergent about the pending legislation. Not only has it been before Congress for years, but, as I have said, one of the terrible defects and omissions in the proposed legislation is that it fails to make any provision whatever for the development of the oil and petroleum products in the area beyond the marginal sea. In my opinion the truth of the matter is that this measure should never have come to the Senate without some provision being made for the development of those petroleum resources, which may be so vital in the event of some great national emergency. I think it is a shame to bring this giveaway bill before the Senate without dealing with the big problem, which is to make provision so that this oil may be available for the defense of the Nation.

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

Mr. HILL. I yield for a question.

Mr. HUMPHREY. Does the Senator not believe that those of us in the Senate who are debating the issue may be doing a great service for our President, whose own Attorney General came before the committee and testified in contradiction of the purposes and objectives, or at least the language, of the pending measure? Does not the Senator believe that it may be of great importance to the President to hear these constitutional issues fully debated, in view of the fact that his own Attorney General asked that no quitclaim bill be passed by the Senate?

Mr. HILL. I have great hope for the President. I hope this debate may be worth much to him. As I said earlier in my speech, we are trying to save the President from some of those around him who would lead him down the wrong way in this matter.

Mr. SCHOEPPEL rose.

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

Mr. HILL. I yield to my friend from Minnesota for a question, and then I will yield to my friend from Kansas.

Mr. HUMPHREY. Did not the President's chief law officer, the Attorney General, testifying before the Committee on Interior and Insular Affairs, ask that the legislation which should come before the Congress do two things—first, protect the sovereignty of the Federal Government in the open seas and the territory beyond the coastline or the border; and secondly, precisely to state in no uncertain language that the area beyond the 3-mile limit is an area in the complete control, ownership, jurisdiction, and dominion of the Federal Government? Did he not so testify?

Mr. HILL. That was certainly the testimony of the Attorney General of the United States.

Mr. SCHOEPPEL. Mr. President——

Mr. HUMPHREY. Did the committee provide us with such legislation?

Mr. HILL. It certainly did not. Anyone who reads the joint resolution knows that it does not follow the recommendations of the Attorney General of the United States.

I now yield to my friend from Kansas.

Mr. SCHOEPPEL. Mr. President, will the distinguished Senator from Alabama agree with the senior Senator from Kansas that during World War I and World War II the States and the producers of oil cooperated to the grestest possible extent and furnished to the Nation, for defense purposes and otherwise, an abundant supply of oil and oil products which were absolutely necessary? Does not the Senator feel that they did a very good job in that emergency situation?

Mr. HILL. I would be the last in the world to say that the States did not cooperate. I do not believe that at that time the oil which we are now discussing was really in being, or played any part in that war. I think the oil which the Senator has in mind was not oil from the States. It was oil in the hands of private oil companies. I say that those oil companies did a good job. But it was not the States, as States, which were furnishing the oil. It was an entirely different oil from that which we are discussing today. It was not the States that provided that oil. Private industry provided it.

Perhaps a small part of it was obtained from what we might call State lands or Federal lands; but it had nothing to do with the oil which we are now discussing. The oil to which the Senator from Kansas refers was produced by private companies.

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

Mr. HILL. I yield to the Senator from Kansas.

Mr. SCHOEPPEL. I am sure the distinguished Senator from Alabama will also agree with the Senator from Kansas that much of the oil which was produced by private companies was produced under State regulation of the oil industry—regulation of production and production methods. That was what I wished to point out to the Senator. The States themselves and the producers of oil did a very excellent job.

Mr. HILL. I do not doubt that the States did their part, and did it well. What I am saying is that the Senator is speaking of oil—most of which was privately owned, privately controlled, and privately developed. That was an entirely different situation from that which confronts us today. We are now discussing oil in the submerged lands of the sea.

Mr. ANDERSON. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield for a question only.

Mr. ANDERSON. Does the Senator from Alabama have in mind the very first recommendation made by the Attorney General of the United States to the Committee on Interior and Insular Affairs? I shall read the exact words, so that there will be no misunderstanding:

> My recommendation would mean, in legal terms, that instead of granting to the States a blanket quitclaim title to the submerged lands within their historic boundaries, the Federal Government would grant to the States only such authority as required for the States to administer and develop the natural resources.

I quote the Attorney General's testimony as it appears at page 926 of the printed hearings.

Mr. HILL. The Senator from New Mexico has brought to my attention the first recommendation of the Attorney General of the United States, speaking, I take it, for the present national administration on the question of submerged lands and the oil deposits therein.

Mr. ANDERSON. This is my question of the Senator from Alabama: Would the Senator from Alabama agree that that recommendation has been met by the joint resolution which is now pending before the Senate?

Mr. HILL. Of course that recommendation has not been met in any way by the joint resolution. The committee, as the Senator knows, largely threw that recommendation out the window. The Senator from New Mexico is a member of the committee. Of course he is not a member of the majority, and the majority rules in the committee. That recommendation has been very badly manhandled and butchered; I would say that mayhem was committed on it.

Mr ANDERSON Will the Senator from Alabama yield further?

The PRESIDING OFFICER (Mr. CARLSON in the chair). Does the Senator from Alabama yield further to the Senator from New Mexico?

Mr. HILL. I yield for a question only.

Mr. ANDERSON. I assume the Senator from Alabama has read my bill, Senate bill 107.

Mr. HILL. I have read the bill.

Mr. ANDERSON. Does the Senator from Alabama agree that my bill does follow that recommendation by stopping the States' claims at the seashore?

Mr. HILL. My understanding is that the Anderson bill, introduced by the distinguished Senator from New Mexico, does that very thing.

Mr. ANDERSON. My next question is this: The second recommendation made by the Attorney General was that an actual line on a map dividing the two areas of submerged lands should be drawn by Congress in the joint resolution to eliminate much expense and unnecessary litigation. I should like to ask the Senator another question.

Mr. HILL. First, I may say to the Senator from New Mexico that that recommendation was not met in the pending joint resolution. No attempt was made in any way to meet it. On the contrary, the acting chairman of the committee, who had charge of the pending joint resolution, the very fine and fair Senator from Oregon [Mr. CORDON], stated on the floor of the Senate that, so far as the seaward boundaries were concerned, he did not know where in the world the boundaries were, that he would not attempt to say where they were, and that no one knew where they were.

Mr. ANDERSON. Mr. President, will the Senator from Alabama yield further?

Mr. HILL. I yield for a question only.

Mr. ANDERSON. Does not the Senator from Alamaba recognize the fact that some of the other recommendations of the distinguished Attorney General of the United States, whose testimony I had occasion to praise then and still like, dealt with submerged lands under inland waters and installations made by the State, and that an attempt is made in Senate bill 107 to meet such recommendations? Is that correct?

Mr. HILL. The Senator from New Mexico is correct. I am glad he has emphasized the recommendations and brought them to the attention, not only of the Senator from Alabama, but to the attention of the Senate and to the attention of the country as a whole. It is very important that he has done so.

Mr. ANDERSON. Mr. President, will the Senator from Alabama yield further?

Mr. HILL. I yield for a question.

Mr. ANDERSON. Is the Senator from Alabama familiar with the fact that the Governor of the State of Rhode Island has had some correspondence with the attorney general of Rhode Island as to the possibility of a legal test being made in case Senate Joint Resolution 13 shall become a law?

Mr. HILL. It is my understanding that not only has the Governor had correspondence on the subject, or a conversation with the attorney general, but that the Governor of Rhode Island has acted in the matter by directing the attorney general, in the event Senate Joint Resolution 13 is passed, immediately to move into court to protect Rhode Island's rights, which would mean the rights of all the States.

Mr. ANDERSON. Would the Senator from Alabama answer this question? If some State does move into court, who would have to defend the position of the United States Government? Would it not be the Solicitor General?

Mr. HILL. I take it that the Solicitor General is what we might call the trial officer of the Government of the United States. He is the one who tries cases and defends the interests of the Government of the United States. I take it that it would be the Solicitor General.

Mr. ANDERSON. Would he not be a member of the staff of the Attorney General, who gave the testimony to which I have referred?

Mr. HILL. Not only is he a member of the staff of the Attorney General but he would consider himself very much morally bound, if not otherwise bound, to hold to the recommendations and the policies declared by the Attorney General. He serves under the Attorney General; he is a lieutenant of the Attor-

ney General; he is, in a sense, an arm of the Attorney General; he would certainly consider himself bound by the recommendations of the Attorney General.

Mr. ANDERSON. Would the Senator from Alabama agree with me that it would be much easier for the Attorney General and his staff to defend what they believe in rather than that they have recommended against?

Mr. HILL. The Senator from Alabama knows very well that unless a man's heart be in a case it is very difficult for him to make very much of a bona fide defense of it. There can be no question about that. The Senator from New Mexico has put his finger on what is a very interesting and, I think, important point, namely, of having the Solicitor General go into court and try to defend something in which the Solicitor General does not believe and in which the Attorney General does not believe, and as to which the Attorney General has made a contrary recommendation. That is the situation, Mr. President.

I was speaking about the 3-mile claim of the State of Louisiana. The testimony before the committee shows some variance with respect to that claim. I suppose I should say there is some variance in the various claims of the State of Louisiana. One is the 3-mile claim; then, as I remember, the State attorney general and the Governor claim 3 leagues, which would be 10½ miles, and the Legislature of Louisiana, as I recall, claims 27 miles. So we find this variance in the claims made even among the officials and representatives of the State of Louisiana. We do not know what the actual boundary is.

The Governor of Louisiana was, I thought, rather unkind to his neighbors in Texas when he said that the Texans "bellowed." The distinguished junior Senator from Texas [Mr. DANIEL] made a very able speech the other day, and I do not believe anyone would say that he "bellowed."

The chief executive of Louisiana is the first citizen of the State, and if any man is supposed to have the right, prerogative, and authority to speak for all the people of the State, it is the Governor, who, I would say, occupies the same position in the State government that the President of the United States occupies in the Federal Government, and he said that his good neighbors across the line in Texas "bellowed."

Mr. President, I have had the honor of serving in Congress with great Texans, not only with the junior Senator from Texas [Mr. DANIEL], but with his predecessor, the former chairman of the Committee on Foreign Relations, Tom Connally. I served with him in the House of Representatives and I served with him in the Senate. He was one of the greatest debaters and one of the most powerful speakers with whom I ever served.

I also served with the late beloved Senator Morris Sheppard, of Texas. I do not think any Member of Congress was more honored by his colleagues, both in the Senate and in the House of Representatives, than was he. He was a wonderful man, as is Tom Connally.

Furthermore, Mr. President, the present minority leader in the Senate, the distinguished gentleman who leads the Democratic Members of the Senate, the man we have chosen to lead us, and the man whose leadership we follow, is another great Texan; I refer to the great senior Senator from Texas, the Honorable LYNDON JOHNSON.

Mr. President, I do not believe any of these great Texans can be charged with "bellowing." I have not heard any Texans "bellow." The word "bellow" connotes, to me, too much the idea of cattle, and I do not like it. [Laughter.] As a Member of the Senate I wish to say that I do not like the idea advanced by the Governor of Louisiana, for whom I have great respect, when he used a word which carries any such connotation as that; it carries the connotation of cattle bellowing.

Mr. President, the representatives of the great State of Texas are able and devoted, and they speak with authority, distinction, and eloquence. So on their part I wish to rebut any idea that they are just a lot of "bellowers." [Laughter.]

Mr. President, I was speaking of the contention of the State of Louisiana until 1938 in regard to the 3-mile limit or boundary. This contention by the State was evidently based upon the ground that, as of the time of the admission of Louisiana into the Union, it was already the firm position of the Federal Government in its relations with foreign governments that the seaward boundary of the United States was a line in the open sea situated a distance of 3 nautical miles from the low-water mark at points where land bodies meet the open sea, or from the mouths of rivers, bays, and other inland waters at points where they meet the open sea; and that it must have been the intention of Congress, in enacting the legislation for the admission of Louisiana into the Union, that the seaward boundary of that State should conform to the seaward boundary of the United States off the Louisiana coast.

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

Mr. HILL. I yield.

Mr. MORSE. Does the Senator from Alabama himself, as he reads the history of this matter, have any doubt that that was the obvious intention of Congress?

Mr. HILL. I have no doubt whatever. It is just as clear to me as daylight that that was the obvious intention of the Congress. Later in my remarks, when I deal with the question of international relations, I hope to emphasize that very point. Time and time again the Government of the United States has taken the position that the boundary is the 3-mile limit.

As the Senator from Oregon suggests by his question, let me say that I am quite certain that that was clearly in the mind of Congress; it was clearly the intent and purpose of Congress that the boundary was the 3-mile limit.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for another question?

Mr. HILL. I yield.

Mr. MORSE. Does the Senator from Alabama agree with me that when any State or Territory enters the Union, it becomes a part of the national sovereignty, and does not bring with it a sovereignty greater than the national sovereignty?

Mr. HILL. That is entirely correct; it becomes a part of the national sovereignty and under the national sovereignty. By entering the Union, it cannot claim any greater sovereignty for itself, and it cannot take any sovereignty from the Federal Union.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield.

Mr. MORSE. Does the Senator from Alabama, who is a most distinguished lawyer, agree with me that, by way of argument by analogy, a doctrine of implied conditions, elementary in the law of contracts, really is applicable to this case, too, in that when any of the Territories entered the Union, it had due notice that it was implied, once it became a part of the Union, that its sovereignty could be no greater than the sovereignty of the whole?

Mr. HILL. I say to my friend, the Senator from Oregon, that I think there can be no question about that. Of course, they not only knew that; but, as the Senator from Oregon knows, when they entered the Union they accepted it. They took it to their bosom, so to speak. They knew it and understood it and confirmed, accepted, and ratified it.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for another question?

Mr. HILL. I yield.

Mr. MORSE. Does the Senator from Alabama agree with me that when the flag of the Republic of Texas came down and the Stars and Stripes went up, Texas then became a part of the sovereignty of the entire Nation; and whatever the national boundaries were, they were then applicable to Texas, as well as to every other coastal State?

Mr. HILL. As I have said before on this floor, the Senator from Oregon is a profound constitutional lawyer, and formerly he was dean of the Law School of the University of Oregon. He is absolutely correct about this matter. Furthermore, the Senator from Oregon has tested this matter. Where in the world would we be or where could we be if the thesis the Senator from Oregon has proclaimed was not the correct one?

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield.

Mr. MORSE. Does the Senator from Alabama agree with me that as this debate progresses from day to day, and as more and more people of the United States become acquainted with the fact that a basic constitutional question of sovereignty is involved, those of us who are opposed to the joint resolution will find our support throughout the country, in opposition to the joint resolution, increasing?

Mr. HILL. The Senator from Oregon is entirely correct. Since those of us who oppose this measure have become more articulate in recent days, since the people have been able to dig themselves out from under the mass of propaganda and misleading material of all kinds and to get their heads above that mass of misleading material, so that now they are

able to see the light, we find evidence of what the Senator from Oregon is suggesting.

When the House of Representatives of the Tennessee Legislature, the House of Representatives of the Rhode Island Legislature, the House of Representatives of the Minnesota Legislature, and the legislatures of other States take action against this proposal, those legislatures are simply articulating the voices of the people of their States.

Let me say to the Senator from Oregon that I have never known this country to be deluged with more propaganda and more spurious, misleading information about any question than has been broadcast about the pending measure. The people have been, so to speak, buried under such propaganda. But now, thank goodness, at least they are able to dig themselves out; are able to see the light, and to hear the voice of reason and of truth.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield.

Mr. MORSE. Has the Senator from Alabama noticed that, in recent days, since we have been pounding away on the serious legal issues involved in the pending question, increasing numbers of newspaper columnists are beginning to write about the fight we are making for the people's interest in this matter?

Mr. HILL. That is entirely correct. The newspapers now are carrying more stories of that sort.

I wish the Senator from Oregon could see some of the telegrams which have come to my desk this morning.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield for a question only.

Mr. MORSE. Does the Senator from Alabama agree with me that increasing numbers of the people of the United States are beginning to see the direct relationship between the objectives of the pending joint resolution and the objectives of other economic groups in the United States who seek to gain private control of other phases of our natural resources?

Mr. HILL. I think there can be no doubt of that. If the Senator from Oregon will refer to certain recent issues of reputable periodicals, he will find that the very fight now occurring and the very truths that have been brought out in this battle have stimulated those periodicals to publish articles warning the people lest they lose their great public lands, their great national forests, their great grazing lands, and their great minerals and other precious resources.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield for a question.

Mr. MORSE. Is the Senator from Alabama aware of the fact that in the public domain there are many thousands of acres of so-called oil shale land?

Mr. HILL. That is absolutely correct. Earlier today, when the Senator from Oregon was detained on important public business, I sought to give an estimate of the millions of acres of oil shale land now in the public domain—land which, in my opinion, this measure, if enacted, would place in jeopardy.

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

Mr. HILL. I yield to the distinguished Senator from Oregon, for a question only.

Mr. MORSE. Is the Senator from Alabama aware of the fact that for the past few years we have developed and have had in operation a pilot plant for the extraction of various petroleum products, including gasoline, from oil shale?

Mr. HILL. The Senator from Alabama is familiar with that.

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

Mr. HILL. I yield.

Mr. MORSE. Is the Senator from Alabama aware of the fact that the operation of that plant has become commercially successful?

Mr. HILL. The Senator from Alabama is aware of that fact. That experiment, according to the information of the Senator from Alabama, has proved very successful.

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

Mr. HILL. I yield for a question.

Mr. MORSE. Is the Senator aware of the fact that, on the basis of the experimental results obtained from the operation of that pilot plant, we could now proceed to produce from oil shale hugh quantities of gasoline and other petroleum products?

Mr. HILL. The Senator from Oregon is entirely correct.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. The Senator from Alabama yields for a question.

Mr. MORSE. Does the Senator from Alabama think there might be a cause-and-effect relationship between the objectives of private interests wanting to exploit the public domain, and the decision of the administration to shut down this pilot plant for the time being?

Mr. HILL. There is no question about that in the mind of the Senator from Alabama, as I am sure there is no question about it in the mind of the Senator from Oregon.

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

Mr. HILL. The Senator yields.

Mr. MORSE. Does the Senator from Alabama agree with the junior Senator from Oregon that there is a basis for the fear of the junior Senator from Oregon that what they are now waiting for is the passage of the time it would take them to get the thousands of acres of oil-shale land now within the public domain into private possession, so that private, selfish interests can exploit that oil-shale land for their selfish desires?

Mr. HILL. The Senator from Oregon is entirely correct.

The Senator from Alabama feels that the pending giveaway joint resolution is merely opening the door for that very kind of thing with reference to the oil-shale lands.

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

Mr. HILL. I yield.

Mr. MORSE. Judging from his last remark, then, is it true that the Senator from Alabama feels that the great fight he is making on the floor of the Senate and the facts he is presenting on this issue, should make the American people stop, look, and listen, and cause them to realize that the fight is necessary in order that they may understand before it is too late that, from the standpoint of the national interest, they cannot afford to permit this kind of undesirable precedent to be established by the passage of the pending joint resolution?

Mr. HILL. The Senator is entirely correct. The American people cannot afford to have this opened, this door which leads directly to the grabbing off of oil-shale lands and mineral reserves by private persons for private profit, and the taking of valuable properties, with the result that they would not be available for use for the benefit, the welfare, and the defense of all the people.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. The Senator from Alabama yields.

Mr. MORSE. Is it the Senator's understanding, as it is mine, that in case of an all-out war with Russia within the immediate future, and in case we should lose control of the Arabian oil fields, and further, in case we sought to supply the factories of Europe with the quantity of oil necessary to keep them in operation, in an amount about equivalent to the oil now obtained from the Arabian oil fields, it would be necessary for us to ship to Europe an amount of oil that would make it necessary for us to stop the operations of all private automobiles in the United States for the duration of the war?

Mr. HILL. Earlier in this speech, when the distinguished Senator from Oregon was not able to be on the floor of the Senate, the Senator from Alabama sought to go into and to emphasize that very point, and also to emphasize the fact that the industrial and productive machine of Europe would stand absolutely idle and helpless unless there were some way by which oil from the United States and the Western Hemisphere could be sent to Europe. The Senator from Alabama called attention to the fact that of all the material we sent to Europe during World War II, including tanks, the guns, the food, and the supplies of every kind—think of it—60 percent of the tonnage in World War II was made up of petroleum products.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. The Senator from Alabama yields for a question.

Mr. MORSE. Is it the Senator's understanding that the improvements in war machines, the invention of new types of war machines, has resulted in an increased petroleum consumption on the part of those machines, equal, in round numbers, to the amount of oil presently necessary for the operation of the civilian factories and economy of Europe?

Mr. HILL. I think the Senator is entirely correct; and earlier in the discussion of this question, I may say, I quoted

from the late James Forrestal a statement made in opposition to the giveaway proposal made, as I recall, about 3 years ago. It must have been about that long ago, since former Secretary Forrestal has been dead now for 2 or 3 years. At that time he asserted that if we were to have a war the demands for petroleum products would be at least double what they were during World War II.

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

Mr. HILL. I yield to my friend from Oregon.

Mr. MORSE. Is it the Senator's understanding, as it is mine, that one of the last acts of the Truman administration, in placing the oil lands involved in the joint resolution now pending before the Senate under the jurisdiction of the Navy, was an act statesmanlike in nature, which had the result of placing in reserve for defense the last great oil reserve within the public domain belonging to all the people of the United States?

Mr. HILL. The Senator is entirely correct. As he says, what we are dealing with now is the last great reserve of oil within the public domain. There is today, so far as any expert or scientist in the field of geology knows, no other great reserve of oil within the public domain, available for the defense of the Nation, except the very oil we are dealing with in this very measure.

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

Mr. HILL. I am glad to yield for a question.

Mr. MORSE. Does the Senator from Alabama approve in general of the principle of stockpiling vital materials for defense?

Mr. HILL. The Senator from Alabama certainly does. The Senator from Alabama had the honor of being a member of the former Senate Committee on Military Affairs, and was a member of the subcommittee headed by the late Senator Elbert Thomas, of Utah. In that subcommittee we sought to write a bill seeking, insofar as we could by legislation, to provide an adequate stockpile. I may say to the Senator that nothing would so indict the Congress, nothing would make us more culpable, than to fail to provide an adequate stockpile for national defense. As the Senator from Oregon knows, critical materials, including crude oil, cannot be obtained overnight, unless preparations are made in advance, unless the fields have been explored, and unless we have gone forward with plans to make the oil available. If those things are not done, it will not be available when needed.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield for a question.

Mr. MORSE. Does the Senator agree with me that the most effective, efficient, and economical way to stockpile our oil resources would be to preserve, under naval jurisdiction, this last great reserve belonging to the people?

Mr. HILL. I think the Senator is correct. The Senator from Oregon and I would want to consider very carefully the question whether we should develop the oil in the submerged lands and use it when necessary, and cease to use oil from other land under the jurisdiction of the United States. It might be wiser to conserve—and we want to conserve all we can—oil produced between the Appalachian and the Rocky Mountains. That would be a question which I know the Senator from Oregon would consider carefully and would call upon the best experts he could get for advice. The Senator is fundamentally right when he says we must conserve our oil; and the oil in the submerged lands is a part of the oil which we must conserve. It is just as much a part of the oil we must conserve as is oil in the land areas of the United States.

Mr. MORSE. Referring to plans for stockpiling, does the Senator agree with me that stockpiling oil from the great national reserve made up of the lands falling within the terms of the joint resolution, does not mean a failure to develop those lands?

Mr. HILL. Not at all. The Senator knows it does not mean to leave them alone, as it were, just to wash our hands of them. It means to make them available, but not to use any more of the oil than we have to use.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield for a question.

Mr. MORSE. Does the Senator agree with me that under the terms of the Anderson amendment and under the terms of the Hill amendment the plan is to keep the oil lands under Federal jurisdiction, to explore, survey, and develop them, and proceed to take oil from them in accordance with an agreed-upon conservation program under the guidance of Federal experts, to the end of preserving for the longest period of time possible the greatest possible amount of oil for the benefit of future generations of Americans?

Mr. HILL. The Senator is exactly right. Earlier in my speech I read from a statement of the President of the Standard Oil Co. of California in which he spoke of the waste by California. As I have said, no State official has any responsibility for the defense of the Nation. That responsibility is upon the Federal Government. That means, upon the Senate, the House, and the members of the executive branch of the Government. What the Senator from Oregon is saying is true. When the Interior Department, charged ordinarily with the management and care of our natural resources, and the State Department and the military services under their responsibility to provide for the defense of the country come together, only then can we hope to have a wise and an adequate system of conservation of oil and of our other great natural resources.

Mr. MORSE. Does the Senator agree with me that it is very interesting that the coastal States of Louisiana, Texas, and California, which seek to retain this additional land within State ownership and jurisdiction, are not offering to assume any of the responsibilities of protecting the coast line by way of coast defenses or by way of a State coast guard, but they expect the Federal Government, despite its huge expenditures, to do that?

Mr. HILL. The Senator from Oregon is absolutely correct. There is no pretense of any such offer, not even what I may call a nebulous suggestion of any offer, by those States to in any way whatever make any contribution to relieve the Federal Government of any of its responsibility for the defense of those three States and of the other States of the United States of America.

Mr. MORSE. Does the Senator agree with me that, in a sense, we might characterize the position of those States as illustrating a desire on their part to have their cake and eat it, too?

Mr. HILL. I will say to my friend that I think that is a good way to put it, because if we pass this giveaway joint resolution the Federal Government will still have its full and complete responsibility to defend those States as well as to defend the other States and the entire Nation.

Mr. FULBRIGHT. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield for a question.

Mr. FULBRIGHT. If the Senator from Alabama will permit me to return for a moment to a matter which he discussed a moment ago and which I thought he was going to cover, but which he did not, I should like to ask if, as a practical matter, if the joint resolution is adopted, every Senator from States having large areas of public lands within their borders would be forced to ask that those lands be turned over to their States as a political matter?

Mr. HILL. If the Federal Government gives the submerged lands to three coastal States, I do not see how a Senator could face his constituency without saying, "I shall do everything within my power to help you get title to all the public lands within your boundaries."

Mr. FULBRIGHT. The Senator from Alabama is very serious in these matters. Having observed the political action in this country in recent years, has not this question been an issue in elections within States, and if we as a body pass the proposed legislation, would not other States than the four immediately affected inevitably raise the same issue, and would we not find ourselves every year faced with the necessity of following this precedent in such States as Wyoming, Arizona, Oklahoma, and every other State which has any public lands?

Mr. HILL. The Senator is absolutely correct. There are bills before the Senate of the United States providing for giving away some of the very lands about which the Senator is speaking, including some of the mineral lands and the resources under them. The distinguished chairman of the Senate Committee on Interior and Insular Affairs has stated this year that after the pending measure is disposed of he hopes to have the committee take up bills providing for that which the Senator from Arkansas has mentioned.

Mr. FULBRIGHT. Mr. President, if the Senator will yield further for a question, I should like to have this point developed, and I should like the Senator from Alabama, if he will, to develop it a little further. In many other States there are other assets which are not quite like the submerged lands, in the

sense that the submerged lands have not yet required great investment by anyone, except in the case of a few private companies. On the other hand, to take as an example Yellowstone National Park, or any other national park, great amounts of public funds have been appropriated for and spent in those areas over the years.

Mr. HILL. The United States Government has spent millions of dollars—yes; hundreds of millions—on some of our great natural resources and great national properties.

Mr. FULBRIGHT. Is it not a fact that many of the millions of dollars which have been so spent by the Government have been acquired from the taxpayers of all the States?

Mr. HILL. The Senator is absolutely correct. The money which has been spent has come from the taxpayers of all the States.

Mr. FULBRIGHT. So the Federal Government would then be in the position of having taken money from the taxpayers of Arkansas, Alabama, Florida, and other States and having given it to the citizens of the individual States referred to? Is that correct?

Mr. HILL. The Senator is correct. That is exactly what would happen if we should pass the giveaway measure. What will Senators from what are known as the public lands States say when they go back home? If they tell their constituents that Congress gave to Texas, Louisiana, and California all these submerged lands, but would not do anything to help the citizens of the inland States get the public lands within their borders, the constituents will say, "Senator, if Congress gave away lands to Texas, California, and Louisiana, we want you to get our lands for us. We have a right to our lands. If the States which are to benefit have a right to the lands under the ocean or under the Gulf of Mexico, surely we have a right to our lands in the heart of our State."

What could be the answer? If there be a Senator with the resolution and the courage to say, "No, I will not do that," surely there will be someone who will seek his seat in the Senate and who will say, "I will do it." He could say to the people of his State, "It is all right to give away land to Texas, California, and Louisiana, but my distinguished opponent says you cannot have your land, and he will not help you to get it. Of course, without my speaking for it, as your representative, you can hardly hope to get it." Then an issue would be raised. I am glad the Senator from Arkansas has made the point clear.

Mr. FULBRIGHT. May I ask the Senator from Alabama to venture an opinion as to what would be the result of such an election campaign?

Mr. HILL. I think there could be no doubt, leaving out politics, that the logic of the situation would require the answer to be, "If they got theirs, we are entitled to ours."

Mr. FULBRIGHT. Is it not a fact that gradually there would be an accumulation of Senators and Representatives in Congress whose purpose would be to accomplish the very thing we are mentioning, and that the idea on the part of proponents of the joint resolution to the effect that such views constitute a red herring would, in substance, not be true?

Mr. HILL. There is no better evidence of that than the fact that there are in the Senate today bills which propose to do the very things the Senator from Arkansas is speaking about, namely, to give away other great resources of our country. There will be the greatest pressure and the greatest urge for the passage of those bills, if the present giveaway joint resolution should become law.

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

Mr. HILL. I yield for a question.

Mr. FULBRIGHT. Does the Senator in his judgment believe there would be any effective resistance in the Senate to such bills in the future?

Mr. HILL. I do not see how the Senate could make effective resistance. How could a Senator say, "I voted for the giveaway joint resolution, but I will not vote for another giveaway bill"? What is sauce for the goose is sauce for the gander. Is not that correct?

Mr. FULBRIGHT. It would seem so to me. I believe the Senator ought to make that very clear.

Mr. HILL. I am glad the Senator from Arkansas has asked the question, because he is making the point very clear. Whenever a beginning is made on giveaway propositions, there can be no end except as the end of the resources is reached—the end of what there may be to give away. If something is given to one group of people, it is only fair, right, and just that other groups get their part.

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

Mr. HILL. I yield.

Mr. FULBRIGHT. Does the Senator believe that in the case of the pending joint resolution, if either the present Senators or persons who may run for the Senate in the future were approached with a proposition to give resources away, it would be an adequate answer merely to state that Texas was a special State because the Speaker of the House and the minority leader of the Senate happened to come from Texas, that they happened to be powerful Members of Congress, and that was the reason why Texas received special consideration?

Mr. HILL. I think the people might well say, "We will send someone else to Congress who may become Speaker or minority leader." Of course, what the Senator from Arkansas has suggested would not be the real answer.

Mr. FULBRIGHT. It would not be an adequate answer.

Mr. HILL. Certainly it would not be an adequate answer. I started in politics when I was quite young, and I have been in politics for more than 30 years. I think I know something about politics, political campaigns, and the thinking of the people. I believe I can give assurance that any Senator who thought that was an adequate answer would be terribly disappointed. He would be very heartsick on the morning after the election.

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

Mr. HILL. I yield.

Mr. FULBRIGHT. Can the Senator think of any answer, on any ground, that anyone who voted for the pending joint resolution could make for not voting for subsequent bill?

Mr. HILL. I cannot. I have thought a great deal about that question. I have been thinking about it for the past few weeks. I know of no answer a Senator could make to his constituents, if he should vote for the pending joint resolution, as to why he should not also help his constituents get their part, so to speak. They would say, "You have given Texas, Louisiana, and California their share. All we desire now is our part." Surely, that is what the people would say.

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

Mr. HILL. I yield for a question only.

Mr. FULBRIGHT. Is it a fair comment to say that the only Senators who can really be benefited politically within their States by the passage of the joint resolution are Senators from the States which will receive the resources which are the subject of the measure, namely, Florida, Texas, Louisiana, and California, States which we are led to believe may obtain certain advantages?

Mr. HILL. The Senator is certainly correct in his statement. His question answers itself.

Mr. FULBRIGHT. Out of the richness of his experience, can the Senator think of any reason why Senators from inland States should support the joint resolution?

Mr. HILL. To be perfectly honest, I know of no reason.

Mr. FULBRIGHT. I cannot understand how such Senators can give support to the measure.

Mr. HILL. As I have said, there has been a deluge of misrepresentation about this proposal. The American people were swamped and overwhelmed with all kinds of misleading statements which tried to create the impression that if the joint resolution were not passed, the States would lose ownership of their inland waters. Many people have not had the time to study the facts. I do not doubt that many people have made up their minds on the basis of the idea, "I am against the taking away from my State of the ownership of inland waters, rivers, lakes, bays, harbors, or the tidelands." Such a view is based upon a misrepresentation.

I will tell the Senate what the facts are. It is a shame to think that the attorneys general of the various States should issue this big pamphlet headed "Tidelands," when there is not one iota in this case about tidelands. As we have said time and again, that question was settled back in 1845. There is no question of tidelands involved here.

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

Mr. HILL. Just a moment. I wish to say something about attorneys general.

I realize that most of those men had nothing to do with the pamphlet to which I have referred, and were not parties to it. There was one attorney general—and perhaps more—who refused to join in any way in such an enterprise. I refer to the late attorney

general of Alabama, Albert A. Carmichael. He has now gone to his final and rich reward. He was one of the finest men I have ever known, and one of the most devoted and diligent representatives of the people. He was a man who always stood on the watchtower, defending and protecting the rights of the people. He refused to join in the effort, and I am sure many others did not join. Those men did not take the time to study the question. I do not blame them for not taking the time. They are in much the same position as are Senators. We do not have the time to study every proposal that is brought forth. Those men were busy with other matters. They did not have time to study this subject. They did not realize what a misnomer and misrepresentation were being perpetrated in captioning this pamphlet, Tidelands.

I now yield to the Senator from Arkansas.

Mr. FULBRIGHT. I should like to ask the Senator if he would mind commenting on a thought which was advanced to me at luncheon by a very reputable editor. I asked him how he stood on this question. He said he was for the joint resolution. He said, "I am a States rights man." I said, "I also consider that I am a States rights man; but it seems to me that representatives of a State should have some interest in their own State. I am interested in the rights of the State of Arkansas." Can the Senator clarify that point?

Mr. HILL. I am glad the Senator raised that question. I sought to deal with it earlier, but I am glad he raised the point, for this reason: Those of us who are opposing this measure are seeking to defend the rights of 44 out of 48 States. There are several important questions involved in this battle, but one of the most important is that we seek to defend the rights of 44 States. We stand here fighting for States rights.

Mr. FULBRIGHT. Mr. President, if the Senator will further yield, is it not a fact that this concept is at the very heart of the misunderstanding of the joint resolution on the part of many people in the country? Here was an editor of one of the very important newspapers of the country. He was under a misapprehension as to the significance of this proposal. His State is not one of the border States. It is an inland State, yet he thinks he is defending the rights of his State.

Mr. HILL. He had no doubt read some of the misleading, spurious propaganda to the effect that his State was about to lose its ownership of the bed of some lake, the bed of some river, the bed of some harbor, the bed of some bay, or something of that kind. He had been misled. That is no criticism of him. He read all this material, which had on it the stamp of what seemed to be good authority. I am sure he did not realize what was involved. He had been so propagandized, so swamped and overwhelmed, and literally covered with misleading propaganda, that he did not realize what the facts were.

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

Mr. HILL. I yield for a question.

Mr. FULBRIGHT. A moment ago the distinguished senior Senator from Kansas [Mr. SCHOEPPEL] was addressing questions to the Senator from Alabama which, it seemed to me, were based upon the same idea of States rights. I gathered from his questions that he thought he was defending States rights in his position—if I correctly understood his position. I do not understand what rights of Kansas are involved in this question, except in opposition to the joint resolution.

Mr. HILL. The rights of Kansas will be lost if this give-away proposal is enacted. Those rights are to be given away to three States, without Kansas in any way getting any compensating rights or any consideration whatsoever.

Mr. FULBRIGHT. If the Senator will permit me, I do not mean to put words in the mouth——

The PRESIDING OFFICER (Mr. CARLSON in the chair). The Chair reminds the Senator from Alabama that he may yield only for questions.

Mr. HILL. Mr. President, I have tried to make that clear. The Senator from Alabama thanks the Chair, and asks the Chair very earnestly to protect him in his rights. The Senator from Alabama will say to the Chair that, much as he regrets to say it, he would not yield even to his good friend from Kansas except for a question. The Senator from Alabama wants the Chair to protect him in yielding only for a question. The Senator from Alabama is living in strict obedience and adherence to the rules. The Senator from Alabama yields to the Senator from Arkansas for a question, and for a question only.

Mr. FULBRIGHT. I should like to ask the Senator from Alabama if he will respectfully ask the Chair to correct me if I forget to put my question in the form of an interrogation. I shall be very glad to do so. I need only to be reminded. My purpose is only to ask questions.

Mr. HILL. I hope that so long as the Senator from Alabama has the floor the Senator from Arkansas will frame every utterance he makes on this floor in the form of a question. It must be a question. The Senator from Alabama wishes to extend every courtesy to his friend from Arkansas. The Senator from Arkansas knows the great affection in which the Senator from Alabama holds him. The Senator from Alabama would not wish to be discourteous to the Senator from Arkansas, or deny him any courtesy. However, the Senator from Alabama is adamant. He cannot yield; he will not yield, except for a question, and only for a question.

Mr. FULBRIGHT. I will desist for the moment.

Mr. HILL. Does the Senator from Arkansas desire to ask any further questions?

Mr. FULBRIGHT. Not at this time.

Mr. HILL. Since the Senator from Arkansas does not desire to ask me any further questions, I shall proceed with my speech.

I hope the Senator from Arkansas does not feel that the Senator from Alabama has in anyway been discourteous to him. On the contrary, the Senator from Alabama wishes to thank the Senator from Arkansas. He has asked the Senator from Alabama some very pointed and important questions. I think the Senator from Arkansas, by his questions, has made a very definite and important contribution to this debate. The Senator from Alabama is most grateful to the Senator from Arkansas for his questions.

The Senator from Alabama wishes that the procedure prevailing here today were the procedure which prevails practically all the time in the Senate. As the Senator from Alabama said yesterday, only under the most extraordinary and unusual circumstances does the Senate resort to anything like strict enforcement of the rules. Commonsense, logic, and good legislation dictate that the Senate proceed in an informal manner. If the Senator from Arkansas, brilliant and able as he is, has some contribution to make to the Senate to help the Senate in its consideration of this question, the Senator from Arkansas should be allowed to rise in his place and speak. The Senator from Alabama would be glad to yield to him and let him make a brief observation. It is only once in 5 years, perhaps, that we resort to strict observance of the rules, which prevents us from proceeding as we usually do, more or less like a board of directors sitting around a table, engaging in general discussion, trying to bring out all the facts, trying to arrive at the truth, trying to arrive at a considered judgment.

However, as I stated yesterday, this is a giveaway proposal. Since it is a giveaway proposal, it may be that some people do not want to have all the facts brought out, do not want the light of truth to shine in upon this giveaway proposal.

At any rate, I shall strictly conform to the rules.

Mr. FULBRIGHT. Mr. President——

Mr. HILL. I notice that the distinguished Vice President now honors us with his presence in the seat of the Presiding Officer. I ask the Vice President to protect the Senator from Alabama in his rights, and to make sure that nothing is done or said here, or even intimated, which might in any way deprive the Senator from Alabama of his right to the floor.

The Senator from Alabama intends and purports to yield only as provided by the rules of the Senate, and he shall be adamant in yielding only for a question, and for a question only.

The VICE PRESIDENT. The Chair comments that——

Mr. HILL. Mr. President, I ask unanimous consent that, without losing my rights to the floor, the Chair may be permitted to make a comment.

The VICE PRESIDENT. The Chair comments that from time to time during the last 3 days the Chair has heard the Senator from Alabama talk on the pending and related subjects, and the Chair is confident that the Senator from Alabama can protect himself without any help from the Chair.

Mr. HILL. I thank the distinguished Vice President very much for his observation. However, whenever the Vice President believes that the Senator from Alabama needs the help or aid of the Vice President in protecting the rights

of the Senator from Alabama, the Senator from Alabama wants to ask for that aid.

As I was saying, in any event it seems to me to be clear that the seaward boundary of Louisiana, as fixed by legislation under which Louisiana came into the Union as a State, did not extend beyond the 3-mile limit.

With regard to Texas, it will be recalled that Texas was an independent republic for approximately 9 years prior to its admission into the Union through the process of annexation.

Mr. FULBRIGHT. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield for a question only.

Mr. FULBRIGHT. Is it not a fact that Texas had gained its independence with some slight assistance, at least, from the citizens of the United States, and therefore it was not a situation without any relationship to the interests of the citizens of the United States prior to that time?

Mr. HILL. Mr. President, the Senator from Arkansas is absolutely right in his question. I think history will record the fact that not only was the sympathy of the people of the United States with the Texans in their heroic fight for independence but that much aid was given by the people of the United States to those valiant Texans in their fight for independence from Mexico. I thank the Senator for his question. It has made clear that point.

As I said, with regard to Texas, it will be recalled that Texas was an independent Republic for approximately 9 years prior to its admission into the Union through the process of annexation. By the act of December 19, 1836, the Congress of the Republic of Texas defined the seaward boundary of Texas as being located "3 leagues from land." Neither of the joint resolutions enacted by the Congress of the United States in 1845—and I refer to the resolutions of March 1845 and December of 1845—with respect to the annexation of Texas contained any provision expressly defining the seaward boundary of the new State. Both of these resolutions merely referred to "the territory properly included within and rightfully belonging to the Republic of Texas" as comprising the new State; but the joint resolution of March 1, 1845, expressly stated that Texas' admission to the Union should be "subject to the adjustment by this Government of all questions of boundary that may arise with other governments."

Now, the Government of the United States, in its relations with foreign nations, had consistently maintained from 1793 down to the date of the admission of Texas into the Union, and it has consistently maintained at all times since the annexation of Texas, that the seaward boundary of the United States runs 3 nautical miles, and only 3 nautical miles, from the coast. It might well be argued that the consistent taking of this position by the Federal Government in its relations with foreign governments since the annexation of Texas has constituted an "adjustment" of the seaward boundary of Texas to the 3-mile limit, in accordance with the provisions of the joint resolution of March 1, 1845. Indeed, it is interesting to note that when four Members of Congress from Texas—Messrs. Thompson, Bentsen, Lyle, and Combs—introduced in the 81st Congress separate resolutions—House Resolutions 553, 559, 560, and 561—calling for a fisheries investigation, each of them inserted in his resolution language implying that under international law a government whose area borders on the sea cannot extend its territorial boundary into the sea beyond the 3-mile limit. The position thus taken by the 4 Texas Congressmen in the 81st Congress was, of course, clearly inconsistent with any argument that might be made on behalf of Texas to the effect that its seaward boundary in the Gulf of Mexico has extended, and now extends, beyond the 3-mile limit.

(At this point Mr. HILL yielded to Mr. FERGUSON for the purpose of making an insertion in the RECORD on the subject of air pollution, which was ordered to be printed in the RECORD of today at the conclusion of the speech of Mr. HILL.)

Mr. MORSE rose.

Mr. HILL. Does the Senator from Oregon desire to ask a question?

Mr. MORSE. I do.

Mr. HILL. I yield only for a question, or for questions.

The VICE PRESIDENT. For a question or several questions?

Mr. HILL. For questions. There must be no question about it. I yield for a question only. Does the Senator from Oregon wish me first to read some of the germane language from one of the resolutions to which I have referred?

Mr. MORSE. Let me first ask a question of the Senator.

Mr. HILL. Very well.

Mr. MORSE. Am I correct in my understanding that I have just heard the Senator from Alabama say that in the 81st Congress certain Representatives from Texas introduced resolutions designed to have the effect of limiting Mexico to a 3-mile limit, so far as fishing rights are concerned off the coast of Mexico?

Mr. HILL. That is the understanding of the Senator from Alabama.

Mr. MORSE. Will the Senator from Alabama yield for a further question?

Mr. HILL. The Senator from Alabama yields for a question.

Mr. MORSE. Do I understand correctly the Senator from Alabama to say that in his opinion the resolutions introduced by the Representatives from Texas were inconsistent in principle with the contention made by the proponents of the pending joint resolution, that the boundary of Texas apparently goes out into the ocean as far as Texas wants it to go?

Mr. HILL. The Senator from Oregon is exactly right in his statement. They are inconsistent, if the Senator from Alabama understands the contentions.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield for a question.

Mr. MORSE. Does the Senator from Alabama agree that if that is the position of the officials of Texas representing the people of Texas in Congress, undoubtedly international problems, even complications, are bound to develop if we pass the pending joint resolution, which concedes practically an unlimited extension of the Texas boundary, and at the same time we demand that Mexico shall be limited to an oceanic boundary not in excess of 3 miles?

Mr. HILL. Mr. President, the Senator from Oregon is exactly correct.

Mr. President, a little later in my remarks I shall try to show in detail just what will be the effect if we were to seek to extend our seaward boundary beyond the 3-mile limit. I am sure the Senator from Oregon will agree with me that there is no way for a State to have a territorial boundary extending beyond the territorial boundary of the United States of America, so far as the international realm is concerned.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield.

Mr. MORSE. Am I correct in my understanding that previously in the able speech the Senator from Alabama has been delivering, he has taken a position that the boundary precedent which would be set by the pending measure, if enacted, if we were foolish enough to permit it to be enacted, would be likely to involve us in international negotiations, controversies, and complications?

Mr. HILL. Undoubtedly that is true. A little later in my remarks I hope to give quotations from communications by various Secretaries of State to foreign governments when foreign governments have raised the very questions to which the Senator from Oregon now adverts.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield.

Mr. MORSE. Does the Senator from Alabama anticipate that a serious problem might be raised if such a hypothetical situation as the one I now describe were to develop? If, as a result of the precedent which this measure, if enacted, would establish, we were to claim boundaries far out into the sea, far in excess of 3 miles out, and if an international controversy of an armed nature should develop at some time between two foreign powers, and some of our ships located supposedly within our boundaries, but actually far out at sea, were attacked because they were carrying contraband of war, would we not thereby find ourselves involved in an international controversy which we would like to remain out of?

Mr. HILL. The Senator from Oregon is entirely correct.

Mr. MORSE. In other words, does the Senator from Alabama fear, as I do, that the boundary issue involved in the pending matter might catapult us into some very serious international problems and possible conflicts, to no good end, so far as our country is concerned?

Mr. HILL. I think the Senator from Oregon is entirely correct.

As I have said, later in my remarks I shall attempt to emphasize the very point which I believe the Senator from Oregon has in mind when he asks these questions, namely, that we would invite a multitude of troubles for ourselves if we were to seek in any way to extend our boundaries beyond the 3-mile limit

which Thomas Jefferson fought so hard to have established in the early days, to which our Government has again and again adhered in its relationships with other governments, and which our Government has insisted that other governments shall respect. Our Government has worked very hard in its efforts to persuade other governments to accept the 3-mile limit.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield.

Mr. MORSE. The Senator from Alabama understands, does he not, that we have already committed ourselves to the compulsory jurisdiction of the World Court in connection with any international controversy in regard to which the other disputant or disputants may be willing to submit to the jurisdiction of the court?

Mr. HILL. I do, indeed.

Mr. MORSE. Does the Senator from Alabama see the possibility of rather serious embarrassment to the United States Government if at some time in the future, after the enactment of this joint resolution, with the boundary precedent it would establish, we might be drawn before the World Court in a case involving international boundaries, and then might find ourselves confronted with an almost certain adverse decision because international lawyers simply could not see their way clear on any legal grounds to accept any such theory of the international boundary of the United States as the one the proponents of the pending joint resolution propose to set up as a result of the enactment of the pending joint resolution?

Mr. HILL. The Senator from Oregon is absolutely correct about that. We cannot unilaterally fix boundaries in the international domain. As the Senator from Oregon well knows, if we were to proceed to extend our boundaries, the other nations might say, "Very well; if you extend your boundary, we will extend our boundaries."

We have sought to bring about definiteness in the case of boundaries by establishing the 3-mile boundary. We have stood by it and have worked for it at various conferences. As I recall, it came up last at the Hague Conference, and there we took the leadership in the fight to hold fast to the 3-mile boundary.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for another question?

Mr. HILL. I yield.

Mr. MORSE. Is it not true that one of the main reasons why throughout the years our Nation has taken the position just described by the Senator from Alabama on the question of international boundaries, is that we recognize that history has shown that some of the bloodiest wars that have ever been fought were fought over disputes about international boundaries?

Mr. HILL. There can be no doubt of that. The soil has run red with the blood of men fighting over boundaries.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. Yes, I yield.

Mr. MORSE. Does the Senator from Alabama have any doubt at all in his own mind that if we were to adopt the boundary claimed by the proponents of the pending joint resolution, and if we were to seek to defend that kind of boundary before the World Court, in a dispute with a foreign power that might challenge that boundary, we would stand a very, very good chance of losing the decision?

Mr. HILL. I think that is undoubtedly true. Not only would we stand a chance of losing the decision, but I think we would have to eat our own words, so to speak. Our own statements, documents, and positions in the past would be used as the best possible evidence against us.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield.

Mr. MORSE. Does the Senator from Alabama agree with me that certainly it is not wise for us, with our eyes wide open to undertake to adopt a position regarding such an international legal question as this one, which in all probability would result in a decision adverse to our country?

Mr. HILL. Mr. President, will the Senator from Oregon restate his question, please?

Mr. MORSE. Does the Senator from Alabama agree with me that in this particular, it would be at least unwise for us to follow a course of action by enacting legislation which would provide for a boundary which in all probability would result in a decision adverse to us, once the case reached the World Court?

Mr. HILL. Certainly the Senator from Oregon is correct. The truth is that not only would we get an adverse decision and not only would we be rebuffed, but we would sabotage the leadership in the affairs of nations, which we have built up by long and arduous struggle and effort since the days of Thomas Jefferson.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for another question?

Mr. HILL. I yield.

Mr. MORSE. Does the Senator from Alabama agree that before passing the pending joint resolution, we should give very careful consideration to the South American and other Latin American attitudes concerning the boundary issue that is raised by the pending measure?

Mr. HILL. The Senator from Oregon is certainly correct about that matter. He knows how tenuous in many ways is the situation today in South America, and how careful we should be to do nothing which might in any way aggravate that situation or might in any way put us in a position of having repudiated the standard which we ourselves formerly had established in such an important matter as that of boundaries.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield for a question.

Mr. MORSE. Does the Senator from Alabama think it important to emphasize for this record the fact that for many years prior to the adoption of the good-neighbor policy the relationships between the United States of America and the countries of Latin America and South America had been very strained?

Mr. HILL. The Senator is certainly correct about that.

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

Mr. HILL. The Senator from Alabama yields.

Mr. MORSE. Is the Senator, as I am sure he is, aware of the fact that, even since the adoption of the good neighbor policy, it has been nip-and-tuck sometimes, because of the anti-American propaganda which Communist forces have circulated throughout South America, for us to maintain the balance of good will in Latin and South America in favor of the United States?

Mr. HILL. That is certainly correct, I may say to my friend.

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

Mr. HILL. I yield to the Senator for a question.

Mr. MORSE. Does the Senator have any doubt in his mind that, if we pass the pending joint resolution, there will be many governmental officials—in fact, probably many governments—in Latin and South America, who will entertain a suspicion of what the great Goliath of the north may be up to now in respect to claiming extended rights in the waters of the Continent and claiming a greater authority over what those countries consider to be the high seas and free to all?

Mr. HILL. The Senator is correct. It is only natural. It is only human nature, that, when a country with the might, power, and strength of the United States undertakes to do what is here proposed, nations that are incomparably smaller, nations so much weaker, relatively, than the United States, should look askance and, I may say, with suspicion, at what they consider to be the mighty giant of the north.

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

Mr. HILL. I yield to my friend from Oregon.

Mr. MORSE. Would the Senator from Alabama be the least bit surprised—if he does not already know it—that already, in Mexico a considerable amount of anti-American propaganda is being circulated as the result of the proposal now pending before the Senate to extend the boundaries of our coastal States?

Mr. HILL. I may say to the Senator that that propaganda has come to my attention. I have seen evidences of its being spread abroad there and in South America today.

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

Mr. HILL. I yield to my friend, the Senator from Oregon, for a question.

Mr. MORSE. Is the Senator from Alabama aware of the fact that a serious problem is confronting the Government of the Republic of Mexico in respect to Communist propaganda, and that this is the type of thing the Communists would like to seize upon in order to poison the minds of the people of Mexico and of other Latin and South American countries, in regard to the intentions of the United States?

Mr. HILL. It is the kind of thing that is readymade for them, not only in Mexico but also in South America. We know what the situation is in Honduras, in Guatemala, and in other Central and South American countries.

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

Mr. HILL. The Senator yields to the Senator from Oregon for a question.

Mr. MORSE. Does the Senator from Alabama agree with me that one of the best things we could do from the standpoint of giving further assurance to our neighbors to the south would be to make clear to them that we are not by any device or by any legislation going to lay claim to any boundaries beyond those we have already recognized as being our seaward boundaries?

Mr. HILL. Boundaries we have always recognized, we have always stood for, we have fought for, and which we have time and again urged other nations to accept.

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

Mr. HILL. I yield to the distinguished Senator from Oregon.

Mr. MORSE. Does the Senator from Alabama agree that the position taken by the proponents of the pending measure and by recognized statesmen in California, Texas, and Louisiana, is a position which cannot be reconciled with the historic position which we have adhered to as a Nation in respect to our seaward boundary?

Mr. HILL. The Senator is entirely correct. There can be no question about it. He is entirely correct.

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

Mr. HILL. I yield to my friend from Oregon, for a further question.

Mr. MORSE. Does the Senator from Alabama therefore agree with the junior Senator from Oregon that the issue which the Senator from Alabama has sought to raise in this debate, which preceding speakers have also raised, and which the junior Senator from Oregon has stressed now for many days, in regard to the question of sovereignty, is so fundamental that we must take the time, whatever length of time may be necessary, to get across to the American people the serious question of international boundaries and the implications of the joint resolution as affecting sovereignty? The implications affecting sovereignty happen to be so vitally important to the welfare of the American people that they must take the time in the course of this debate to study the significance to them of the issues we seek to bring out.

Mr. HILL. I agree thoroughly with the Senator. That is why some of us have undergone the ordeal of standing on the Senate floor for a good many hours trying to bring the facts to the attention of the American people. This matter has been represented as something very, very simple. As I have said time and again, it has been misnamed and misrepresented as a tidelands issue. It involves all that is implied by the questions of the Senator from Oregon in the field of international relations and our dealings with other nations. As I have said time and again in the speech I have sought to make, the passage of the pending measure could bring all kinds of ill consequences to the American people. We might do something here which, in the final analysis, might create such ill feeling on the part of other nations against the United States, and such distrust of the United States, as to cause a situation affecting the question of peace or war.

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

Mr. HILL. I yield to the Senator from Illinois, for a question only.

Mr. DOUGLAS. Does the Senator from Alabama remember the statement made by the distinguished majority leader that he would not lay aside Senate Joint Resolution 13 to consider the controls bill?

Mr. HILL. The Senator from Alabama remembers the statement of the distinguished majority leader that he would not lay this joint resolution aside for any bill, as I recall; which, of course, included the controls bill.

Mr. DOUGLAS. Is the Senator from Alabama aware of the fact that the power over allocations, priorities, credit to small business, rent controls, and so forth, expires on the 30th of April?

Mr. HILL. Yes, the Senator from Alabama is aware of that fact.

Mr. DOUGLAS. Does the Senator from Alabama agree with the Senator from Illinois that the effect of the statement by the majority leader would be to try to throw the onus of continuing the debate on the offshore oil measure upon those who are opposing it, so that in effect they would be accused of preventing an extension of controls?

Mr. HILL. I think that might well be true, I may say to my friend from Illinois.

Mr. DOUGLAS. Does the Senator from Alabama remember the reference made earlier this afternoon by the junior Senator from Minnesota [Mr. HUMPHREY] to the effect that he favored sending a letter to the majority leader requesting him to lay aside the pending joint resolution and to consider the controls bill?

Mr. HILL. The Senator well recalls that statement of the junior Senator from Minnesota.

Mr. HUMPHREY. Would the Senator from Alabama be interested in the reading of the letter which has just been delivered to the office of the majority leader?

Mr. HILL. The Senator from Alabama would be interested in listening to a reading of the letter, but the trouble is, if the Senator from Alabama were to yield for the reading of the letter, the Senator from Alabama might be in the position of not having yielded for a question only, and therefore the Chair might rule that the Senator from Alabama had lost the floor. The Senator from Alabama wishes to take no chances with respect to holding the floor. I would think that the better course would be, when the Senator from Alabama concludes his remarks, to place the letter in the RECORD. The Senator from Alabama recalls that the majority leader, the Senator from Ohio, stated that the Senate would recess at 5:30, so the Senator from Alabama may shortly conclude his remarks. I think it would be better if at that time the Senator from Illinois would ask consent—and I am sure he would have no trouble obtaining it—to put the letter in the RECORD. If, however, the Senator would like to place it in the RECORD now, the Senator from Alabama would ask unanimous consent that, without any interference with his rights to hold the floor, he may yield to the Senator from Illinois simply to ask unanimous consent to place a letter in the RECORD at the conclusion of my remarks. I have today yielded to many Senators to insert matters in the RECORD, with the understanding that they would appear at the close of my remarks.

Mr. President, I ask unanimous consent that I may yield to the Senator from Illinois in order that the Senator from Illinois may ask unanimous consent to insert a letter in the RECORD at the conclusion of my remarks.

Mr. KNOWLAND. Mr. President, reserving the right to object—and I shall not object to the insertion of the letter in the RECORD—I would object if there is to be any discussion along with it.

Mr. HILL. I understand the Senator from California would object if the Senator from Illinois discussed it. I said earlier that I declined to yield to the Senator from Illinois to discuss it. If, having the floor, I should see fit to discuss the letter, my action would not be subject to objection by any Senator.

Mr. President, I ask unanimous consent that I may yield, without any interference with my right to the floor, so that the Senator from Illinois may ask unanimous consent to insert a letter in the RECORD at the conclusion of my remarks.

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

Mr. DOUGLAS. Mr. President, with the understanding that this does not interfere with the right of the Senator from Alabama to the floor, and with the understanding that the letter will be printed at the conclusion of the Senator's remarks, and that there will be no discussion, I ask unanimous consent that I may place the letter in the RECORD.

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

Mr. DOUGLAS. The letter is addressed to Hon. ROBERT A. TAFT, majority leader——

Mr. KNOWLAND. Mr. President, I had understood—perhaps I was in error—that the Senator from Illinois was merely going to ask to have the letter printed in the RECORD at the conclusion of the remarks of the distinguished Senator from Alabama. It was on that basis that I raised no objection.

Mr. HILL. Mr. President, I did yield to the Senator from Illinois with the understanding that it would not in any way interfere with my right to the floor to ask unanimous consent to place the letter in the RECORD. I ask unanimous consent that, without in any way interfering with my right to the floor, the Senator from Illinois may have the right to read this 1-page letter, that the letter may appear at the conclusion of my remarks, and that it will in no way interfere with my right to the floor.

Mr. KNOWLAND. Mr. President, I regret very much to have to object under

those circumstances. I think it would be better to allow the Senator from Alabama to proceed with his remarks. The Senator from Illinois is not foreclosed from reading the letter at the proper time.

Mr. HILL. Mr. President, for our present purpose it is unnecessary to decide when an adjustment of the Texas seaward boundary from the 3-league line to the 3-mile line has actually been effected. It suffices to say that, at most, the seaward boundary of Texas under the legislation admitting Texas into the Union does not run any farther from the coast than 3 leagues.

Please bear in mind, then, that the seaward boundary of Louisiana under the legislation admitting Louisiana into the Union does not extend more than 3 nautical miles from the mainland or from any islands within 3 leagues of the coast, and that the seaward boundary of Texas under the legislation admitting Texas into the Union does not extend more than 3 marine leagues from the coast. These legislative provisions were enacted by the Congress in pursuance of the power conferred by section 3 of article IV of the Constitution upon the Congress with respect to the admission of new States into the Union. In this connection, it is provided in clause 2 of article VI of the Constitution that laws of the United States made in pursuance of the Constitution shall be the supreme law of the land.

Therefore, although the Legislature of Louisiana in 1938 purported to assert governmental powers and proprietary rights respecting lands of the Continental Shelf out to a distance of 27 nautical miles from the Louisiana coast, and although the Legislature of Texas in 1947 made a similar assertion with respect to the whole of the Continental Shelf adjacent to the Texas coast, these State actions, being inconsistent with the provisions of the Federal legislation under which Louisiana and Texas entered the Union, were obviously unconstitutional and provided no color of right for the issuance by the respective States of oil and gas leases on Continental Shelf lands beneath the high seas.

I have recounted these historical facts regarding the seaward boundaries of Louisiana and Texas in order to show that these States, while unjustifiably shouting "grab" and "steal" at Federal officials who successfully sued them over the Continental Shelf, have themselves been guilty of "grabbing" Continental Shelf lands as to which they did not have even the shadow of a proper claim.

The facts concerning the highhanded actions of Louisiana and Texas in seizing and leasing, without any real color of right, lands of the Continental Shelf beneath the high seas should be borne in mind when adherents of these States speak of a "grab" or a "steal" in connection with the filing of suits against them by Federal officials.

Actually, this grave problem, so vital to the national security and the general welfare, should be debated on its merits, and not on the basis of name calling and intemperate emotional outbursts. There is one question, and only one question, to be decided. It is whether the lands of the Continental Shelf beneath the marginal sea and their vast mineral resources—which are assets of the Nation as a whole and in which the individual coastal States, as such, have never had any legal rights—should be conserved and used for the defense and benefit of all the people of the United States, or whether if it be constitutionally possible, they should be given away to a few coastal States.

Mr. President, I have spoken of these boundaries simply because of charges about grabbing and stealing. I think the Supreme Court was exactly right in its decision when it stated that the question of boundaries did not enter into the case at all, because the whole case turned on the question of national external sovereignty and, therefore, the boundaries really did not in any way enter into the matter. I emphasize that statement.

The Supreme Court, in the Louisiana case, stated:

> There is one difference, however, between Louisiana's claim and California's. The latter claimed rights in the 3-mile belt. Louisiana claims rights 24 miles seaward of the 3-mile belt.

The Court continued as follows:

> We intimate no opinion on the power of a State to extend, define, or establish its external territorial limits or on the consequences of any such extension vis-a-vis persons other than the United States or those acting on behalf of, or pursuant to its authority. The matter of State boundaries has no bearing on the present problem.

Mr. President, I think that is absolutely true, and I want to emphasize it. It has no bearing on the present problem.

Mr. ANDERSON. Mr. President, will the Senator from Alabama yield?

Mr. HILL. For a question only.

Mr. ANDERSON. Did the Senator, in reading that language, believe that the Supreme Court was trying to pass on the Louisiana boundaries in any way, or was it stating that the title was in the Government and it did not matter where the boundaries were?

Mr. HILL. The Senator has put his finger on the point. The Supreme Court was saying, as it said in the Texas case, that the imperium and the dominium are in the Government of the United States, not in Louisiana, California, and Texas, and, therefore, it did not make any difference where the boundaries of those three States were. The Senator has put his finger on the heart of the whole question. The Court said the paramount rights were all in the Federal Government, so far as the submerged lands from the low-water mark seaward were concerned.

Mr. ANDERSON. Does not the Senator feel that a part of the problem has been that certain persons have tried to establish the boundaries?

Mr. HILL. I said earlier in the day that I thought one of the most deplorable and one of the most tragic aspects of the pending measure was that the people were flooded with all kinds of propaganda, and misleading data, and spurious material. They were buried under an avalanche of data about boundaries, tidelands, and other matters that did not have anything in the world to do with the case.

The court decided this question on the rationale of the Waddell case and the Polland against Hagan case. Those cases dealt with the ownership of beds of rivers, harbors, bays, and inland waters which were attributes of State sovereignty. On that rationale the Supreme Court held that the beds of the waters, the submerged lands out in the international domain, out in the area of the family of nations, were attributes of national sovereignty. Of course, the national sovereignty is the national government. So none of the talk about establishing boundaries, attempting to fix channels, or trying to end smuggling had anything to do with the case. The cases before the court involved great questions of constitutional law, and the court decided them on that basis.

Mr. ANDERSON rose.

Mr. HILL. Does the Senator from New Mexico desire to propound another question?

Mr. ANDERSON. I do.

Mr. HILL. I yield to the Senator from New Mexico for a question only.

Mr. ANDERSON. Granting to be true what the Senator has said, that it does not matter whether or not we try to establish boundaries, something will have to be done to repair the titles. Is not that true?

Mr. HILL. The Senator is correct, but I would have to admit that if the giveaway measure should be passed, in which event the Federal Government would give away submerged lands, and if the Supreme Court by any fancy of the imagination should hold the law to be constitutional, then the question of boundaries would arise. How far would they extend—3 miles, 10½ miles, 27½ miles, or, as Texas has claimed, 150 miles out, at the end of the Continental Shelf, where the water is so deep that no one could hope to obtain any oil or receive any rental benefits?

Under the decisions of the Supreme Court, boundaries make no difference. They do not enter into the situation at all. We should bear in mind always that a State cannot maintain greater boundaries than the Federal Government maintains. Therefore, a State cannot have greater rights, greater sovereignty, or greater control than does the national sovereignty. Nations do not deal with individual States. If a question concerning our relations with France arises we do not deal with the Province of Lorraine; we deal with the French Government. It is the national sovereignty which prevails. I have said many times that that was the compelling reason for creating the Federal Union. That is why, today, we have a Federal Government to deal with foreign nations.

The existence of such a condition illustrates repeatedly the pity of the situation in which the people were covered by an avalanche of misleading propaganda, to such an extent that only now, in some instances, are they able to dig out from the darkness into the light, and to see the truth as we have seen it exemplified by the legislatures of the different States which have passed resolutions opposing the joint resolution and favoring the Anderson bill and the proposed amendment.

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

Mr. HILL. I yield to the Senator from New Mexico for a question only.

Mr. ANDERSON. I believe the Senator has been a Member of Congress for 15 or 20 years. In that time has he ever seen a situation in which the legislatures of several States have enacted laws giving away their own property and allowing the Federal Government to retain title, as has been done in this instance during the last few weeks?

Mr. HILL. I have been a Member of Congress for more than 15 or 20 years. I was a very young man when I came to Congress, barely over the constitutional age limit. If there has been any situation similar to the one now confronting Congress, I cannot now recall it.

Mr. President, I now desire to take up a question raised by the able Senator from Oregon, namely, the question of international danger and of possible treaty violations invoked in the joint resolution.

There is another strong objection to the joint resolution; in fact, an overriding objection. If there were no other objection than this one, it should be compelling upon one who understood the situation, who was free and unfettered, who could freely oppose the measure. Any attempt to extend the territorial boundaries of the United States beyond the 3-mile limit would clearly constitute a violation of international law, as that law has been built up throughout the years. International law has been developed in a manner similar to that by which the common law has been built up by a painful process of development throughout the years. I believe the Senator from Arkansas, who is a great authority on international law, will agree that that is how the body of international law has been formed.

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

Mr. HILL. I yield to the Senator from Oregon for a question only.

Mr. MORSE. Will the Senator from Alabama consider with me this hypothetical question: Suppose Canada should decide to adopt for the west coast of Canada, where there is a traffic problem between the mainland of the United States and Alaska, a principle with respect to boundaries similar to that which has been encased in the joint resolution. Suppose, further, that Canada should adopt an unfriendly attitude toward the United States. Does the Senator from Alabama foresee any possible complications that might result from such action?

Mr. HILL. As I said earlier, I see an open door. More than that, I see an invitation to all kinds of international complications. We might run straight into the paths of treaties to which we have solemnly agreed.

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

Mr. HILL. I yield for a question only.

Mr. MORSE. Does the Senator agree with me that in such a situation, the old saying might be quite apropos, that "what is sauce for the goose is sauce for the gander"?

Mr. HILL. The Senator may recall that I used that expression not long ago, in reply to a question asked by the Senator from Arkansas.

The United States today is considered the most powerful nation in the world. Surely we think it is the strongest, mightiest, and most powerful nation in the world. Therefore, the United States, of all nations, should be most careful not to let smaller or relatively weaker nations feel that we are in any way throwing our weight around, that we are bulldozing them, that we are grabbing for ourselves something that belongs to all nations.

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

Mr. HILL. I yield to my friend from Oregon for a question.

Mr. MORSE. Is the Senator from Alabama concerned, as is the junior Senator from Oregon, about the possibility of some of the countries of the East which have possessions very close to American interests in the Pacific adopting a similar principle of oceanic boundaries if we adopt it by enacting this joint resolution?

Mr. HILL. The Senator is absolutely correct. Yesterday the Senator from Alabama spoke about the close proximity of our country to Russia. The record shows that no country has given us more trouble over the question of seeking to extend its boundaries far beyond the 3-mile limit than Russia has.

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

Mr. HILL. I yield for a question.

Mr. MORSE. The Senator is familiar with the general location of the Big and Little Diomede Islands off the Siberian coast, and the importance of those two islands to American security problems, is he not?

Mr. HILL. The Senator from Alabama thinks he understands just what they mean to the security of our country.

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

Mr. HILL. The Senator from Alabama yields for a question only.

Mr. MORSE. Does the Senator agree with me that, with the nip-and-tuck relations presently existing between Russia and the United States, we might find ourselves in an embarrassing position so far as international law is concerned if we were to lay down the principle of international boundaries encased in this joint resolution, and then were to object to Russia, in Pacific waters, laying down a similar principle of oceanic boundaries in connection with Russian possessions?

Mr. HILL. As the Senator from Oregon well knows, we have not only witnessed Russia performing in Russia but time and again we have seen Molotov, Vyshinsky, Gromyko, and other representatives of Russia performing in the United Nations. We know how quickly Russia would seize on such a situation to try to hold us up before the world as violators of treaties, as a nation with no regard for its commitments. She would try to hold us up before all the other nations of the world as an evildoer. Do we think anything like this would escape the notice of the representatives of Russia? They are waiting all the time for something like this. As a matter of fact, many times when we do not even give them any justification, they seize on any pretense; but if we give them real justification, if we perform an act which is wrong, we know how they will seize on that act.

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

Mr. HILL. The Senator from Alabama yields to the Senator from Oregon for a question only.

Mr. MORSE. Is it therefore not true that, because the Senator from Alabama entertains this great concern and has this great fear with respect to the serious implications of the boundary question involved in this joint resolution, he deems it to be of the utmost importance in carrying out his official duties as a Member of the United States Senate to take the time necessary to forewarn the American people about the great dangers in the field of foreign policy inherent in this measure?

Mr. HILL. The Senator from Alabama certainly feels that way, and he feels very strongly that way. The Senator from Alabama is going to try to meet what he feels is his responsibility, and that is to do all he can, as one Senator, and all he can in association with other Senators who feel as he does, to let the American people know the facts and the dangers inherent in this giveaway proposal.

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

Mr. HILL. Yes. The Senator from Alabama yields for a question only.

Mr. MORSE. Does the Senator from Alabama, then, in view of his remarks, agree with the junior Senator from Oregon that there must be pointed up in this debate the fact that the great international law questions involving boundaries and sovereignty should be decided by the United States Supreme Court, and not by the political branch of the Government, acting through the legislature?

Mr. HILL. Nothing could be more unfortunate than that these great questions should become involved in politics. Nothing could be more unfortunate than to have such questions in political campaigns as factors in the candidacy of men for office, candidates who are disposed to promise this or that. In saying that, I am not being too critical of anyone. We have all been candidates. We know the temptation; we know the pressures; we know the urges which come to us to make promises and commitments when we are in political campaigns. Nothing would be more unfortunate than to have a matter which so vitally affects our country and its relations with other nations become a football, to be kicked back and forth in politics.

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

Mr. HILL. Yes. I yield for a question.

Mr. MORSE. Does the Senator agree with the position taken by the junior Senator from Oregon previously in this debate, that the great constitutional questions involved in this issue—the question of sovereignty and the question of international boundaries—are really questions which also raise an even more basic problem, that is, whether or not

we are going to permit this measure to become, in effect, a substitute for the separation-of-powers doctrine under the Constitution, in the sense that if we pass it we will, in fact, be infringing upon the great prerogative of the United States Supreme Court under the separation-of-powers doctrine, namely, the prerogative of determining, as the Court of last resort, questions of sovereignty and international boundaries?

Mr. HILL. The Senator is absolutely correct; and in asking his question he is putting his hand on one of the most vital and important questions presented to the Congress by the joint resolution.

Mr. ANDERSON. Mr. President, will the Senator yield to me for a question?

Mr. HILL. The Senator from Alabama will yield for a question only.

Mr. ANDERSON. Does the Senator mind if I ask him a question or two about filibusters, and the technique of filibustering?

Mr. HILL. The Senator from Alabama does not mind. The Senator from New Mexico may ask him a question about anything. He may ask any question he thinks might throw some light on the subject before the Senate.

Mr. ANDERSON. The Senator from Alabama is about to conclude a long statement on this measure.

Mr. HILL. Yes.

Mr. ANDERSON. I wonder if the Senator remembers the statement which was made yesterday by the distinguished Senator from Louisiana [Mr. LONG], when he said, "This is a filibuster." Does the Senator recall that statement?

Mr. HILL. The Senator from Alabama recalls it. The Senator from Alabama having been an associate of the Senator from Louisiana in a filibuster, the Senator from Alabama sought to bring out the facts so as to make it definite and clear that there is no filibuster now in progress in the Senate in connection with this joint resolution.

Mr. ANDERSON. Was the filibuster to which the Senator made reference in the 81st Congress? Was it at the opening of the 81st Congress, in connection with the rules of the Senate?

Mr. HILL. I suppose that was it. I have no desire to dodge the Senator's question, but he uses the term "81st Congress." We are now in the 83d Congress. The Senator is exactly right. It was the 81st Congress.

Mr. ANDERSON. Does the Senator recall——

Mr. HILL. The Senator from Alabama thinks that if there is any one thing he knows and recognizes, and can almost scent from afar off, as Job's horse scented the battle from afar, it is a filibuster.

I am sorry my friend from Louisiana [Mr. LONG] is not present in the Chamber. I do not like to talk about him in his absence. But we all know how keen, brilliant, and able he is. I think the Senator from Louisiana ought to be able to scent a filibuster as well as can the Senator from Alabama. He knows the factors which enter into it.

The Senator from Alabama knows that this is no filibuster. There is no filibuster going on here. Of course, the Senator from Alabama recognizes that if people do not want all the facts disclosed, if they do not want the American people to have the whole truth, if they want to put a Federal padlock on a Senator's mouth, it is easy to shout, "Filibuster!" in the hope that someone may be frightened by that term and stop speaking, failing to bring out all the facts and build a complete record. It is easy to shout "Filibuster!" but there is a vast difference between a filibuster and someone shouting, "Filibuster!" The Senator from Alabama would say that there is no filibuster here. There is no intent to filibuster. There is no desire to filibuster. There is no purpose to filibuster. Nothing has been said or done which in any way would even give semblance to a filibuster. The Senator from Alabama knows a filibuster when he sees one.

Mr. ANDERSON. Does the Senator from Alabama agree with me that the subject which was most pressing at the time of the filibuster in the 81st Congress was the question of civil rights?

Mr. HILL. I will say that the question was on a change in the rules of the Senate, the idea being that if a change in the rules could be effected it would be possible to bring up and probably pass a so-called civil-rights bill.

Mr. ANDERSON. That bill dealt with human beings. Does not the Senator from Alabama recognize the fact that the present discussion, protracted though it may be, deals only with money?

Mr. HILL. The Senator from Alabama would say that it deals with money, but he would have to be fair and say that it deals with more than money. As the Senator from Oregon [Mr. MORSE] brought out, it deals with sovereign rights and international relations. But the primary purpose of the pending joint resolution, of course, is to give away treasure, material treasure, that belongs to all the people of the United States, and which is held in trust by the Federal Government for all the people of the United States.

Mr. ANDERSON. Perhaps I did not phrase my question clearly. Does not the Senator from Alabama recognize the fact that while we are all concerned with boundaries and with security, the question involved is a division of money derived from oil?

Mr. HILL. That is correct. In other words, if it were not for the "swag" involved in the joint resolution, if it were not for the material wealth involved with respect to the oil lands under consideration, I am quite certain that the joint resolution would not be before the Senate today. There can be no question about it. The Senator from New Mexico is absolutely right. If it were not for those considerations, the joint resolutions would never even have been introduced. It would never have been introduced but for the wealth, the treasure, the material property involved.

Mr. ANDERSON. Does not the Senator believe that it is far more justifiable to take some time to discuss the grave questions involved than it would be simply to say, "We will give away what is asked to be given away"?

Mr. HILL. We are not only justified in discussing the subject, but I believe we would have been derelict in our duty if we had failed to do so. In that event, I think we would have been guilty of serious misfeasance. Feeling as we do about the subject, we would have failed under the Constitution to meet our responsibility to our people if we had not discussed the subject. I will go further, and say that if we do not make the record full and complete we will be guilty of misfeasance and dereliction of duty.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield for a question.

Mr. MORSE. Does the Senator from Alabama agree with me that the only way in which some persons may seek to give the impression that the discussion of the joint resolution is a filibuster is for them to insist on a strict application of the rules of the Senate?

Mr. HILL. Mr. President, I will say that that is one way, and if the Senator will look at the record of the Senate I doubt that he will find one case in 5 years of a strict application of the rules of the Senate. As I have said time and time again, logic, reason, and commonsense dictate that in this case there should not be a strict application of the rules of the Senate.

Mr. MORSE. Mr. President, will the Senator from Alabama yield further?

Mr. HILL. I yield for a question. But first I should like to say that the Senator from Oregon is exactly right. It is only when we have before us a giveaway bill, like the pending bill, which would give away billions of dollars that belong to all the people, and give them to the people of three States—that then, oh then, Mr. President, we must have a strict enforcement of the rules.

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

Mr. HILL. Yes; I yield for a question.

Mr. MORSE. Does the Senator from Alabama agree with me that it takes longer to bring out all the facts in regard to the many details and the serious implications of the pending joint resolution by following a strict application of the rules of the Senate, than it would take if we were allowed to proceed along the lines of an informal roundtable discussion type of debate on the floor of the Senate?

Mr. HILL. The Senator from Oregon is absolutely right. I believe that the Senator from Alabama could have made much better progress with his speech if he had been permitted to go along in the usual informal procedure that is followed in the Senate.

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

Mr. HILL. The Senator from Alabama has to be on his guard. Only a few minutes ago the distinguished Presiding Officer, the Vice President of the United States—think of it—said he would like to make a statement, and the Senator from Alabama had to be so much on his guard that he had to ask unanimous consent—whether he got it or not he does not know—that he might yield to the Vice President to make a comment. All of that takes time.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I shall be glad to yield to my friend from Oregon for a question.

Mr. MORSE. Is it not accurate to say that if the Senator from Alabama is correct—and I think he is correct—a strict application of the rules in and of itself increases the length of debate, if we are to hold fast and live up to our obligation to get into the debate all the details we think the public is entitled to have before it? Therefore, the responsibility of prolonging the debate, insofar as its length is increased by a strict application of the rules, rests squarely on the shoulders of those who are demanding an enforcement of a strict application of the rule.

Mr. HILL. I believe the Senator from Oregon is absolutely right. I think our usual, normal, everyday informal procedure makes for expedition much more than a strict enforcement of the rule by trying to hold a Senator strictly to the rule, as is now being done. I think the Senator from Alabama feels that he would have made much better progress with his speech if he had been able to proceed in an informal manner. There might have been times when he would have put portions of his prepared speech into the RECORD without reading it. Of course, that is against the rule. A Senator is not supposed to do that. He must speak every word of it or read it.

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

Mr. HILL. The Senator from Alabama yields for a question only.

Mr. MORSE. Does the Senator from Alabama agree with me that there is no emergency that calls for the immediate passage of the pending joint resolution, even though we were unanimously of the opinion that eventually we might vote in favor of the joint resolution?

Mr. HILL. The Senator from Alabama knows of no emergency. If there is an emergency, certainly it has not been brought to the attention of the Senate. The pending joint resolution and kindred bills not only have been before the Senate for many months, but for many years. I do not know of any hurry for the passage of giveaway proposals. I know of no such emergency. I do not know why there should be any great haste, any emergent speed. I know of no reason why the ambulance should go racing down the street, taking the chance that there might be an accident. I know of no such situation.

Mr. FULBRIGHT. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield only for a question.

Mr. FULBRIGHT. Will the Senator from Alabama agree with me that since the proponents of the pending joint resolution, and some of their predecessors, have taken 7 years to confuse the people of the United States, it will take a little time to dissipate the misconceptions they have spread about the pending subject?

Mr. HILL. I am glad the Senator from Arkansas has asked that question. As he says, for 7 years the proponents of the measure—and what I say has no reference at all to the very distinguished Senators on the floor—have done just that. All of us are familiar with some of the forces that have been behind the measure for 7 years. They have been busy getting out all kinds of propaganda, misleading data, and misrepresentations, in pamphlets and documents. They have had their paid editors write editorials for them. There has been a tremendous campaign waged in behalf of the pending measure for the past 7 years.

Mr. President, because we want to try to bring the truth to the people, and, as I have said, because we want to help dig them out from under the avalanche of propaganda that has covered them, the proponents of the pending joint resolution now try to say we are filibustering. Mr. President, I say to the Senator from Arkansas and the Senator from Oregon that we know what a filibuster is; and no filibuster is being conducted at this time.

Mr. FULBRIGHT. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield for a question only.

Mr. FULBRIGHT. Does not the Senator from Alabama agree that the only means that those of us who oppose the enactment of the pending measure have to enlighten the people is by speaking on the floor of the Senate, inasmuch as we have no great organization with funds available for the publication of pamphlets and for the spreading abroad of free publicity for the newspapers to use, and that therefore the only means we have to reach the American people is by speaking on the floor of the Senate?

Mr. HILL. Yes; about the only means available to the Senators who oppose the enactment of the pending joint resolution is to speak on the floor of the Senate. When we do so, and thus seek to tell the truth to the American people, we are performing at least one of the duties with which we are charged under the Constitution of the United States.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield for a question.

Mr. MORSE. Am I correct in my understanding that the Senator from Alabama agrees with me that the pending joint resolution is not of an emergency nature and is not a measure which requires immediate passage?

Mr. HILL. I could not too strongly emphasize my agreement on that position. Certainly there is nothing of an emergency nature about the pending measure. The lands in question have been under the sea for a long, long time; and they will continue to be under the sea for a long time to come.

Mr. MORSE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield.

Mr. MORSE. Does the Senator from Alabama agree with me that there is on the Senate Calendar proposed legislation of a vital nature and of great importance to the people of the Nation?

Mr. HILL. I agree thoroughly, and I say to my colleague that it is very easy to have that proposed legislation brought before the Senate.

In the first place, we know that time after time after time after time again, when there has been pending some proposed legislation of an emergency nature, all that the majority leader—whether he was a Republican or whether he was a Democrat—had to do was to ask unanimous consent that the unfinished business be temporarily laid aside, and that the proposed legislation of an emergency nature be considered. Thereafter, as soon as the emergency proposals were disposed of, the unfinished business was resumed.

If for any reason such an agreement could not be obtained—although I cannot recall a single instance when in such a situation such an agreement was not reached, for that procedure has been engaged in time and time again—then all in the world the majority leader would have to do would be to move that the other measure be considered; and there would be no trouble in handling the situation, for, if such a motion were made by the majority leader, the motion would be agreed to.

I say to my friend the Senator from Oregon that I served in the Senate during the emergency years of World War II and during the very important years following that war, when many legislative proposals were passed without delay. I have never seen any measures of any emergency nature fail to receive prompt consideration and action when the majority leader—be he Democrat or be he Republican—wished to have such measures brought up. There has never been any difficulty about that situation.

Mr. MORSE. Mr. President, will the Senator from Alabama yield to me for another question?

Mr. HILL. I yield.

Mr. MORSE. Is the Senator from Alabama aware that those of us who insist upon a thorough discussion of the pending measure have never taken a position which would lead the Senator from Ohio to believe that we would not be perfectly willing to have the pending joint resolution set aside until the proposed legislation of an emergency nature could be passed upon, after which we could return to the consideration of this joint resolution?

Mr. HILL. Let me say that I believe that most of the leaders in this battle are Senators on this side, and I have heard them express their views. I believe I know that all of them have expressed a desire to cooperate with, and to help in any way possible, the majority leader in having brought up promptly the proposed legislation relating to controls or any other proposed legislation which he believes to be of an emergency nature.

Mr. KNOWLAND. Mr. President, will the Senator from Alabama yield to me for a question?

Mr. HILL. I yield for a question.

Mr. KNOWLAND. Is the Senator from Alabama familiar with the fact that the majority leader has made it clear that it is the intention of the leadership to have the consideration of the pending joint resolution continued until action upon it is completed, and not to have it laid aside?

Mr. HILL. I am entirely cognizant of that fact; there is no doubt about it. However, we were not saying what the majority leader intended to do; we were saying what he could so readily and so

easily do if he wished to have the proposed legislation of an emergency nature considered.

Mr. MORSE. Mr. President, will the Senator from Alabama yield to me for a question?

Mr. HILL. I yield.

Mr. MORSE. Does the Senator from Alabama agree with me that the point of view expressed in the question just asked by the distinguished chairman of the Republican Policy Committee, the Senator from California [Mr. KNOWLAND], makes perfectly clear that the responsibility for any delay in action on the proposed legislation of an emergency nature, which now is on the Senate Calendar, rests squarely on the shoulders of the majority leader of the Senate and of those who support him in the position that the Senate will not vote on such proposed emergency legislation until after it votes, first, on proposed legislation which, in fact, is not of an emergency nature?

Mr. HILL. The Senator from Oregon is correct.

Mr. President, in that connection, I wish to read to the Senate a letter dated April 17, 1953—today:

APRIL 17, 1953.

The Honorable ROBERT A. TAFT,
Majority Leader, United States Senate,
Washington, D. C.

MY DEAR SENATOR TAFT: We who are opposing the bill to give away the federally owned offshore oil to a few States (S. J. Res. 13) are very anxious that the necessary debate on this bill, which is so vital to a public understanding of the tremendous issues and amounts which are at stake, should not be used by the majority leadership to delay the discussion of the economic-controls bill. We believe that the public is not yet fully informed about the offshore-oil bill and there are many among us who have thorough and completely germane speeches to deliver about it. But we also recognize that it is important that the Congress take action very soon on priorities and allocations, credit facilities, and rent control before the present authorizations expire on April 30.

Failure to deal with these subjects would create havoc, particularly in our large cities, and would be a defeat for the program of the President which we want to support.

We therefore declare our readiness to lay aside the debate on the offshore-oil bill upon the completion of Senator HILL's speech and to resume debate on this topic only after the controls bill has been disposed of one way or another. Then, when debate on the offshore-oil bill is again taken up, we would be glad to agree that the speeches already made on this subject can be charged against the number allowed each Senator. We therefore would not gain any parliamentary advantage from such an arrangement.

We believe that this is a satisfactory method of expediting the work of the Senate which we, who are opposing the giveaway bill, are happy to offer. We hope very much that we may obtain your cooperation in this matter.

With best personal wishes.

Sincerely,

JOHN O. PASTORE, CLINTON P. ANDERSON, PAUL H. DOUGLAS, WILLIAM LANGER, ESTES KEFAUVER, J. W. FULBRIGHT, THEODORE FRANCIS GREEN, STUART SYMINGTON, H. M. KILGORE, C. W. TOBEY, ALBERT GORE, HERBERT H. LEHMAN, HENRY M. JACKSON, G. M. GILLETTE, JOHN F. KENNEDY, JAMES E. MURRAY, LISTER HILL, WAYNE MORSE, HUBERT H. HUMPHREY, MATTHEW M. NEELY.

I do not see how there could be a fairer or more generous proposition than that. In other words, what we are saying is, "Lay aside this joint resolution, take up the control bill, and every speech that has been made up to date will be counted against the Senators who have spoken, just as if the controls bill were not taken up."

In other words, those who oppose the joint resolution would gain no advantage or benefit whatever, and we would gain no rights of any kind by taking up the controls bill. We say that if the controls bill were taken up any speech any Senator has made on the joint resolution would be counted against him; he could not make that speech again. How could any offer be fairer? How could any offer be more generous? I add, How could any offer be more patriotic than that?

Mr. President, the distinguished majority leader, the Senator from Ohio [Mr. TAFT], earlier today stated he wished to have the Senate recess at 5:30. Is that the wish of the acting majority leader? I will yield the floor entirely at this time, if it is the wish of the acting majority leader that the Senate recess at this time, in accordance with what the distinguished majority leader said earlier. I have no disposition to delay Senators, many of whom have other matters to attend to.

The VICE PRESIDENT. Does the Senator from Alabama yield the floor?

Mr. HILL. If the Senator from Kansas is ready to move a recess, I shall be glad to yield the floor, if I may.

Mr. SCHOEPPEL. Mr. President, I may say to the Senator from Alabama, since he has addressed a question to the Senator from Kansas, as acting majority leader, that it is my understanding that when the distinguished Senator from Alabama relinquishes the floor this evening, the Senate will recess until——

Mr. HILL. Until 11 o'clock tomorrow morning.

Mr. SCHOEPPEL. Until 11 o'clock a. m. tomorrow.

Mr. HILL. The Senator from Ohio obtained permission for the Senate to meet tomorrow at 11 o'clock a. m.

Mr. SCHOEPPEL. That is my understanding.

Mr. HILL. Therefore, Mr. President, the Senator from Alabama will now yield the floor, if the acting majority leader will move a recess.

AIR POLLUTION

During the delivery of Mr. HILL's speech,

Mr. HILL. Mr. President, without losing my right to the floor I ask unanimous consent that I may yield to the Senator from Michigan [Mr. FERGUSON], who, I believe, wishes to make an insertion in the RECORD.

Mr. FERGUSON. Mr. President, having in mind that the Senator from Alabama has the floor, and that I have a few remarks to make on the problem of air pollution as it affects Michigan and the Dominion of Canada along the Detroit River, I ask unanimous consent that I may insert in the RECORD my statement on that subject, together with resolutions and correspondence dealing with the same subject, the matter to be printed at the conclusion of the remarks of the Senator from Alabama [Mr. HILL] today.

There being no objection, the statement, correspondence, and resolutions were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR FERGUSON—PROBLEMS OF AIR POLLUTION BEFORE THE INTERNATIONAL JOINT COMMISSION

The Detroit River is one of the most heavily traveled waterways in the world, with some 28,000 ship passages a year, carrying many millions of tons of cargo a year. It is also, of course, an international boundary between the United States and Canada, a divider between the city of Detroit and other cities and the city of Windsor, others in Ontario along the river.

Along a 15-mile stretch of the Detroit River live about 4 million people. Within the same 15-mile stretch is one of the greatest concentrations of industrial manufacturing activities in the world.

In 1947, 1 year before the Donora, Pa., air pollution disaster took place, the city of Detroit started an air pollution control program in order to improve the living conditions of the citizens. The city set up an engineering and enforcement group with an annual budget of about $100,000. Individuals and civic groups gave widespread support to the program for control of smoke, fly ash, other dusts, fumes, and gases. The expenditure for air-pollution control equipment, by private individuals and corporations, to date, totals more than $13 million.

An early investigation into the legal aspects of control of the smoke and flyash nuisance from ships plying the Detroit River revealed that such control was beyond municipal, county or State legal jurisdiction, but rather lay in the field of international relations between the United States and Canada. Therefore, the city of Detroit joined with other cities on the United States side in requesting appropriate action from the Department of State. Similarly, Windsor, Ontario, requested action from the Canadian Department of External Affairs. In January 1949, the two governments officially referred the problem to the International Joint Commission.

Through its Technical Advisory Board, the International Joint Commission has learned of the workable smoke-corrective measures which are available to shipowners. These measures include:

1. Conversion of hand-fired coal burning ships to stoker-fired coal burners.
2. Conversion of hand-fired coal burning ships to oil.
3. Replacement of steam boilers with diesel engines.
4. Improvements in stokers with overfire jets.
5. Improvements in combustion controls and instruments, including smoke indicators.
6. Training of operating engineers, boiler operators, and firemen.
7. More precise specifications of fuel, especially coal.

As a result of close cooperation with shipowners and the coal industry, the International Joint Commission established voluntary smoke-emission objectives for the 1952 shipping season. The resulting improvement in smokeless performance was insignificant.

The experience of most areas which have engaged successfully in air-pollution-control work is that it is essential to establish legal standards and an enforcement procedure. Then, the owners of properties

By Mr. NEELY (by request):

S. 1683. A bill to amend the District of Columbia Barber Act; to the Committee on the District of Columbia.

By Mr. CARLSON:

S. 1684. 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 certain benefits upon appointment; to the Committee on Post Office and Civil Service.

By Mr. LANGER:

S. 1685. A bill to adjust the salaries of postmasters, supervisors, and employees in the field service of the Post Office Department; to the Committee on Post Office and Civil Service.

By Mr. HUNT:

S. 1686. A bill authorizing and directing the Secretary of Agriculture to convey a tract of land out of the Teton National Forest, Wyo., to Thomas Guilfoyle Huff in exchange for a tract of land adjacent thereto owned by the said Thomas Guilfoyle Huff; to the Committee on Agriculture and Forestry.

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

By Mr. HOLLAND:

S. 1687. A bill for the relief of T. C. Elliott; to the Committee on the Judiciary.

By Mr. JOHNSTON of South Carolina (for himself and Mr. COOPER):

S. 1688. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended; to the Committee on Post Office and Civil Service.

EXCHANGE OF CERTAIN LANDS WITH THOMAS GUILFOYLE HUFF

Mr. HUNT. Mr. President, early this year, Thomas Huff, of Wilson, Wyo., brother of Dr. Charles Huff, of Jackson, Wyo., called on me, seeking a sympathetic ear to a crusade upon which he embarked nearly 28 years ago.

On the morning of June 23, 1925, Mr. Huff was the owner of one of the most beautiful and productive ranches in Wyoming's famous Jackson Hole country, a modern home valued at many thousand dollars, barns and other buildings, a large heard of cattle, horses, together with ranching equipment and machinery. At 4:20 that afternoon, after a brief and hardly perceptible caving of banks low down along Sheep Mountain, a landslide came crashing down from an elevation of 8,500 feet and 1,500 feet above the bed of the Gros Ventre River, which ran through the Huff ranch. The slide hit the river obliquely and ran among the cliffs on the opposite side in a height approximately 400 feet above the river bed, filling the canyon for a distance of 1 mile up the river.

In but a few minutes, the holdings for which Mr. Huff had worked so hard were buried beneath thousands of tons of Forest Service lands which bordered his property on three sides. Mr. Huff and his family fortunately were able to save their lives by riding to safety on horseback.

Mr. President, a precedent which would compensate for the loss of these lands does not exist. Mr. Huff feels, however, that a moral obligation rests in the Federal Government. Since it it humanly impossible to require the Forest Service to remove its land from the Huff land, I introduce for appropriate reference a bill directing the Secretary of Agriculture to instruct the Forest Service to make land in kind available to Mr. Huff in the same general area in which his homestead lies buried.

The bill (S. 1686) authorizing and directing the Secretary of Agriculture, to convey a tract of land out of the Teton National Forest, Wyo., to Thomas Guilfoyle Huff in exchange for a tract of land adjacent thereto owned by the said Thomas Guilfoyle Huff, introduced by Mr. HUNT, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

TEMPORARY ECONOMIC CONTROLS—AMENDMENT

Mr. MAYBANK. Mr. President, there has been a great deal of talk about the Defense Production Act. The senior Senator from Indiana [Mr. CAPEHART] is not present at this time, but I should like to say that there is one section of that bill with which I differ, namely, the control powers given to the Federal Reserve System. So, Mr. President, I submit an amendment intended to be proposed by me to the bill (S. 1081) to provide authority for temporary economic controls, and for other purposes.

The PRESIDING OFFICER. The amendment will be received, and printed, and will lie on the table.

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

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

By Mr. CLEMENTS:

Addresses delivered before the American Society of Newspaper Editors, in Washington, D. C., on April 17, 1953, as follows: The Preservation of Our Freedoms, by Senator JOHNSON of Texas; The Development of Bipartisanship, by Senator GEORGE; United States Foreign Policy, by Senator MANSFIELD; Defense of Our Freedoms, by Senator RUSSELL; Peace Through Strength, by Senator SYMINGTON.

By Mr. TOBEY:

Letter on the subject of "ghost surgery," addressed by him to Dr. Thomas H. Lanman, president of the Massachusetts Medical Society.

By Mr. GOLDWATER:

Letter written by Clarence Wesley, chairman of the San Carlos Apaches Tribal Council, advocating the repeal of certain restrictive laws.

By Mr. HUMPHREY:

Article entitled "Breakthrough on the Color Front," written by Lee Nichols and published in the April 6, 1953, issue of the Freeman.

POSTPONEMENT OF HEARINGS RELATIVE TO NATIONAL BUREAU OF STANDARDS

Mr. THYE. Mr. President, as chairman of the Senate Select Committee on Small Business, I wish to announce that hearings by the committee which were scheduled to open on Wednesday, April 22, with Dr. A. V. Astin, Director of the Bureau of Standards, Mr. Jesse Ritchie, and many others invited to testify in connection with the battery additive known as AD-X2, will not be held, in view of the announcement made late Friday afternoon by Secretary Weeks and Dr. Astin.

I have discussed the matter with a majority of the members of the Senate Committee on Small Business, and they have agreed with my conclusion that no useful purpose will be served by conducting the hearings at this time, in view of the fact that important aspects of the matter relating to the Bureau of Standards have been resolved by the announcement of the Secretary of Commerce and the decision of Dr. Astin to remain as Director while an investigation is being made by an independent committee of competent scientists.

As announced by Secretary Weeks, the investigation not only will embrace the functions of the Bureau of Standards as a vital agency of the Government, but will specifically include laboratory and field tests relative to the battery additive AD-X2. Therefore, any committee hearings might well becloud the issue at this time, rather than clarify it.

The committee is fully aware of the importance of the Bureau of Standards, and appreciates the attitude of professional employees of that Bureau, and especially Dr. Astin. I am confident that the action taken yesterday by Secretary Weeks and Assistant Secretary Sheaffer will ultimately clear up the entire question.

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, I did not enter into the colloquy between the distinguished majority leader and the Senator from Alabama, because I was to speak later. But today I hope to talk about a phase of the problem being debated which has not heretofore been fully discussed, but which has been only referred to in passing. I shall discuss the absolute necessity for a full and extensive study of the very complicated and important questions, both from the viewpoint of the National Treasury and from the viewpoint of our international relations, which will grow out of the enactment of the Holland joint resolution, if it shall be enacted. Without going into a thorough and detailed study of the various questions which arise, I have thought of some 145 very important issues which should be considered by the Members of the United States Senate and by the people of the United States, for they have to do with the future welfare of our people, and even with the question of peace and war. These questions should be considered by Members of the United States Senate, discussed in the public press, and further considered by the people before any legislation on this subject is enacted.

Mr. President, it is not a matter of peanuts about which we are talking. It has been stated by the majority leader that 500,000 words have been spoken in the debate on this subject. Assuming that

to be true, let us take one of the lowest estimates of the value only of the oil beneath the waters about which we are in controversy, without, at the moment, considering the value of all the other mineral resources, without considering the precedent which the passage of this giveaway measure would establish, and without considering international complications. If we take into consideration only the oil, and one of the most conservative estimates of its value, $50 billion, it follows that if that oil were saved to all the people of the United States as the result of this discussion, it would mean the 500,000 words were worth $100,000 each. A realization of that fact should result in a more sensible consideration of the problem, to the end that the rights of all the people of the country may not be jeopardized.

Mr. President, that this problem is not related to peanuts is admitted by the proponents of the joint resolution themselves, and by the great oil companies, who are so tremendously interested in the exploitation, under State ownership, of the oil beneath the marginal sea. For example, I have before me an editorial entitled "Oil Beneath the Sea," published in the New York Times of March 16, 1952, which I read:

The National Petroleum Council comprises some 100 representatives of the oil industry appointed by the Secretary of the Interior to give him its expert opinion on what we have learned to call "offshore oil." Because of the dispute over State and Federal offshore rights it is fair to infer that there must be much oil beneath the waters—an inference borne out by the Council's recent report to the Secretary of the Interior. As yet production from the three major coastal oil States—Louisiana, Texas, and California—amounts to a mere 20,000 barrels a day. The National Petroleum Council gives it as its opinion that 200,000 barrels a day could be produced after 5 years of exploration and drilling in the Continental Shelf, which is land of variable width that lies under less than 600 feet of water, covers an area of 278,000 square miles and, after sloping off for 140 miles or so, drops precipitously to depths that no driller can reach.

We need this offshore oil. The Census Bureau has predicted that by 1975 there will be 193 million of us, and that we shall be driving 65 million automobiles and 20 million trucks. Fuel oil is in heavy demand for power on land and sea. It is easy to understand that by 1975 we shall need more than twice the amount of oil that we produced in 1950. And the demand for natural gas will be 15 trillion cubic feet instead of the 6.5 trillion distributed in 1950.

All this makes one wonder whether or not the conservationists who fear an oil shortage in the next two decades are alarmists. If the authoritative Dr. Wallace E. Pratt, veteran retired geologist of the Standard Oil Co. of New Jersey, is right—and he usually is right—there are at least 1,000 billion barrels of oil beneath the world's Continental Shelves, which is about 500 times the present yearly world consumption. At least a tenth of this store lies under the waters of the United States.

Mr. President, taking the estimate of the National Petroleum Council—which I imagine is conservative, since the Council is made up of those whose business is the oil industry—within 5 years, figured on the present price of oil, this will be a $1-million-a-day industry, confining it to oil alone, to say nothing of gas and other minerals and resources to which I shall presently refer.

Mr. President, so far as I am concerned, I have no desire to join in anything that may be termed a filibuster, but I feel that we are considering a measure which is of paramount importance to the Nation. We are establishing policies which will have far-reaching effect with regard to international implications, with regard to the public domain, the national forests, and other property belonging to the United States. I shall presently discuss that aspect of the matter also.

Mr. President, I seem to recall that on previous occasions when there have been extended discussions, and when there might even have been filibusters taking place, a measure then before the Senate would be set aside by unanimous consent for the purpose of proceeding to the consideration of an emergency measure; and this would be done without even obtaining an agreement that the speeches previously made would be counted against those who made them. We agree that the Defense Production Act, particularly certain provisions of it, such as those relating to allocation and other important matters, must be extended and should be extended before the expiration of the act on April 30. That being so, I have never seen a more reasonable proposition submitted to a majority leader than that contained in the letter of yesterday, which is found at page 3277 of the CONGRESSIONAL RECORD for April 17. After pointing out that the opponents of the Holland joint resolution are interested only in enlightening public opinion on this issue through the means of giving full information to Senators, the letter, which I shall now read to the Senate, because I think the public should understand fully the proposal it makes, contains the following language:

But we also recognize that it is important that the Congress take action very soon on priorities and allocations, credit facilities, and rent control before the present authorizations expire on April 30.

Failure to deal with these subjects would create havoc, particularly in our large cities, and would be a defeat for the program of the President which we want to support.

We therefore declare our readiness to lay aside the debate on the offshore-oil bill upon the completion of Senator HILL's speech and to resume debate on this topic only after the controls bill has been disposed of one way or another. Then, when debate on the offshore-oil bill is again taken up, we would be glad to agree that the speeches already made on this subject can be charged against the number allowed each Senator. We therefore would not gain any parliamentary advantage from such an arrangement.

We believe that this is a satisfactory method of expediting the work of the Senate which we, who are opposing the giveaway bill, are happy to offer. We hope very much that we may obtain your cooperation in this matter.

The letter is signed, Mr. President, by many Senators who are opposing the Holland joint resolution.

I hope the public will also keep in mind the great public service which the distinguished Senator from Alabama [Mr. HILL] is rendering in shedding light upon this issue, and that it will be appreciated by the American people. I think it will be appreciated in years to come by those who today are supporting the Holland joint resolution when they see what a catastrophe would have been brought about if that joint resolution had been adopted.

I hope it will also be kept in mind that the senior Senator from Alabama offered today to make a unanimous-consent proposal along the lines of the letter which I have just read, that the controls bill be taken up, and that when consideration of the submerged lands oil resolution is resumed, every Senator who is opposing it will be charged with the speeches they have made.

Mr. President, anyone listening to the debate or reading the RECORD, or listening to the hearings which have been had, will find that whenever anything is wrong, hundreds and thousands of questions come up with reference to it. That has occurred in connection with this proposal. So I think it would be in the public interest, regardless of whether the Holland joint resolution or the Anderson bill with the Hill amendment is passed, that there should be a commission appointed to make a proper study and an equitable settlement between the States and to report to the Congress and to the President of the United States.

That is what is proposed in Senate Joint Resolution 18. I expect to propose it as a substitute, regardless of whether the Holland joint resolution or the Anderson bill is passed. I expect to offer it as a substitute for the Hill and Anderson measures, and to the Holland joint resolution.

I think it might be well to consider this joint resolution which is offered by myself together with a number of distinguished Senators as cosponsors, the Senator from New Hampshire [Mr. TOBEY], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], the Senator from North Dakota [Mr. LANGER], the Senator from Montana [Mr. MURRAY], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Rhode Island [Mr. GREEN].

It reads as follows:

Resolved, etc., 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)—

Let me add here, Mr. President, that the bogey of trying to make it appear that the Federal Government wants the ownership of river bottoms, inland waters, and lake bottoms has caused many persons to be confused about the issue. The jurisdiction and ownership of river bottoms, harbor bottoms, inland water bottoms, and lake bottoms are recognized in this resolution just as it is in the bill introduced by the distinguished Senator from New Mexico.

Mr. ANDERSON. Mr. President, will the Senator from Tennessee yield for a question?

Mr. KEFAUVER. I am very happy to yield to the distinguished Senator from New Mexico for a question only.

Mr. ANDERSON. Does the Senator from Tennessee recognize that the discussion we have been conducting on the floor for the past 2 weeks or more lends a great deal of emphasis to the resolution which the Senator from Tennessee is offering? I refer to the discussion over the Continental Shelf, the discussion as to the amount of oil which may be involved, how much is within State boundaries, and how much is without State boundaries. Does the Senator from Tennessee think the discussion and the arguments as to the amount of oil involved give substance to his resolution and make a new argument for it?

Mr. KEFAUVER. I think they do, and I thank the Senator very much. The longer the question is debated the more questions arise as to what is involved, as to what is not covered by the proposed legislation, and as to the international implications it contains, the more I am convinced that the Anderson bill as an interim measure—and it is offered only as an interim measure—should be passed so that we can proceed with the exploration and development of these great natural resources for the benefit of the Nation, and especially for the benefit of the coastal States. At all events, before there is a final decision on the problem, there should be a discussion and a study in line with the joint resolution which I have offered. We cannot properly legislate on this problem with the lack of information that exists at the present time. I appreciate very much the statement of the Senator from New Mexico that he feels that the debate shows increasing need for such a study. I only wish other Members of the Senate felt the same way about it.

Mr. ANDERSON. Mr. President, will the Senator from Tennessee yield further?

Mr. KEFAUVER. I yield for another question.

Mr. ANDERSON. Does the Senator recollect that when he appeared before the Senate Committee on Interior and Insular Affairs many questions were put to him about rights and titles, but not very many questions about the subject of his resolution? At that time everyone seemed satisfied that they knew the rights in the Continental Shelf and what the leasing policy should be, or they at least felt there was no urgency about it. Does not the Senator feel that the whole question of leasing rights needs to be explored? As I pointed out a day or two ago, we cannot expect to get any practical results by giving a man a lease on 640 acres of land situated under many fathoms of water when he cannot find the land when he gets there.

Mr. KEFAUVER. I agree with the Senator from New Mexico. When I appeared before the committee I had a statement which I thought would take about 15 minutes to present, but I was there for approximately 3 hours, because innumerable questions were raised for the reason that the proponents of the Holland joint resolution were not clear about it. Even the Senator from Texas [Mr. DANIEL] was not clear about it. I was convinced, even by the questions that were asked in the committee, that there should be a commission to consider and study the entire problem.

I continue reading from Senate Joint Resolution 18—

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 nine members to be appointed by the President by and with the advice and consent of the Senate, three to be appointed to represent the general public, three to be appointed to represent the Federal Government, and three to be appointed to represent the coastal States and their interests. Of the three members appointed to represent the coastal States, one shall be a resident of the State of California, one a resident of the State of Louisiana, and one 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 resources, 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, and (3) which of such losses should be compensated by the United States, and (4) for the purpose of establishing boundaries and lines of jurisdiction between the States and Federal Government. 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. President, it can be seen that Senate Joint Resolution 18 specifically lists certain matters as to which the Commission shall make a study and report to the President and to Congress. It provides a program for management by the United States of resources in the submerged lands. It provides also that the Commission shall ferret out the amounts of losses to private citizens and communities which might result from dependence on a belief that the States had paramount rights, for which losses there should be compensation.

Furthermore, Senate Joint Resolution 18 provides for the establishment of boundaries and lines of jurisdiction between the States and the Federal Government.

At the outset of my remarks, I may say that I think the Anderson bill and the Hill amendment are equitable and fair in recognizing that the coastal States perhaps should have more revenue for their schools from the returns of oil that might be developed. In my opinion, the coastal States have been offered a very good bargain, the bargain being that they shall receive 37½ percent of all revenues from oil that may be developed off their shores, and also that they shall share with the other States in the remaining part of this great fund. So the amount which the coastal States would receive would be in excess of 37½ percent of the total.

Some communities, such as Long Beach, Calif., have dedicated a part of the revenue from oil from the sea to harbor improvement projects, and perhaps also to their schools. Such community activities should be taken into consideration by the proposed commission in its study.

When I testified before the Committee on Interior and Insular Affairs, I stated that I desired to enlarge my joint resolution, Senate Joint Resolution 18, so as to include other matters to be investigated, and that I desired to include, on page 3, line 8, after the word "Government", the following provision:

(5) If there is to be a policy of disposition by gift or sale of our national resources and treasure, the establishment of a policy or program for such disposition of the national resources; (6) the implications and international effects of the extension of the boundaries of the States.

I stated that I was offering this joint resolution because I hoped the Commission to be appointed by the President would represent the interests of the Federal Government, the viewpoint of the States which were involved, and the viewpoint of the general public. I hoped that such a Commission might make a full and complete study of all aspects of the problem, so that Congress could legislate with light and know precisely what the repercussions and the international implications might be.

The great necessity for a study of this kind is shown by the interest of Cabinet

members and other department heads of the Eisenhower administration itself. My remarks will be directed to some of the questions involved.

They have been unable to get together on the question of what disposition should be made of these great resources. If they do not know what should be done with them, if the Attorney General, the Interior Department, and the State Department are unable to agree upon the kind of legislation which should be enacted, how can they expect the Congress or the people to reach a decision at this time?

The President of the United States said that he favored the giving of title to the States. There seems to have been some discussion as to whether he was fully aware of the import of the Supreme Court decisions holding that the title belonged to the Federal Government and not to the three States. In any event, when the Attorney General of the United States and the Secretary of the Interior, Mr. McKay, appeared before the committee, and when Mr. Jack Tate, speaking for the State Department, appeared, they all gave different versions as to the kind of legislation they thought should be enacted.

The Attorney General said that he did not want to grant title to the States, but wanted to grant them the right to develop, license, and operate the land out 3 miles, or perhaps even out to their so-called historic boundaries; also that they should have the revenue from the development of this land, but that the title to the property should be in the United States itself. That is diametrically opposed to the joint resolution introduced by the Senator from Florida [Mr. HOLLAND].

The Attorney General of the United States is the man who will have to enforce this legislation. He is the man who will have to bring any suits which may involve the United States in its dispute with the States or with any foreign power. It is quite apparent that he must have felt that the granting of such boundaries to the States, and the granting of ownership in the land under the sea to the States, would raise such constitutional and international problems and disputes that it would be impossible for him to enforce the law.

The Secretary of the Interior, Mr. McKay, had a different version. He seemed to be in favor of giving the States rights out to the 3-mile limit, or even out to their historic boundaries, but he felt that it ought to be a package deal, and that there should also be some provision whereby the land under the sea beyond the 3-mile limit or the historical boundary should be developed—that is, that the right of the United States in and to such property should be established, and that it ought not to be left open without any solution whatsoever. So he was not in favor of the Holland joint resolution.

So far as the representative of the State Department was concerned, he thought that the freedom of the sea required that no grant be made, that no State should have any right beyond the 3-mile limit, and that if we attempted to go beyond the 3-mile limit grave constitutional and international problems would be presented.

It would be possible—and I thought of preparing a comparison, at least for the purpose of bringing out this issue—to have three entirely different and separate kinds of measures introduced, on the basis of the statements of the Attorney General of the United States, the Secretary of the Interior, Mr. McKay, and the representative of the State Department, Mr. Tate. None of those measures would follow the line of the Holland joint resolution or be identical with it.

Mr. McKay's statement will be found at page 512 of the hearings.

We find Mr. Brownell saying:

> First. For the purpose of minimizing constitutional questions, I consider it of primary importance that any statute combine a program (a) authorizing the States to administer and develop the natural resources from the submerged lands within a line marking their historic boundaries with (b) specific authorization to the executive branch of the Federal Government to develop the lands outside of that line, with the income therefrom going to the entire Nation.

So he feels that there should be some provision in this measure for the development of the resources out on the Continental Shelf beyond the 3-mile limit or beyond the historical boundaries.

Now we come to the testimony of Mr. Tate. He says:

> The claims of the States cannot exceed those of the Nation. If the Nation should recognize the extension of the boundaries of any State beyond the 3-mile limit, its identification with the broader claim would force abandonment of its traditional position. At the same time it would renounce grounds of protest against claims of foreign states to greater breadths of territorial waters. This is without reference to the question as to whether the States should be permitted to exploit the resources of the Continental Shelf beyond State boundaries.

Mr. President, Senate Joint Resolution 13, which we are now considering, is a remarkable document both for what it includes and what it omits.

On seven occasions the Supreme Court of the United States has confirmed the title of the United States—and all of the people in the United States—in the submerged lands of the Continental Shelf adjacent to the United States. This joint resolution quitclaims the title of all the people of the United States in this vast and rich area.

It makes a clear and unmistakable gift of some $60 million which has been collected as royalties on oil and gas produced in these submerged areas and which has been held by the Treasury of the United States in trust. There is no question at all under the decisions of the Supreme Court of the United States that this large sum of money belongs to all the people of the United States as represented by the Government of the United States. But under this joint resolution we would make a free gift of this $60 million to only three States, the States of California, Texas, and Louisiana.

The joint resolution before us confirms the seaward boundaries of coastal States to the usual 3-mile limit, but it confirms limits of a greater distance for such States as claimed such greater distances when they entered the Federal Union.

No specific language applies to Texas, which claims a seaward boundary line 10½ miles from its coastline, nor to Florida, which makes a somewhat similar claim. Some proponents of the pending measure have assured us that, while the joint resolution would convey to the States title to submerged coastal lands to the limits of their recognized seaward boundaries, it also confirms ownership by the United States in the submerged lands lying beyond the State boundary lines, to the outward edge of the Continental Shelf.

But, Mr. President, there is no provision in the joint resolution indicating that purpose. Furthermore, the joint resolution contains a joker. The joker lies in paragraph (2) of title I, which reads:

> All lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coastline of each such State * * * where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward (or into the Gulf of Mexico) beyond 3 geographical miles.

Mr. GORE. Mr. President, will the Senator from Tennessee yield for a question?

Mr. KEFAUVER. I yield to my colleague, the junior Senator from Tennessee.

Mr. GORE. Did I correctly understand the Senator to refer to Senate Joint Resolution 13?

Mr. KEFAUVER. Yes.

Mr. GORE. Did the Senator refer to Senate Joint Resolution 13, the so-called Holland joint resolution?

Mr. KEFAUVER. I was talking about Senate Joint Resolution 13, or the original Holland joint resolution. I was talking about Senate Joint Resolution 13, which is the Holland joint resolution as reported by the Senator from Oregon [Mr. CORDON], in behalf of the Committee on Interior and Insular Affairs.

Mr. GORE. Did the junior Senator from Tennessee correctly understand his colleague, the senior Senator from Tennessee, to say that the provision he read is a joker? Does the senior Senator from Tennessee imply by what he said that the joint resolution is subject to misinterpretation at first glance, or just what does the Senator mean by his statement?

Mr. KEFAUVER. What I was trying to say, Mr. President, was that some of the proponents of the joint resolution might by their statements lead one to believe that the joint resolution made provision for the disposition of the resources under the sea out beyond the 3-mile limit, or out beyond the historical boundaries of the particular States involved, and that it was conceded that the resources of the Continental Shelf would be in the ownership of the Federal Government. But I say that is not so. Instead, I say there is a joker contained in the joint resolution, in that it does not make a provision for the disposition of the resources in the lands out in the open sea beyond the 3-mile limit, or

beyond the so-called historical boundaries of the States.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the Senator from Tennesee may yield——

The PRESIDING OFFICER (Mr. PURTELL in the chair). Does the Senator from Tennessee yield for a question to the Senator from Illinois?

Mr. KEFAUVER. I yield to the Senator from Illinois for a question or for a unanimous-consent request, provided I do not lose the floor by so yielding.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the Senator from Tennessee be permitted to yield to the Senator from Illinois for a comment, without prejudicing his rights to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

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

Mr. TAFT. Mr. President, I have no objection to the request, provided the Senator from Illinois will limit his time. I have no objection to the Senator from Tennessee yielding to the Senator from Illinois to make a statement, provided he does not exceed 5 minutes.

Mr. DOUGLAS. I thank the Senator from Ohio.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and the Senator from Illinois may proceed.

Mr. DOUGLAS. Mr. President, I believe the senior Senator from Tennessee has advanced a very fruitful suggestion. I hope that Senate Joint Resolution 13 will be defeated and that the Anderson bill will be substituted for it. But I know that this may not happen, and I would therefore suggest that the proposal of the senior Senator from Tennessee, namely, that action on the joint resolution—Senate Joint Resolution 13—be postponed until a commission can be appointed, which will go into the matter very thoroughly and make a report, is one that should be given a great deal of thoughtful consideration.

The administration places much emphasis upon careful studies and very thorough reports. I wish to say that in company with the vast majority of Americans, the Senator from Illinois and, I believe, virtually every Senator on the Democratic side of the aisle, have a great personal affection for President Eisenhower. We think that unfortunately when he resigned from the Army he got to running with the wrong political family and tied up with the wrong folks, just as so many other soldier boys, when they get out of uniform, sometimes fall into the company of inferior companions. But that does not diminish our affection for him in the slightest. We know that under the strain and pressure of the campaign of last year he was forced into what we believe was an overhasty commitment to support the claims of Texas and Louisiana. We do not say that there was an intent thereby to win the votes of Texas and Louisiana. We do not charge intent in any sense. The result, however, was that the pledge of the then candidate General Eisenhower resulted in his winning the State of Texas and probably also the State of Florida, as well as, almost winning the State of Louisiana.

I am convinced that General Eisenhower wants to be President of the entire United States of America, and wants to do a very good job as President. We desire to help him. We would like to free him from the shackles of his premature election commitment, which undoubtedly he now repents and from which he would like to be freed, so that he would be a freeman.

It seems to me that the proposal of the senior Senator from Tennessee affords an opportunity for President Eisenhower to be the President of the entire United States, and to disregard all sectional interests which played upon him at a time when perhaps he had not studied the broad issues involved, and when, under personal and political pressure, he succumbed and made his hasty and unfortunate commitment.

We are trying to save the President of the United States from the very difficult situation in which he was placed during the campaign. We know that the Attorney General, and, to some degree, the Secretary of the Interior, have tried to protect the interests of the United States, in the testimony which they gave in committee on the joint resolution, and that their testimony is very much at variance with the final form of the joint resolution. I am sure the committee was polite to the Attorney General and to the Secretary of the Interior, but apparently it did not pay much attention to the advice which was given by them.

If the joint resolution were to pass in its present form, or in anywhere near its present form, it would put the President of the United States in a very embarrassing position. He would be torn between his previous pledge and duty. That is a very hard situation in which to place anyone.

So, Mr. President, while I hope the joint resolution will be defeated, I would suggest to the supporters of the President that the suggestion of the senior Senator from Tennessee is a very good way in which to take the President "off the hook," so to speak, by creating a Commission to study the issue. It would be a Commission on which the States would have adequate representation, with due balance being given to the public interest. The Commission could make its report within a brief period of time, so that the President would have before him the facts which he did not have when he said he was in favor of the claims of Texas and the other coastal States.

With his usual ability, the Senator from Tennessee [Mr. KEFAUVER] has made a suggestion which I hope, if all the other ways of protecting the President and the Nation fail, may be followed both in the interest of the country and in the interest of the President.

With thanks to the majority leader for his courtesy in permitting me to speak without causing the Senator from Tennessee to lose his right to the floor, I now conclude. I hope I have remained within the 5-minute period.

Mr. KEFAUVER. I thank the Senator from Illinois.

ORDER FOR RECESS FROM TODAY UNTIL MONDAY AT 11 A. M.

Mr. TAFT. Mr. President, will the Senator from Tennessee yield to me, to permit me to propound a unanimous-consent request, provided it is understood that in yielding for that purpose, the Senator from Tennessee will not lose the floor?

Mr. KEFAUVER. Yes, indeed.

Mr. TAFT. I ask unanimous consent that when the Senate conclude its business for today, it take a recess until Monday next, at 11 a. m.

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

TITLE TO CERTAIN SUBMERGED LANDS

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

Mr. KEFAUVER. Mr. President, I appreciate the comment which has been made and the confidence which has been expressed in my joint resolution and in the intention of its sponsor and its cosponsors, by the distinguished Senator from Illinois [Mr. DOUGLAS]. The proponents of the Holland joint resolution, as well as the Senators who are opposing the joint resolution, could get together on my joint resolution without doing prejudice to the positions they have taken, because my joint resolution would simply enable the Senate to legislate with more light, more information, and more knowledge than it now has about what will be the result of its action.

I was explaining that Senate Joint Resolution 13, the so-called Holland joint resolution, contains what may be called a joker, for it provides that the State's boundaries shall be at a distance of 3 geographical miles or to the limit of the historical boundaries which the States claimed they had when they entered the Union, or at such distance as Congress may hereafter provide. The use of the word "hereafter" is the joker, for it means that those who sponsor the Holland joint resolution, or at least its chief sponsors, have in mind that such action will be taken hereafter.

It will be noted that no provision is made to reduce the extent of the title the States will have; there is no provision that the boundaries shall be out to the 3-mile limit or out to the historical boundaries of the States, or not that far, if in the future the Congress so decides; but the drafters of the joint resolution were very careful to provide that there could be a hereafter extension beyond the 3-mile limit or beyond the historical boundaries. That means that at any time from the date of enactment of

the joint resolution, it would be possible for any coastal State to petition Congress to extend its seaward boundaries as far out as the State might wish them to be extended.

As a practical matter, that means that if Texas became dissatisfied with a 10½-mile limit, the door would be open for Texas to request Congress to place the boundary of Texas 20 miles out or, for that matter, out to a line which would include the entire Continental Shelf, thus including an area extending from the coastline of the State of Texas as far as 300 miles or more into the Gulf of Mexico.

As a practical matter, it means that it would be possible and probable that the State of California would request Congress to extend California's boundary 3 miles beyond a line drawn between two islands 40 or 50 miles out to sea.

Some persons may say that is fantastic, but it is not, because at this time a special master who was appointed by the Supreme Court, as a result of the decisions in the California, Texas, and Louisiana cases, has been trying to fix the boundaries of those States; and the State of California is claiming as its boundary a line 3 miles beyond a line between those islands, away out to sea—40, 50, or 60 miles off the coast.

Furthermore, it is not fantastic, because we know that the Texas Legislature has attempted to extend the boundary of Texas fifty-odd miles.

As a practical matter, it means that if the State of Louisiana be dissatisfied with a 3-mile limit, in view of the fact that its neighboring State of Texas claims a 10½-mile limit, Louisiana has been left an open door through which it is invited to say to Congress that, in all justice, the outer boundary of Louisiana should be at the same point as the outer boundary of the State of Texas.

As a matter of fact, Mr. President, all of us know that the State of Louisiana, by means of various acts of its legislature, has already undertaken to extend its boundary for 27 or for 27½ miles.

We can be quite certain that if those things are done by the legislatures of those States and if those contentions are made before the special master of the Supreme Court—as has been done by the State of California—then those claims or requests will be before Congress, and, then, at every session of Congress there will be debate and delay in regard to how far into the Continental Shelf the States will be given control over the lands beneath the sea and the natural resources therein.

In other words, the authors of the pending joint resolution, in their great eagerness to give certain interests to the States, have gone so far as to assure the States that they will own—lock, stock, and barrel—the submerged lands now owned by the United States Government; but the sponsors of the joint resolution give no assurance whatever to the people of the United States, except as to the right of their Government to continue to maintain navigational safeguards and some safeguards for the national interest.

Moreover, the joint resolution would, without question, give to certain States the $60 million fund from royalties, now lying in the United States Treasury.

Mr. President, many of the proponents of the joint resolution are interested in balancing the budget and in having payments made on the national debt and in having tax reductions made. All the people of our Nation are burdened by heavy appropriations for the national-defense effort and by the great national debt; and many persons wonder how in the world that national debt will ever be paid. At this time there is in the Treasury $60 million derived from this source. A conservative estimate of what will be recovered for either the United States or for these three States, in the case of oil, alone, coming from beneath the land that is now proposed to be given away, is $50 billion.

Mr. LONG. Mr. President, will the Senator from Tennessee yield to me?

Mr. KEFAUVER. I yield for a question.

Mr. LONG. Did the Senator from Tennessee hear the statement I made earlier today to the Senator from Alabama, namely, that that figure is an exaggeration of perhaps 100 to 1, based upon what is provided by the joint resolution?

Mr. KEFAUVER. I heard the statement in which reference was made to President Truman's veto message.

Mr. LONG. Is the Senator from Tennessee familiar with the fact that on page 584 of the hearings are to be found figures submitted by the United States Geological Survey, which back up the figures I mentioned on the floor, which were the same figures as those used by President Truman, which would indicate that the Senator from Tennessee is exaggerating by about 100 to 1?

Mr. KEFAUVER. I heard what the Senator from Louisiana said about President Truman's veto message, and I also have before me a statement which I believe Mr. Miller placed in the record. However, I did not understand the page number mentioned by the Senator from Louisiana.

Mr. LONG. It is page 584.

Mr. KEFAUVER. On that page there seems to be a statement which was placed in the record by a Mr. Miller, not by the Senator from Louisiana.

Mr. LONG. I refer to the United States Geological Survey, Department of the Interior. Mr. Miller was speaking for the United States Geological Survey.

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

Mr. KEFAUVER. Let me first answer the question of the Senator from Louisiana by saying I have not studied or analyzed the bill to which the Senator refers. I am not familiar with the bill that, based upon the National Petroleum which those men prepared. I do know Council's figures, which appeared in the New York Times, and based upon other estimates which I have seen, the value of the oil resources in this marginal sea is greatly in excess of $50 million.

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

Mr. KEFAUVER. I also know that one of the estimates made by the petroleum people themselves was that of all the oil resources or reserves to be found in the continental shelves of the entire world, one-tenth is in the Continental Shelf of the United States under its coastal waters. Certainly for the one-tenth of all the oil reserves of the continental shelves of the world, the figure of $50 billion or $100 billion for the United States would not be excessive.

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

Mr. LONG. Mr. President, will the Senator yield to me, just at that point?

Mr. KEFAUVER. I first yield to the distinguished Senator from Illinois, for a question only.

Mr. DOUGLAS. Is it not true that the figures quoted this morning earlier in the debate by the distinguished Senator from Louisiana referred to the so-called proved crude reserves inside the 3-mile limit? But his figures were extremely small. Is it not true that the probable reserves in the Continental Shelf as a whole in the gulf and off California, range from a minimum of 15 billion barrels or $40 billion, as indicated by the Geological Survey, through an estimate of 40 billion barrels, that being the estimate of Dr. Weeks, to 100 billion barrels, for the Continetal Shelf of the United States which is the estimate of Dr. Pratt?

Mr. KEFAUVER. Yes. I think we probably are not talking about the same thing, either in regard to the territory or in regard to the proved or estimated reserves. The statement which the Senator placed in the RECORD is very long, indeed. I am sure the Senator from Louisiana would recognize Dr. Pratt, who was formerly with the Standard Oil Co., to be a great geologist, and Dr. Pratt says that at least one-tenth of the oil in the continental shelves of the world lies under the waters of the United States. He indicates that there are at least 1,000 billion barrels of oil beneath the world's continental shelves, which is about 500 times the present yearly world consumption. He said that "at least one-tenth of this store lies under the waters of the United States." Multiplying that by the present price per barrel, $50 billion is a very modest estimate.

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

Mr. KEFAUVER. I yield for a question only.

Mr. LONG. Does not the Senator understand that the pending measure does not dispose of the Continental Shelf, that it proposes only to restore to the States land within their historic boundaries, which comprises only about 10 percent, or less than 10 percent, of the land of the Continental Shelf?

Mr. KEFAUVER. Yes. I appreciate the fact that the measure only disposes of land within 3 miles of the low-water mark, or out to the so-called historic boundaries to which reference has been made. But that is the very thing I am endeavoring to point out. If the sponsors of the Holland joint resolution were in good faith in wanting the people of the United States to be sure to have the revenue from the oil found beyond the 3-mile limit, it would seem to me they would provide in the joint resolution itself for the development, exploitation, and fixing of ownership. But instead of

doing that, they leave the door wide open for the States to come forward later and say, "Not a 3-mile limit, but what the Congress hereafter says shall be the limit," and to claim all the way out and out and out, as some of the States have done heretofore.

Mr. DOUGLAS and Mr. LONG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Tennessee yield; and if so, to whom?

Mr. KEFAUVER. I yield first to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that in line 18 of page 17 of the Holland joint resolution there is an open-end provision which not only permits the Congress hereafter to approve boundaries beyond the 3- and 10½-mile limits, respectively, but also provides that any boundaries hereafter recognized or approved by Congress beyond those limits shall be legal.

Mr. KEFAUVER. That is certainly correct; and no one knows exactly what that means.

Mr. DOUGLAS. Is it not true that Congress, in its wisdom, has passed a multitude of bills and that it may very well be found that in some obscure corner of an obscure bill passed by the Congress years ago, there may be what certain States claim to be a recognition of their boundaries vastly beyond 3 and 10½ miles?

Mr. KEFAUVER. Yes; that is entirely true. But the whole wording of the joint resolution is almost a direct invitation to certain States—and there has been plenty of evidence that the invitation will be accepted—not only to dig up any old claims showing what Congress may already have granted, or some obscure provision in some law, but to come before Congress, after Congress in efforts to extend and extend their so-called boundaries and titles and rights to the land beneath the ocean, on out to the Continental Shelf.

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

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

Mr. MANSFIELD. Carrying the colloquy a little bit further, if it is implied that the boundaries may be fixed beyond the tidelands, is it not safe to assume that under the Holland joint resolution what some of us fear may happen beyond the 3-mile limit may also happen to the interior of the country as well? As an illustration, ex-President Hoover recently made a speech in which he stated that he favored the building of multiple-purpose dams by the Government, but that he also favored turning over the power from such dams, once completed with the people's money, to private utilities. There are at the present time bills before the House and Senate seeking to turn mineral rights and public lands back to the States.

What is this particular proposal? Is it a proposal for a big grab or a big steal? Is it designed to set a precedent that would apply to all the 48 States, in accordance with which, instead of all the 48 States participating in this natural resource, which belongs to all the people, the people of the States other than the coastal States would eventually have their resources taken from them? In that situation, what would the Federal Government do? Who would protect the interests of the people in their natural resources—resources which belong to all the people?

Mr. KEFAUVER. The Senator from Montana has made an observation which we must discuss at great length, because unquestionably, as he has so well stated, the joint resolution is but the beginning of a program to give away the treasure of the United States, acquired in Republican administrations as well as in Democratic administrations, and of which the people of this Nation are so proud. That is not so fantastic or imaginary as might be believed, as I shall point out later. The interested parties have not even waited for the passage of this joint resolution to start grabbing the mineral resources under the public domain. President Hoover, the National Chamber of Commerce, and others have begun advocating the disposal of our great power projects. The distinguished Senator from Nevada, in hearing after hearing before the very committee which reported the joint resolution, and in statement after statement, said that he was going to submit amendments to give the States the mineral resources under the lands of the public domain. So there would be no justification for not turning over to the States everything the Federal Government owns in the States if we reverse the Supreme Court's decision and give certain States an outright quitclaim to the resources of the land under the marginal waters.

I thank the Senator from Montana for his contribution to the debate. We must talk about the proposed legislation at considerable length so that the people who have pride in their national parks, who feel that the public domain is of importance to the Nation, who believe that the national forests should be protected, may know what is going to follow if we set the precedent of starting to give away one of our greatest natural resources. I appreciate the contribution of the Senator from Montana.

Mr. President, speaking of the national defense, the joint resolution specifically and categorically revokes the Executive order of January 16, 1953, setting aside the submerged lands on the Continental Shelf as a naval-petroleum reserve.

The joint resolution, in another statement about the national defense, contains this provision:

> 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.

Mr. President, the United States of America, which has sovereign rights out to the 3-mile limit and which, by the decision of the Supreme Court, has oil and gas rights in the lands under the sea, shall have the right to purchase lands from the States after they are given to the States. What this means is that although the United States as a whole is giving away these lands and their appertaining natural resources, lock, stock, and barrel, if a war or other national emergency should arise and the United States believed it had a need for the gas or oil produced in those lands, or for the lands themselves, the United States could have them, provided it paid for them at the prevailing market price or paid just compensation therefor.

The most remarkable feature of this joint resolution, however, is that while it pretends to confirm title to the United States in the areas on the Continental Shelf beyond the seaward boundaries of the coastal States, it make absolutely no provision for the United States to utilize in any fashion whatsoever the resources of those areas. In the first place, no act of Congress is needed to confirm such ownership by the United States. The Supreme Court has confirmed such ownership, time and time again.

In the second place, the committee and all concerned have known that there is at present no Federal law under which the United States Government has been able to lease or otherwise utilize the oil resources of the Continental Shelf. It is not possible for the United States Government to lease or utilize the resources of the Continental Shelf under the Mineral Leasing Act. The question whether the Mineral Leasing Act was applicable to the exploitation, developing, and leasing for the purpose of securing oil on the Continental Shelf, was considered, and the Solicitor General of the United States, whose opinion was approved by the Attorney General of the United States held that the Mineral Leasing Act does not apply to offshore oil. The opinion of the Attorney General was rendered on August 29, 1947. It was directed to the Secretary of the Interior.

Mr. President, I shall not read all the opinion. If this were a filibuster I might read all the opinion, because it is important, but I think one paragraph of it should be in the RECORD, so I shall read it. It is as follows:

> In considering the steps which should be taken to protect the interests of the United States in the submerged lands off the coast of California, following the decision of the United States Supreme Court rendered on June 23, 1947, in *United States* v. *California* (No. 12 Original, October term, 1946), one of the questions which your Department and this Department had to examine was whether the provisions of the Mineral Leasing Act required that the procedures set forth in that act be followed with regard to the property which the Supreme Court held in that case to be that of the United States. The Acting Solicitor General and the Solicitor of your Department concluded that the act imposed no such requirement. After consideration I reached the same conclusion, and I now adhere to it. The stipulations were signed on that basis.

Mr. President, the great natural resource on the Continental Shelf beyond the historic boundaries of certain States should be developed and should be explored in order that oil might be obtained; yet, while the proposed legislation attempts to deal with the general

problem, no provision is made for applying the Mineral Leasing Act or any other act whereby the Federal Government can take any steps whatsoever to develop oil and gas resources lying beyond the boundaries the States claim.

The only conclusion, I think, which anyone can draw is that the proponents of the proposed legislation do not want the Federal Goverment to do anything with the resources in the land on the Continental Shelf. If they did, they certainly would have applied the Mineral Leasing Act. The reason why they do not want anything done about it is that they have in mind asking not only for land within their historic boundaries, but they will come to Congress after Congress seeking extension after extension until there will be no resources left on the Continental Shelf.

Mr. HUMPHREY. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. Is the Senator now referring to Senate Joint Resolution 13, the Holland joint resolution, when he describes the situation with reference to the Continental Shelf and the development of the resources there?

Mr. KEFAUVER. Yes. I will say to the distinguished Senator from Minnesota that that was what I was referring to.

Mr. HUMPHREY. Does the Senator recall that the language which pertains to the so-called Continental Shelf is written in a negative form rather than as a positive assertion of the Federal Government's paramount rights and ownership?

Mr. KEFAUVER. That is exactly correct. It is written with the implication that the rights of the Federal Government are negligible and that, sooner or later, they will be claimed by the States.

Mr. HUMPHREY. The Senator is aware of the fact, is he not, that on page 16 of the joint resolution, title II, section 3, paragraph (d), contains the following language:

> 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.

Is the Senator from Tennessee aware of that language?

Mr. KEFAUVER. Yes; I am aware of it.

Mr. HUMPHREY. Is the Senator from Tennessee also aware of the fact that when reference is made to the Continental Shelf, the language is again written in the negative, namely, to the effect that there shall be nothing contained in the joint resolution which would deny to the Federal Government rights in the Continental Shelf area? Is the Senator aware of that?

Mr. KEFAUVER. That is in section 6, page 18. I am aware of the language.

Mr. HUMPHREY. Is not the Senator likewise aware of the testimony of the Attorney General, the Honorable Herbert Brownell?

Mr. KEFAUVER. I am aware of his testimony.

Mr. HUMPHREY. Does the Senator recall that Mr. Brownell, in testifying before the Committee on Interior and Insular Affairs, made this request:

> For the purpose of minimizing constitutional questions, I consider it of primary importance that any statute combine a program (a) authorizing the States to administer and develop the natural resoures from the submerged lands within a line marking their historic boundaries with—

And I call the Senator's attention particularly to this language—

> (b) specific authorization to the executive branch of the Federal Government to develop the lands outside of that line, with the income therefrom going to the entire nation.

Does the Senator recall that particular bit of Attorney General Brownell's testimony?

Mr. KEFAUVER. Yes; I recall that particular testimony. The Senator from Minnesota is correct in saying that Senate Joint Resolution 13 is not supported by the testimony of Attorney General Brownell, the testimony of Secretary McKay, or the testimony of Mr. Jack Tate, representing the State Department. The Holland joint resolution is not an administration measure in the sense that any department of the Government supports it.

Mr. HUMPHREY. In other words, is the Senator saying that the Holland joint resolution has even ignored the recommendations of the chief law officer of the Federal Government?

Mr. KEFAUVER. It has not only ignored the recommendations of the chief law officer of the Federal Government, but also of the Secretary of the Interior, who, along with the Attorney General, said that provision should be made to develop and exploit lands the Federal Government owns on the Continental Shelf.

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

Mr. KEFAUVER. I yield to the Senator from Minnesota for a further question.

Mr. HUMPHREY. Would it be fair to state that Senate Joint Resolution 13, first, does not specifically authorize the Federal Government to develop, control, and own lands in the Continental Shelf area; and second, by its negative language, may actually pose an entirely new legislative problem for another Congress in reference to the Continental Shelf?

Mr. KEFAUVER. The Senator from Minnesota is exactly correct. It is very apparent from the language of the joint resolution that much more is claimed in Senate Joint Resolution 13 than was claimed or contended for by the States concerned in the original bill introduced in the House of Representatives. Much more is claimed by the States in the Holland joint resolution than was claimed by the Senator from Texas [Mr. DANIEL] and other proponents of the joint resolution themselves. They now want to use the Holland joint resolution for the purpose of getting their foot in the door. Believe me to permit that would be granting a substantial concession to the States, and in succeeding Congresses there would be further attempts to get more. That is undoubtedly the intention, as is demonstrated by the Holland joint resolution and its legislative history.

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

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. Does the Senator agree with me that what the Holland joint resolution provides is essentially a legislative quitclaim to resources in the submerged lands within the 3-mile limit, with complete disregard for the advice and counsel of the Attorney General, who said that a quitclaim should not be legislated, but, rather, that the sovereignty of the Federal Government should be recognized? Does not the Senator agree that that is a fair statement?

Mr. KEFAUVER. I agree with the Senator's statement. The Holland joint resolution not only goes against the recommendation of the chief law enforcement officer of the United States, who insisted that title should remain in the Federal Government, and that only revenue derived from resources within the 3-mile limit should be given to the States, but the Holland joint resolution also sets aside decisions of the Supreme Court of the United States.

I do not know of any other way in which disputes can be settled between persons or between States than by recourse to the courts. In the United States Senate we hear much from day to day about the Judiciary. We are admonished not to interfere with the Judiciary. After all, the judicial branch of the Government was established for the purpose of settling disputes. We may fight, spar, and argue back and forth, but when the Supreme Court acts, as it has acted in the submerged lands cases, then it should be recognized that the Federal Government is the trustee over these great, vast resources for the benefit of all the people.

The Holland joint resolution proposes to repeal the decisions of the Supreme Court. It seems to me that to do so would be a very bad precedent to establish. When the Supreme Court has acted in a way that certain powerful interests do not like, those interests should not be permitted to come before the legislative branch of the Government and seek to have decisions of the Court overruled.

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

Mr. KEFAUVER. I yield to the Senator from Minnesota for a further question.

Mr. HUMPHREY. Does not the Senator from Tennessee agree with me that it is about time the people of the United States recognized that the Holland joint resolution, which is the pending business of the Senate, goes far beyond any recommendations of the Attorney General, the Department of State, or the Secretary of the Interior; and would not the Senator go further and agree with me that the Holland joint resolution has but one objective; namely, to take title to and ownership of lands which even the Attorney General of the United States in the Eisenhower ad-

ministration has said cannot be divested from the Federal Government? Is not that a fair statement?

Mr. KEFAUVER. I agree fully with the Senator from Minnesota. He has made a correct statement. I think it is about time that the people of the United States realized that the executive officers of the Federal Government, especially the Attorney General, are not in sympathy with what is proposed by the Holland joint resolution. The testimony of the Attorney General shows that he is not in sympathy with and does not believe in the general principles of Senate Joint Resolution 13.

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

Mr. KEFAUVER. I yield for a further question.

Mr. HUMPHREY. Is it not correct to say that when one is speaking on a public platform during a campaign, it is easy to simplify the issue by saying that we should hand over to the States the so-called submerged lands, but when the question comes before a committee of Congress, which is preparing to legislate, the simple language which covered so many areas during the campaign becomes inapplicable, and much broader and more complex issues present themselves. Therefore, when the Attorney General appeared before the Committee on Interior and Insular Affairs, he first had to repudiate the suggestion that title to and ownership of the lands be reposed in the particular States; and, second, he had to proclaim again, once and for all, as did the Attorney General in the Truman administration, that no government could divest itself of its powers with respect to the submerged lands or submerged areas.

Mr. KEFAUVER. The Senator from Minnesota has stated a very important point. It is very easy to say on a campaign platform that the submerged lands or the tidelands containing oil or other resources belong to the States. But when the time comes to consider legislation pertaining to the sovereignty of the United States over land beneath the seas, on our boundaries, or along our shores, and affecting the many problems with which we are confronted in our dealings with other nations under international law, then an entirely different proposition is presented. Certainly Attorney General Brownell saw it as such. He saw that we could not maintain our position as a great nation by giving up the title to that over which the United States must have sovereignty. He could also see difficulties of a constitutional nature in the enforcement of any such legislation as is proposed in Senate Joint Resolution 13, which we are now considering.

I thank the Senator from Minnesota very much for his contribution.

Mr. HUMPHREY. Madam President [Mrs. SMITH of Maine in the chair], will the Senator yield to me for a further question?

Mr. KEFAUVER. I yield for a question.

Mr. HUMPHREY. I ask the Senator if I am correct in stating, as the conclusion of the Senator's argument, in the light of the testimony which we have before us in this thick volume, testimony which was given before the Committee on Interior and Insular Affairs, that Senate Joint Resolution 13, the so-called Holland resolution, contains within it features which have been criticized—in fact, repudiated—first by the Attorney General and the Solicitor General of the prior administration, and secondly, by the Attorney General and the Secretary of the Interior of this administration. Is that a fair statement?

Mr. KEFAUVER. That is a fair statement; and, so far as I know, no Secretary of State of the United States ever has been willing to go along with the provisions of this joint resolution, foreseeing all the difficulties which might arise. I think we ought to know what Secretary Dulles personally thinks about the proposed legislation. He sent to the committee Mr. Tate, the representative of the State Department, who stated that anything beyond the 3-mile limit would bring on grave international complications, which I shall point out very shortly.

Consider the number of treaties, and the negotiations which have been entered into by this Nation over the period of 165 years of its existence, with hundreds of other nations, having to do with fishing rights in the seas and with the freedom of the seas, having to do with the protection of our interest in our coastal waters, and the preservation of the interest of other nations in their coastal waters. This legislation is brought before us without even having the Secretary of State come before the committee and state his position. That is the reason why we need to have a thorough and extended study. We need to know what may happen when the Secretary of State tries to protect the sovereignty of this Nation and the rights of fishermen and of people engaged in navigation and commerce of this Nation.

That is why it is desirable to adopt the resolution which I have proposed, which provides for a commission to be appointed to give consideration to this subject. Bear in mind, Madam President, that under my resolution the Commission would not be appointed merely with the idea of protecting the interests of the people. The Commission to be appointed by the President of the United States under my resolution would consist of 3 members representing the viewpoint of States, 3 representing the viewpoint of the Federal Government, and 3 representing the public interest. One might say with a great deal of justification, "That Commission would be stacked against you. That Commission would represent the viewpoint of the present administration."

Supposedly the viewpoint of the present administration is the viewpoint of the Federal Government at the present time, in favor of quitclaiming this property to the States. But, Madam President, I am not fearful as to what the Congress would do with this measure if only it had all the facts, if only it had the testimony of Mr. Dulles, if only we knew what was going to happen to the property far out on the Continental Shelf, if only we knew what would happen to all the treaties we have entered into, if only we knew what would happen to our State Department. We would have to divide the State Department into 21 State Departments, each dealing with foreign nations. I think there are 21 coastal States. Presumably, if we were to grant to the States ownership of the land under the sea and the natural resources, treaties affecting fisheries would have to be negotiated with each of the 21 States. We would be whittling away our right, our power, our sovereignty, and our position as a nation.

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

Mr. KEFAUVER. I yield to the Senator for a question.

Mr. HUMPHREY. The testimony of the Attorney General which I read a short time ago asks that any such proposal as the one which we are considering combine a program authorizing the States to administer and develop the natural resources from the submerged lands within a line marking their historic boundaries with specific authorization to the executive branch of the Federal Government to develop the lands outside that line, with the income therefrom going to the entire Nation.

In the light of those two provisions, as compared with what are actually the provisions of Senate Joint Resolution 13, is it not probable that the Attorney General, after this debate, when all the facts are brought out, may recommend to our President that the joint resolution be vetoed because it does not meet the requirements laid down by the President's chief law officer before the committee?

Mr. KEFAUVER. I certainly agree with the Senator. Not only is it probable, but I am sure that if the Attorney General were to express his real feeling about this resolution he would insist that it be vetoed, because it does not meet either of the two paramount qualifications which he laid down. He stated, in the first place, that the Federal Government must retain title to the land under the sea, even within the 3-mile limit; that it should be exploited and used, and that the revenue should be given to the States. As to the land and resources out beyond the 3-mile limit or the historical boundaries, he stated that there should be provision for confirming the title to it in, and the development of it by, the Federal Government. Those were the two salient points, and they make sense. But the joint resolution before us goes in the opposite direction. It negatives the recommendation of the Attorney General that the Federal Government retain title. It does nothing as to the property beyond the 3-mile limit except, impliedly, to say, "Boys, come back in the next Congress and we will give you the rest of it." That is what the Attorney General was trying to prevent.

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

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. I ask the Senator if he recalls that early last year the President—at that time General Eisenhower, and a possible candidate for President—in a letter to the Washington Post, or at least published in the Washington Post, expressed his feeling

that the submerged lands, or the resources of the submerged lands, should become the property of the States? Does the Senator recall that?

Mr. KEFAUVER. I recall that there was some confusion before he made up his mind. It was not quite clear in the first place that he was fully aware of the Supreme Court decisions, but a letter was published to the effect that he thought the resources should be given to the States.

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

Mr. KEFAUVER. I yield for a question.

Mr. HUMPHREY. In the light of what we know about the letter which the President wrote and signed at the time he was a general in the NATO organization, as compared with the statement of the Attorney General, who is the President's chief law officer, is it not fair to assume that after more careful examination the President has realized that the Federal Government cannot relinquish its title, cannot divest itself of sovereignty, and therefore may very well look upon this joint resolution as a repudiation of his feelings on the very important question of the submerged lands and the resources therein?

Mr. KEFAUVER. I think that is entirely likely. In my opinion, what the President had in mind was that he wanted the States to have the revenue from the lands out to the 3-mile limit; but I am sure the President of the United States, great patriot that he is, does not want the United States to give away its sovereignty over the land under the seas extending from the coasts of the States—a sovereignty which is so necessary for the conduct of the affairs of the Government.

So I think it is quite likely that after consultation with the Attorney General of the United States the President may conclude—and I am sure many constitutional lawyers will agree—that Congress cannot give away the sovereignty of the United States; that Congress cannot legislate as to what perhaps may belong to all the nations of the world; that Congress cannot confer title to land under the sea; and that Congress cannot give to States boundaries extending out in the sea and including areas where perhaps even the Federal Government may not have any rights. Therefore, the pending joint resolution does not contain the qualifications which the President had in mind.

In any event, the Senate can be certain of one thing. Those who want to see the question settled, those who want to get on with the development and exploration of the oil beneath the marginal sea, will wait a very long time before that will happen under the pending joint resolution.

Mr. President, the passage of Senate Joint Resolution 13, if it should be passed, will result in more lawsuits, in more disputes between States, in more disputes between the United States and other nations, and in more injunctions and difficult legal proceedings than any other piece of legislation that has been considered by Congress in a long time has brought about.

Therefore those who desire to have the great resources of the country developed for the defense and protection of the Nation will not get what they want under this kind of legislation.

On the other hand, Mr. President, I have been unable to understand why the States that want the resources out to their so-called historical boundaries, or out 3 miles, do not grab at the proposition that has been offered in the bill introduced by the Senator from New Mexico [Mr. ANDERSON], or in the amendment which the Senator from Alabama [Mr. HILL] has offered, or in the joint resolution which I have introduced, which would take care of certain equitable situations, such as at Long Beach, Calif., or in some counties that have been relying on such revenues for the support of their schools. I have never been able to understand why they do not grab at such a proposition.

For one thing, it would settle once and forever all questions with reference to piers, filled-in land, river bottoms, lake bottoms, and inland water bottoms, and also with reference to jetties. Those questions have no reality. They have been brought up here as a sort of bogey, in an effort to attract support from inland States. However, by the bill introduced by the Senator from New Mexico [Mr. ANDERSON] those questions would be settled once and for all time. They have already been settled, but under his bill they would be settled once and for all time.

In addition, the coastal States would get 37½ percent of all the revenue which would be derived from the oil in the lands under the sea, and they would share in the remaining 62½ percent. They would share with the other States of the Union on some kind of basis, presumably on a population or other basis which would be determined by Congress.

The proposal of the Anderson bill is as favorable as the Mineral Leasing Act, which has met the test of time. As we all know, under the Mineral Leasing Act, 37½ percent of the revenue goes to the States in whose boundaries the mineral is mined, 52½ percent goes to all the States that have reclamation projects—and any State may qualify for a reclamation project—and the remaining 10 percent is paid to the Federal Government for purposes of administration.

So, Madam President, the Anderson bill offers a good bargain. Moreover, it should be borne in mind that by settling the question as the Anderson bill proposes, there would not result any whittling away of the power and the strength and the sovereignty of our country, nor would we feel any apprehension as to what would happen to our fishing treaties, or what would happen to American shrimp boats that go from Louisiana into the Gulf of Mexico, some of which have been captured by the Mexican Government.

Therefore I believe it would be a fair settlement. My joint resolution could then be passed, and all remaining questions could be settled at a later date. In the meantime we could develop the oil and use the $60 million for defense and for schools, and we would have available this vast treasury for national defense and for the public-school system of the whole United States.

Mr. ANDERSON. Madam President, will the Senator from Tennessee yield for a question?

The PRESIDING OFFICER (Mrs. SMITH of Maine in the chair). Does the Senator from Tennessee yield to the Senator from New Mexico?

Mr. KEFAUVER. I yield to the Senator from New Mexico for a question, with pleasure.

Mr. ANDERSON. Did the Senator from Tennessee a few moments ago mention Long Beach, Calif.?

Mr. KEFAUVER. Yes; I did mention the city of Long Beach.

Mr. ANDERSON. Did the Senator from Tennessee visit the city of Long Beach at one time during the early part of 1952 when he was campaigning across the country as a candidate for the Democratic presidential nomination, and while there did he openly, clearly, and courageously mention his stand on this issue to the people of that community? If so, I should like to have him indicate their response to him in the primary which followed his campaign.

Mr. KEFAUVER. I thank the Senator very much for asking me about my experiences in California. I shall be very happy to relate them.

I had stated generally my position on the tidelands oil question a number of years ago and in my campaign for the nomination for the presidency on the Democratic ticket. California holds a primary in which delegates are pledged to vote for the candidate who receives the majority of the votes in either the Democratic or the Republican Party. When I went to California a great many people insisted that I not enter the primary there, because my position on the tidelands oil issue apparently was against the position of the State of California. They pointed out to me that certainly the other side would be in favor of giving the State the revenue involved, and that a great part of the press was in favor of something along the line of the Holland bill, by way of a quitclaim to the State. Therefore, since I could not take that position it would be best if I did not enter the primary.

I said I was not in favor of a quitclaim and I thought that although we could have all the sparring we wanted to have, nevertheless once the Supreme Court had acted, its decision became the law of the land. I said the Supreme Court had said that the Federal Government was the trustee for all of the people with reference to this vast wealth, and that I was sure the people of California did not want Congress to take something away from all the people and give all or a large part of it to them and to the people of Texas and to the people of Louisiana.

However, I said that I was in favor of special consideration being given to local equities, and that where communities had relied upon revenue from the tidelands oil over a period of years I thought, on a sort of quantum meruit

basis, they should be given special consideration. I said that if a commission were to study all the cases involved, with a reasonable report being made by the commission along that line, keeping in mind all the time that the property belonged to the Federal Government and must be used for the benefit of all the people, but at the same time giving consideration to local issues, I would support such a report.

The people apparently agreed with me on that proposal. I talked with hundreds of them. They said they did not want something that belonged to all the people of the country.

On the other side a group got together which called itself the regular Democratic or the incumbent Democratic group, and they put up another slate of delegates. There was a contest between them and my slate. In the primary my slate received 1,156,000 votes and the other slate received 435,000 votes. The principal issue made by the other slate of delegates was the tidelands-oil issue. They favored quitclaiming title to those lands, and they condemned me for the position I took.

It should also be noted that in that election there was a bitterly contested Republican primary between a delegation supporting the Governor of California, Governor Warren, and a delegation supporting a State senator. That primary was held on the same day. In that primary Governor Warren received 1,029,000 votes, and the other candidate received 522,000 votes. In that campaign more persons voted in the Democratic primary than in the Republican primary. Of course, the State later went Republican by a substantial majority.

But, Madam President, the Senator from New Mexico particularly asked about Long Beach. Long Beach is a beautiful industrial, residential, and vacation city just a few miles south of Los Angeles. Long Beach has a population of perhaps 300,000 or 350,000. The opposition to my position against quitclaiming to the States title to the tidelands oil was particularly bitter in Long Beach, for the reason that in that area, all along the road adjacent to the sea and even in the sea itself, in land which has been filled in, there are oil derricks which run day and night. They produce tremendous quantities of oil. I was told that the city of Long Beach had set aside for harbor-improvement purposes a certain amount of the revenue obtained from that oil, and that other amounts were set aside for school purposes or for other purposes. I understand that Long Beach relies very greatly upon that revenue.

My friends were sharply divided over the question of whether I should make a speech in Long Beach. However, I went to Long Beach and spoke there. In my speech I explained the issue as I saw it, as I have stated it in the last few minutes. I believe I never in all my life received a better reception than the one I received from the people of Long Beach. By their action they said very definitely that they did not want something the Supreme Court has said belongs to all the people of the Nation. By their action, the people of Long Beach said they wanted only what was theirs. They said they would like to have some special consideration given to their problem, and I believe they are entitled to have such consideration given.

They also felt that the Anderson bill—which would give the States 37½ percent of all the revenue obtained from the oil coming from the lands beneath the sea off the coast of California, and then would permit them to share in the remaining 62½ percent—was very generous. They said that the Anderson bill, by which the United States would relinquish any claim it might have—although the United States has never made such a claim—to any lands beneath the bays or rivers, is eminently fair.

So I believe I received a better reception in California than I was expected to receive. I believe that shows that the people of California, as in the case of all the American people, want the proper thing done in this case. Certainly the people of California do not show an overwhelming desire to take these assets for themselves to the exclusion of the people of the other States.

Mr. HUMPHREY. Madam President, will the Senator from Tennessee yield for a question?

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. Is the Senator from Tennessee saying that when one goes to the people and, in a constructive and thoughtful manner, explains this difficult issue affecting the submerged lands under the open sea and the treasure house of resources therein, and explains his stand in terms of Federal jurisdiction, control, and ownership, even when one goes into a coastal State that is so closely involved in this issue as is California, one is able to get the people there to respond on the basis of equity and fair play? Is that what the Senator from Tennessee is saying has been his experience?

Mr. KEFAUVER. Certainly that was my experience in the State of California. I believe I may also say that is true everywhere else. I believe the people of the Nation generally do not want to grab everything for themselves, for the American people know that the Nation as a whole must be maintained and must have certain rights and must be able to negotiate in the case certain questions arise affecting the submerged lands beyond the coasts. If a fair proposition is taken to the people of any State, I believe they will understand it and will appreciate it and at least will credit one with being sincere about it.

Mr. HUMPHREY. Madam President, will the Senator from Tennessee yield for a further question?

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. In the wonderful experience the Senator from Tennessee had in California, did he find that the opposition to his candidacy made a strong point of the fact that they, the opposition, favored quitclaiming the property under the ocean and giving clear title to it directly to the State of California?

Mr. KEFAUVER. Yes. The opposition delegation was headed by the attorney general of California, Mr. Pat Brown, who is the highest Democratic official in that State. Quite a number of Members of Congress were on the delegation, along with the official Democratic leadership of the State of California. The main plank in their platform and the main thing they condemned me for was that I did not favor, so they asserted, the best interests of California, because I was opposed to this proposed quitclaim legislation. A great deal was said about that, and the matter was editorialized in the newspapers. Frankly, my friends were almost scared to death about the issue. But, as I have stated, I received there 1,156,000 votes, whereas my opposition received 485,000 votes.

I am sincere in saying that I think the large vote and a considerable part of my majority may have been because this issue was carried to the people and because they saw the equity of the Anderson-Hill bill, together with the joint resolution which proposes to create a Commission to make a special inquiry or study of the subject. The people of California did not favor taking from the people of the rest of the Union what the Supreme Court has said belongs, at least in some degree, to the people of the Nation.

Mr. HUMPHREY. Madam President, will the Senator from Tennessee yield for a further question?

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. Am I to understand, therefore, that the Senator from Tennessee, in explaining his position on the submerged lands and the resources contained therein, cited the provisions of the Anderson bill, with its special provision that 37½ percent of the revenues shall go to the coastal States, and that the Senator from Tennessee also cited the provisions of the Hill amendment, which is cosponsored by a number of the Members of the Senate, including among whom are the Senator from Tennessee and myself; and, third, that the Senator from Tennessee pointed out that wherever there are inequities or special claims for consideration, his proposal—which is one of which I am proud to be a cosponsor—would call for the making of the needed adjustments in accordance with the principles of justice and equity? Is that what the Senator from Tennessee covered in his remarks?

Mr. KEFAUVER. Yes. I think that was the chief campaign issue in the entire campaign in California.

Mr. HUMPHREY. Does the Senator from Tennessee find any conflict of interest between the Anderson bill, the Hill amendment, and the Kefauver joint resolution?

Mr. KEFAUVER. There is none. Of course, I wish to say that, at that time the Anderson bill was called the O'Mahoney bill, as I recall.

Mr. HUMPHREY. That is correct.

Mr. KEFAUVER. Only after Senator O'Mahoney was not returned to the Senate, was the bill called the Anderson bill.

I am very happy to say that I have talked with the Senator from New Mexico [Mr. ANDERSON], with the Senator from Alabama [Mr. HILL], with the Senator from Minnesota, and with many, many other Senators about these three measures, namely, the Anderson bill, the Hill amendment, and the joint resolution calling for the appointment of a group to study the problem—which is the proposal I have before the Senate—and I believe those Senators feel there is no conflict between those measures.

Furthermore, I believe that they feel that, as a matter of fact, the Anderson bill is only an interim measure, its purpose being to have exploration begin. That bill would settle any possible arguments, imaginary or otherwise, about river bottoms and lake bottoms and other areas, and thereafter there would be further studies regarding the adjustments, one way or the other, to be made as to the part to be received by the coastal States and the part to be received by the people of the entire Nation. So I am authorized to say they have told me they feel that even if the Anderson and Hill measures are passed, Senate Joint Resolution 13 should also be passed.

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

Mr. KEFAUVER. I yield for a question only.

Mr. HUMPHREY. Now that we have discussed the Anderson measure, the Hill amendment, and the Kefauver joint resolution, does the Senator agree with me, that the vast majority of the American people have not been made aware of the provisions which are incorporated within those respective proposals?

Mr. KEFAUVER. I think the Senator is entirely correct, and that, since a misnomer has probably been applied to the issue, a great many people do not understand just what the provisions of the Anderson bill are. I think they view the whole question in rather simple terms, though it is not simple, and that when they come to understand it—as they are doing in increasing numbers with every passing day—they will rise with great unanimity, as I think most of the people in California did, to say that it is not right to take away what the Supreme Court has said belongs to all the States and to give it to only a few; it is not right to interfere with the conduct of the State Department; it is not right to prejudice the international position of the United States, by the passage of Senate Joint Resolution 13; that it ought to be studied and considered, and that a commission ought to be appointed for that purpose.

Madam President, I think it important for the people to know that Senate Joint Resolution 13, the so-called Holland measure, is not a total-package piece of legislation which would dispose of this whole problem, even though it might dispose of it adversely from the standpoint of both our national interest and our international standing. If it were passed, we would have an act which would leave unsettled the question of the status of the lands under the sea beyond the 3-mile or 8-mile limit, and on the Continental Shelf. We would have a piece of legislation which would make no provision for the Federal Government's doing anything toward the development of the resources of those lands, and that would leave to later action their development, use, and disposition. We would have a piece of legislation which apparently the Attorney General of the United States thinks is either unconstitutional or unenforceable—certainly not in the public interest—and regarding which, while the Secretary of State himself did not testify, his representative said it would create grave international problems. I submit that Senate Joint Resolution 13 does not constitute a total-package piece of legislation.

Madam President, let me point out that in the Anderson bill, with the Hill amendment, and the so-called Kefauver resolution, there is a total package of legislation to protect the legitimate interests of each State. The Anderson bill, with the Hill amendment, provides that the coastal States shall receive 37½ percent of the value of the production, and that the remainder shall be devoted either to the schools of the remaining States, or to the national defense. That measure makes it perfectly clear, although there really has never been any question about it, that all the river bottoms, about which questions have been raised by so many States belong to and are the property of the States. That issue is settled in favor of the States.

Then, under my amendment, a commission is to be appointed, not by those of us who oppose the Holland measure, but by the President of the United States, to be confirmed by the Senate, to study special problems and to adjust any inequities which may be found to exist, on a quantum meruit basis. That is a fair proposal. If the Anderson bill does not give enough, or if some other disposition should be made of portions of the revenues, further legislation could be passed on the basis suggested by the commission.

In the meantime, exploitation would continue. We could use for our great naval reserve of oil the oil produced not only within the 3-mile limit, but also the oil produced on the Continental Shelf. We need that oil. We are now importing oil. We may be denied the opportunity to get oil from the Middle East, and in the event of our country getting into a war, in view of the great number of Soviet submarines—which we understand to be two or three times the number of submarines which the Germans, the Japanese, and the Italians had in World War II—our supply of oil from Venezuela and other South American ports might be substantially diminished. For the security of the Nation we need to have continued exploitation for oil in the submerged lands beyond State boundaries. That could not be done under the joint resolution; but it could be done, and done immediately, under the Anderson bill, together with the Hill amendment and the Kefauver proposal.

Madam President, I think it very necessary for the public to understand that lake bottoms are not involved in this controversy.

I was very much interested in two resolution which came before the General Assembly of the State of Tennessee. One of the resolutions, condemning the Holland joint resolution and supporting the Anderson bill for Federal control and use of the proceeds of the oil for educational purposes, came up in the Tennessee House of Representatives. A motion was made to table the resolution, but the motion failed, as I recall, by a vote of 14 to 72. I think the resolution was adopted on a voice vote, without substantial opposition.

Those who were interested in the other side of the question then got busy, and a resolution was introduced in the Senate of the State of Tennessee, which the distinguished Senator from Florida [Mr. HOLLAND] has placed in the RECORD. That resolution took just the opposite position, a position in favor of the Holland joint resolution. The purport of the resolution was that, since in the State of Tennessee there are rivers and lakes and so forth, if the Holland joint resolution were not passed, the Federal Government would be in a position to interfere with the taking of minerals that might be found in river bottoms and under navigable streams and TVA lakes. The resolution was passed by a substantial majority, though I have forgotten the exact vote. I talked with a number of the State Senators, who said that the matter that bothered them was as to what would be done with respect to land under the Tennessee River and under various lakes.

Madam President, as is well known, the Federal Government does not assert claim to ownership of such land. If anyone has any question about that, in order to eliminate any argument whatsoever about it for all time to come, section 9 of Senate bill 107, known as the Anderson bill contains a provision which I shall read. I should think the senior Senator from Florida [Mr. HOLLAND] would be delighted with it, because, in my judgment, it protects everything which he desires protected.

The section reads:

> 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.

Madam President, it might be said that that does not take care of certain rules and regulations which the States have promulgated with reference to the conservation of fish, shrimp, and oysters, but section 8 of the Anderson bill provides that—

> 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.

So, Madam President, I think this answers once and for all the question as to the right of the States to regulate certain fishing activities, and it should satisfy those who are worried about river bottoms and this, that, or the other. There is no design on them on the part of the Federal Government. That is made very clear in the Anderson bill.

I heard the distinguished Senator from Massachusetts [Mr. SALTONSTALL] speaking the other day with reference to filled-in land, jetties, and so forth, and what would happen if the Holland joint resolution should not be passed. He would have a much better chance to have his position upheld by the passage of the Anderson bill than he would have by the passage of the Holland joint resolution. The Anderson bill definitely takes care of the problem about which the distinguished Senator from Massachusetts was worrying, because in section 11 it provides:

> 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.

Those are the choices which the people have and which the Senate of the United States has. One of them is a package piece of legislation which will enable us to get on with the defense of the Nation, to protect our sovereignty as a Nation, allay the fears of anyone concerning inland waters, and give the coastal States a larger part of what comes from the land beneath the sea, even though the Supreme Court has said they are not entitled to one dime more than is anyone else.

On the other hand, Madam President, we have before us in the Holland resolution a piece of proposed legislation which would whittle away the sovereignty of the United States, probably result in the repudiation of many treaties, require the State Department to engage in 21 negotiations in the field of fisheries, and give away our treasure when we should be saving it for the national defense and for the payment of some portion of our national debt.

Madam President, the Mineral Leasing Act has been held not to apply to areas on the Continental Shelf. The reason why $60 million worth of royalties has been collected into the Treasury is because there is no legislation which would allow the United States to do anything with that money except to hold it. The $60 million represents royalties from leases which the States paid in the period when they were issuing leases, prior to the decisions of the Supreme Court of the United States that the States in question did not own the submerged lands on which the leases were issued, but that, as a matter of fact, they were owned by the United States.

The passage of an act which would permit the Government of the United States to utilize these submerged lands or to receive income from the State-issued leases has time and time again been frustrated by the forces and interests which are the chief advocates of the Holland joint resolution. Former Secretary Chapman has been before committees of Congress trying to get some provision for the exploitation and development of land on the Continental Shelf, but he has received no cooperation. The forces and interests to which I have referred did not want the United States to have any practical authority to make use of the submerged lands and their resources. They still do not, Madam President. It seems to me that, as a matter of good faith, the joint resolution should have taken some step in that direction, but it does not. The truth is that the same interests and forces which are behind the joint resolution have frustrated all efforts on behalf of the United States for the benefit of all the people, and they still do not want the United States to make any practical advance on the part of the whole people. It would appear that there is a clear indication that the forces and interests which are primarily responsible for this joint resolution are not satisfied to see the enormous wealth under the submerged lands in the possession of the whole people of the United States. The proposal now made would appear to be an indication that either this Congress or a future Congress will have before it the same forces and interests crying out, "More, more, more."

Is there any evidence whatever that this will not be the case? Not a jot. We must understand that with reference to the submerged lands containing deposits of gas and oil the forces and interests which are primarily concerned and who are for the joint resolution will not remain satisfied until every drop of recoverable oil and every foot of gas is within their power and control.

Madam President, before proceeding to other aspects of the question, I wish to read to the Senate an excerpt from a recent editorial published in the New York Times, a distinguished newspaper, which has always had a clear understanding of the true issues at stake in this matter. The title of the editorial is "Give-Away in Oil," and I read from it:

> A debate is going on in the United States Senate at the present time that deserves far more attention than is being given it.

It is remarkable that this debate, which will lead to a vote which will decide whether all the people are going to be entitled to billions and billions of dollars worth of property, a debate that is going to decide what is going to happen to our public domain, our vast treasure, should not receive more attention in the press of the Nation than it has received.

This afternoon very few Members of the Senate are in attendance, although it is very gratifying that some Senators, though not many, are in the Chamber.

I continue to read from the editorial:

> This debate provides no thrills or sensation, but it is of vital importance to the people of this country all the same. It concerns an attempt to take from all the people of all the United States billions of dollars' worth of property that is rightfully theirs and to present it to the people of a handful of States, notably Texas, Louisiana, California, and Florida. It is the debate on offshore oil.

To interpolate, there has been disagreement with the statement made by some Senators that the purpose is to take away something which belongs to all the people and to give it to the people of just a few States. But I am now reading from the New York Times. Some persons may not always agree with the New York Times. Last year it supported General Eisenhower for the Presidency, and some of us did not agree with that policy. However, I think we would all admit that this great newspaper, which had such a fine record under a Tennessean, Adolph S. Ochs, who came from Chattanooga, and which has the slogan, "All the News That's Fit to Print," considers very carefully the statements it makes in its editorials, and did not go off the deep end when it said, in so many words, that the Holland joint resolution was a grab measure; that it was an attempt to grab for a few States that which belongs to all the people. No, the New York Times does not make such statements unless it knows what it is talking about.

I resume the quotation from the editorial:

> Three times the Supreme Court has held that the National Government has paramount rights and full dominion over the submerged lands of the marginal sea, which means the area from low-water mark out to the 3-mile limit.

To interpolate again, that is the only mistake I have seen in the editorial. The Supreme Court has not spoken only three times on the subject. It is true that there have been three principal cases before the Supreme Court thus far, but the Supreme Court has actually spoken on this subject seven times, holding that the States of Louisiana, Texas, and California had no greater interest than did the people of any other State. It spoke three times in the main cases, three times on petitions for rehearing, and once in a separate case. But it is so typical of the New York Times to understate rather than to overstate.

I resume my quotation from the editorial:

> It will be noted that lands covered and uncovered by movement of the tides are not involved, as they clearly belong to the States, as do lands under inland waters—and throughout this battle the Federal Government has never laid claim to them.
>
> The bill now under discussion in the Senate would grant the States development rights to oil found within their so-called historic boundaries, which means at least out to the 3-mile limit and in some cases an indeterminate distance beyond. No one knows just what will happen in international law when a State's boundary is extended farther than the traditional 3-mile limit, in view of the historic position of the United States that all governments, including our own, can properly claim jurisdiction over the sea only 3 miles out from low-water mark and no farther. Even the Presidential proclamation that in 1945 established the Federal Government's claim to the natural resources of the seabed of the Continental Shelf (extending far beyond the 3-mile limit in the Gulf of Mexico) specifically stated that the character as high seas of the waters about the Continental Shelf * * * [is] in no way * * * affected.
>
> The administration itself, which unfortunately has favored this gigantic giveaway

to the States, has had to do a certain amount of backtracking already in an effort to bring the offshore oil bill into conformity with constitutional and international law. But quite apart from the complications involved in giving individual States any kind of rights beyond the 3-mile limit, there is no justification that we can see in giving them even the oil between the low-water mark and the 3-mile limit.

Congress unquestionably has the right to do so if it chooses, but in doing so it nullifies decisions of the Supreme Court, it benefits a few States at the expense of the rest of us, it divests the Federal Government of control over a resource vital to the national defense, it paves the way for State claims even beyond the historic boundaries and it raises a threat to the rest of our federally owned properties in public lands, forests and parks throughout the Nation. The Senators, including Mr. LEHMAN, of New York, who are fighting the offshore oil legislation are doing a public service in calling its dangers to the attention of the country.

That is the end of the editorial from the New York Times. I am glad the Times feels that Senators who have tried to call to the attention of the country the dangers of the proposed legislation believe they may at least be trying to render a public service. If this were an ordinary measure, with the result of what was sought to be done clearly defined; if it were a piece of proposed legislation as to which all the unanswered questions had been discussed and a report made; if it were a joint resolution with respect to which the Secretary of State had testified, the measure would not require so much time for discussion.

But the Senate has before it a question with respect to which the Government has taken at least three different positions. The joint resolution does not agree with the position taken by any executive department; and as to the joint resolution itself questions by the thousands are being left unanswered.

For more than 15 years a battle has raged in this country over the disposition of the so-called tidelands. If anything at all has become clear during the course of this great controversy it is the fact that the subject is vastly more complex than either side in this controversy has visualized. It should be obvious to all by now that no action taken by the Congress in this session—even if it should take such action—will have any finality. Questions have already been raised which clearly point the way to long protracted and continued litigation in the event that this Congress passes, and the President approves, any legislation quitclaiming all or part of the national title to such property, rights and interests in the marginal seas which are now and always have been vested in the Nation.

We have become at least dimly aware that international questions are involved, and involved deeply, in this whole matter. These questions have current application of a highly practical and immediate nature. Some of them may have to be settled finally by international tribunals. A simple action by the Congress of quitclaiming the national interest in these areas to adjacent States would stir up an immediate hornets' nest of problems which would plague both the United States and the States involved themselves, possibly for generations.

Typical of some of the problems which would arise—in fact already have arisen—is that involving the important shrimp fishery off the coast of the Republic of Mexico. Interestingly enough the American citizens who have run afoul of what the Republic of Mexico considers its own rights, are also citizens of Texas, Louisiana, and Florida, States which are deeply involved in efforts to obtain a transfer of the rights of the Nation in the marginal sea to themselves.

It seems clear that the United States cannot assert rights on and under the seas adjacent to its shores which it is not willing to recognize for other nations. Here we have been discussing an area which may at points extend outward 300 miles or more under the sea. We have heard much talk of 3-mile limits and 10½-mile limits.

My point is that if we ever reach agreement as to some outward point or line within which the Nation or the States adjacent to the sea shall exercise paramount rights, we cannot at the same time fail to recognize equal rights when claimed by other nations no matter how large or small, powerful or weak.

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

Mr. KEFAUVER. I yield to the Senator from New Mexico for a question.

Mr. ANDERSON. The question is this: The Senator has been referring to boundaries, and describing how nations and States attempt to extend and add to their boundaries. I am wondering if he does not believe that there is a very definite problem and a very definite danger in the possibility that a country like Chile or Peru may seek to extend its boundaries 200 miles out into the sea following the activity of one of our States in attempting to extend its boundaries, and whether he does not feel that possibilities for trouble could exist as small countries all around the Caribbean area, for example, extended their boundaries into the sea for 10, 20, 50, 100, or even 200 miles. Does not the Senator from Tennessee agree that that could very definitely not only prejudice our peace here at home but interfere with our conduct of an area like the Panama Canal, upon which we greatly depend for the movement not only of peacetime traffic but wartime traffic back and forth? Does the Senator see some problems arising in that connection?

Mr. KEFAUVER. I thank the Senator from New Mexico very much for his question. I certainly see many problems arising from the very causes to which the Senator refers.

As a matter of fact, since this controversy has been before us I have talked—and I am sure many other Senators have done likewise—with ambassadors and representatives from many foreign nations, particularly our Latin-American neighbors, represented in Washington. They are watching closely what we are doing in connection with this legislation. The minute we undertake to give jurisdiction, ownership, and control to the States out 3 miles, or out to their so-called historic boundaries, we shall be met by a retaliatory action on behalf of many other States, which will greatly prejudice our fisheries and our conduct of international affairs.

A few minutes ago, before the Senator from New Mexico asked a question, I was speaking of the dispute with the Republic of Mexico over the seizure of fishing vessels of citizens of the United States near the coast of Mexico. The Republic of Mexico claims that its own police jurisdiction extends outward 9 miles from the low-tidemark on its coast. A recently discovered and important shrimp fishery has come into being in an area which is crossed by this 9-mile line proclaimed by the Republic of Mexico. For many months Mexico protested fishing operations by vessels of American registry within the 9-mile limit which Mexico has proclaimed but which the fishermen from Texas, Louisiana, and Florida and perhaps other States declare and maintain is entirely illegal. These fishermen base their claim on what they consider to be the historic rights of mariners and fishermen to operate freely beyond the 3-mile limit.

The newspapers have recently published articles showing the police activities which have now been resorted to by the Mexican authorities in their efforts to preserve these fisheries for their own nationals. A recent account declares that 30 fishing vessels of American registry were taken to Mexican ports by force and charged with violating Mexican waters. It was further reported that the vessels and their owners may be fined the sum of $1,650 each in order to obtain their release.

If it should come about that as a result of a quitclaiming bill passed by us and signed by the President, the State of Texas maintained paramount rights over the marginal seas for a distance of 10½ miles beyond its coastline, or for a greater distance, Texans could hardly take exception to the claims of the Republic of Mexico for a 9-mile limit in which it could exercise its police power to the full, and thus finally halt the participation by Texas and other American fishermen in the rich shrimp fisheries to which they are so powerfully attracted. It is possible that the important red-snapper fishing grounds off the coast of Yucatan, which are also fished by fishermen from the gulf ports, would be in danger.

Mr. President, representatives in Congress of the great State of Texas believe it is very important for the Federal Government to protect their fishermen who catch shrimp and fish off the coast of Mexico. They have recognized the fact that it would do a great deal of harm to the fishing industry of the State of Texas if any action should be taken which would allow the Republic of Mexico to seize fishing or shrimping boats 7 or 8 miles out from the coast of Mexico. They have also recognized the fact that the Federal Government has the responsibility to protect ships off the coast of Mexico. Of course, the Federal Government could not do that if the pending quitclaim joint resolution were enacted.

I know that the distinguished Senator from Alabama [Mr. HILL] yesterday referred to the resolution which was introduced by a number of Representatives from the State of Texas. The text of the resolution is included in the minority

views at page 113. I shall not read the whole text of the resolution, although it is important enough to be read in full. However, I wish to make my speech as short as possible, and therefore will read only a portion of the resolution.

The resolution is sponsored by Mr. THOMPSON of Texas, Mr. BENTSEN of Texas, Mr. LYLE of Texas, and Mr. COMBS of Texas. They submitted separate resolutions, but apparently the resolutions are identical. The text of the resolution reads:

Whereas the fishing industry is an important part of the economy of the United States; and

Whereas the growing population of the Nation emphasizes the increasing future importance of fish, including shellfish, as food; and

Whereas the fishing vessels of all nations of the world have, under the provisions of international law, had free access to international waters—

Mr. President, let me digress at this point. Five Representatives from the State of Texas state what everyone knows, namely, that the fishing vessels of the various nations have a right to fish in international waters. The ships involved were seized less than 9 miles off the coast of Mexico. The Representatives from Texas say that in the case of Texas fishing vessels the vessels were in international waters. Yet, in the joint resolution before the Senate it is claimed that those are not international waters. It is claimed that the waters 9½ miles out to sea are not waters of the United States, but waters that belong to the State of Texas, and that the Congress has a right to extend boundaries out for any distance whatever.

Quoting further from the resolution introduced by the Representatives from Texas:

Whereas these international waters have long been established as those lying more than 3 miles beyond the internationally recognized coastline—

That is a very significant statement by the five Representatives from the State of Texas. They say the international waters begin 3 miles out from the coastline. Yet, in the joint resolution before the Senate, the so-called Holland joint resolution, it is provided that in the case of Texas they are not international waters unless they are from 3 miles up to 9 or 10½ miles from the coast. It is contended that those are not international waters or United States waters, but waters of the State of Texas.

Mr. President, what the joint resolution does to all international law and what it does to our treaties is too horrible to contemplate.

Quoting further from the resolution:

Whereas for a period of many years the fishing industry of the United States has been pursuing its activities off the coasts of the Dominion of Canada, the Republic of Mexico, and other nations of the Western Hemisphere;

Whereas the United States has granted complete reciprocal privileges to vessels of all other nations—

Then the resolution recites the fact that the shrimp boats in question were seized on April 28, 1950, and that the boats were owned by residents of the State of Texas at the time they were seized off the coast of Mexico.

Then it states that this was at variance with the policy of friendly relations and in violation of the elemental provision of the international code, under which fishing industries of all nations have been established. It states further that the operators of the five vessels were not able to take care of themselves, and therefore asked the United States Government to give them relief.

Quoting further:

Resolved, That the Secretary of State is requested to cause an immediate study to be made of the effect on the fishing industry of the United States of the present action of the Government of the Republic of Mexico. Because of the urgency of the situation the Secretary is requested to report the findings of such study to the House of Representatives at the earliest possible time.

Mr. ANDERSON. Mr. President, will the Senator from Tennessee yield for a question?

Mr. KEFAUVER. I yield for a question.

Mr. ANDERSON. The Senator from Tennessee has quoted from the resolution introduced by representatives from the State of Texas, in which it is requested that a study be made by the Secretary of State. Is not that request in line with the joint resolution introduced by the Senator from Tennessee, in which he provides that not only the problem of fisheries, but the problem of oil and all the other problems incidental thereto, should be studied rather than that we should take snap judgment?

Mr. KEFAUVER. I thank the Senator very much for his contribution. That is absolutely correct. We would be foolhardy to get ourselves into the position in which the Holland joint resolution would put us without having first made a very careful study of what would happen to our fisheries, to the development of the oil resources, and to international relations.

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

The PRESIDING OFFICER (Mr. POTTER in the chair). Does the Senator from Tennessee yield to the Senator from New Mexico?

Mr. KEFAUVER. So far as I know, I have not yet seen the result of any study of the subject by the Secretary of State, because the Secretary of State has not testified on this important legislation.

I now yield to the Senator from New Mexico for a question.

Mr. ANDERSON. Back of us on the wall of the Chamber is a map showing the lands beneath the waters off the shores of the respective States. If the Senator from Tennessee will look at the lower portion of California—though some of it is blocked out by the map hanging over it—he will see that there are great areas of the Continental Shelf lying off the Gulf of California around lower California. Is the Senator from Tennessee familiar with the fact that that is the favored fishing spot for the California fishing and for the west coast fishing industries?

Mr. KEFAUVER. Yes; I understand that is the favored fishing spot, and that if the fishing boats could not fish near the coast of Mexico in that area it would practically destroy a large part of west coast fishing industry.

Also off the coast of Ecuador, just off the Continental Shelf, are the famous tuna fishing grounds.

The Senator can be quite certain that if we pass the joint resolution, giving the States ownership, and undertake to assert boundaries 9½ miles out to sea, or similar boundaries, and say that Congress has the right to extend such boundaries out to any length it pleases, we will be confronted with complications because of the extension of their boundaries by our South American neighbors; and we will not be in a position to complain. We cannot ask that they follow one rule while we follow another rule. We cannot assert in the Senate that Congress has the right to extend the boundaries of the States out as far as we want to extend them, and at the same time say that other sovereign nations do not have the same right.

Mr. President, when I became interested in this subject, I obtained from the Library of Congress a book on the law of fisheries. It is written by Mr. Hubert Stuart Moore. It is an English book. It goes into beginnings, and discusses the disputes and wars which have been fought between nations because of alleged violations of fishing rights. It discusses how the United States has worked out various treaties which protect the fishermen of this Nation, how the 3-mile limit has been considered by this Nation, at least, as limiting its territorial waters. It discusses the background of all the agreements that have been reached between this country and the British Empire with reference to fishing off the Continental Shelves of New Zealand and Canada, a privilege which is so vital to the commerce and industry of the United States. There is also a discussion of various agreements reached between our country and South American countries.

Mr. President, to upset all those treaties, which constitute the international law which has been developed in relation to fisheries, by having the Congress of the United States not only assert but actually give away title and control of the natural resources 9 miles off the shore, and if we were to assert that we have the right to give them away for any distance into the Continental Shelf, would render us helpless when other nations might extend their seaward boundaries and might seize our fishing vessels and extend their fisheries. All that would occur, Mr. President, merely because of greed for oil and for money.

Mr. ANDERSON. Mr. President, will the Senator from Tennessee yield for a question?

Mr. KEFAUVER. I yield.

Mr. ANDERSON. A few moments ago, did the Senator from Tennessee refer to Ecuador in connection with the fishing rights of this country and of other countries?

Mr. KEFAUVER. Yes, I said I thought that was where great tuna beds have been found.

Mr. ANDERSON. I think that illustration is a very appropriate one.

I should like to ask the distinguished Senator a question. It is my understanding that Ecuador, by a peculiar interpretation of law, has refused to recognize the right of innocent passage even in the case of fishing vessels which may come within 12 miles of her coast. Does the Senator from Tennessee think that is a hazard to the fishing industry of the United States and to the general fishing industry throughout the world?

Mr. KEFAUVER. Certainly it is a very definite hazard, but it is one which we shall not be able to complain about in any way if we enact this joint resolution.

Mr. ANDERSON. Mr. President, will the Senator from Tennessee yield further to me for a question?

Mr. KEFAUVER. I yield.

Mr. ANDERSON. Let me say that I think the Senator from Tennessee is entirely correct. Does he not recognize that if we ourselves were to extend for a distance of 3 marine leagues or 10½ land miles or 9 nautical miles the boundaries of some State, we would not be in a position to say to another country, "You cannot have the right to contest passage at a distance of 12 miles, but you can have the right; to contest passage at a distance of 10½ miles?"

Does the Senator from Tennessee think that would make good sense in the relationships in the family of nations?

Mr. KEFAUVER. Of course, it would make no sense at all.

Almost every one of our Secretaries of State has spent many, many months in trying to arrange with other nations fair fishing treaties, in order to protect the fishing interests of our Nation. Later I shall read some of those treaties. For instance, we are allowed to fish off the shores of Newfoundland, and we have with many other countries agreements about the fisheries along their coasts. We have always stated that our position was opposed to the extension of the boundaries of any nation, including our own boundaries, beyond 3 miles. But all that would be thrown into the waste-paper basket, and all those treaties would be wiped out, and we no longer would be in a position to protect our fishing industry, if this joint resolution were to be enacted. We could not tell other nations that they could not extend their boundaries and that they would have no right to seize United States vessels which came within 7 or 8 miles of their shores, if we ourselves were to assert that we have the right to extend our boundaries 9 miles or even farther, as Congress might decide.

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

Mr. KEFAUVER. I am glad to yield to the Senator from Illinois.

Mr. DOUGLAS. Would not our action in enacting the joint resolution create special difficulties in the case of Mexico, inasmuch as Mexico claims a 9-mile limit, and has been seizing American vessels which have been reputed to be between the 3-mile and the 9-mile limit?

Mr. KEFAUVER. That is entirely correct. The enactment of the Holland joint resolution would be a complete repudiation of the protection we have always tried to give our fishermen when they were engaged in fishing in the waters off Mexico. So, in the event the Holland joint resolution is enacted into law, we could not complain about any action of that sort which Mexico might take in the future.

Mr. DOUGLAS. Is it not true that the fishing off the Grand Banks of Newfoundland is one of the richest fisheries in the world?

Mr. KEFAUVER. I understand it to be. It has been so important that our great Secretary of State, Elihu Root, spent many months in Newfoundland, in working out a treaty in respect to American fishermen who might operate in that area.

Mr. DOUGLAS. Mr. President, will the Senator from Tennessee yield for another question?

Mr. KEFAUVER. I yield.

Mr. DOUGLAS. Is it not true that by that treaty, Newfoundland, a poor country, gave up rights to monopolize the fishing beyond the 3-mile limit, which otherwise would have been very profitable to Newfoundland and her fishermen?

Mr. KEFAUVER. That is quite correct. Newfoundland gave up important rights beyond the 3-mile limit, and even gave up certain rights within her 3-mile limit. As the Senator from Illinois well knows, that is one of the great economic assets which the New England States have in connection with their fishing industry.

Mr. DOUGLAS. Is it not also true that Newfoundland is now in grave financial and economic condition, and recently was compelled to give up her status as an independent commonwealth of the British Empire, and to become a protectoriate, more or less, of the Dominion of Canada?

Mr. KEFAUVER. That is correct, and I think the situation there is becoming increasingly bad.

Mr. DOUGLAS. Mr. President, will the Senator from Tennessee yield for another question?

Mr. KEFAUVER. I yield.

Mr. DOUGLAS. In view of Newfoundland's very difficult economic position, if we were to grant ourselves a 9-mile limit or an even greater limit, would not Newfoundland be tempted to claim a similar limit for herself; and if she were to do that, would not it strike a tremendous blow at the fishing industry of northern New England?

Mr. KEFAUVER. That is entirely correct. I think we must anticipate that Newfoundland, which has such a serious economic crisis at the present time, and very badly needs the fishing resources between the 3-mile limit and the 9-mile limit, which are largely utilized by fishermen from our Nation, not only would be tempted to take over, but would be likely to take over, that area for herself; and then we would not be in a position to complain about it, if we had already extended our own boundaries and control, by means of enactment of the Holland joint resolution.

Mr. DOUGLAS. Is it not true that the Alaskan fishery situation would be placed in great difficulty, because does not the Senator from Tennessee understand that a large portion of the fishing done off the coast of Alaska and off the coast of Siberia is done by fishermen who come not only from Alaska, but also from California, Oregon, and Washington, and who go north in the salmon-fishing season, and who also do deep-sea fishing there?

Mr. KEFAUVER. The Senator from Illinois is correct. I am not familiar with the details of that operation, but certainly our fishing industry all over the world—in Alaska and elsewhere—would be placed in grave jeopardy.

Mr. DOUGLAS. Mr. President, will the Senator from Tennessee yield for another question?

Mr. KEFAUVER. I yield.

Mr. DOUGLAS. Is the Senator from Tennessee aware that during the nineties and the first decades of the present century, the question of jurisdiction over the hunting of seals in the Bering Sea was a subject of international dispute with Russia?

Mr. KEFAUVER. I am aware of that fact, and I realize that a treaty over that matter was entered into between the United States and Russia.

Mr. DOUGLAS. Mr. President, will the Senator from Tennessee yield for another question?

Mr. KEFAUVER. I yield.

Mr. DOUGLAS. Would not it be true that, if we were to assert or grant to the several States claims beyond 3 miles, that action would be an inducement to Russia to make similar claims, which would endanger the treaty regulating the hunting of seals in the Bering Sea, although we thought that matter had been settled by previous negotiation?

Mr. KEFAUVER. The Senator is entirely correct. Certainly we cannot anticipate that our enemy, in the ideological conflict that is going on today, will miss any opportunity of extending its jurisdiction so as to interfere with our hunting of seals in the Bering Sea. We would be in no position to complain. I thank the Senator very much for his question.

Mr. President, a little later I shall refer to certain of the treaties which have been entered into with respect to fishing, all of which are based on the right of the United States in and its sovereignty over the waters involved in the pending legislation. It is a matter of sovereignty, and the treaties, of course, were executed by the Department of State. To a substantial degree the economy of this Nation has been affected favorably by the treaties which have been negotiated. Are we, by legislative enactment, not based on any study or consideration of the effect it will have on existing treaties, to cancel and repudiate all the treaties which have been entered into? Should we not at least have a study made by a commission, which would call before it Secretary of State Dulles to testify regarding the probable result of the proposed legislation on existing treaties? How can we maintain our treaties either within or without the 3-mile limit when, by this measure, we say we are extending our seaward boundary? How can we prevent other nations from taking similar action?

Mr. President, another matter which ought to be considered is the fact that the only rights which the Federal Government would retain under the so-called Holland resolution would be

rights in connection with navigation and the national defense. Ownership of land under the sea, together with the natural resources therein, about which I shall speak later, is given to the States. Let us suppose that to include fish. Can we anticipate what the result would be? The State Department would no longer be an arbiter in disputes arising under agreements with the United Kingdom affecting the States of Massachusetts, Maine, Rhode Island, or Connecticut. The State Department would no longer be the arbiter of disputes arising under fishing agreements affecting Florida, Louisiana, or Texas, and the Republic of Mexico. No longer would the State Department be an arbiter with reference to possible disputes arising between the State of California and the nations of South America with respect to the tuna areas. No; the State Department would have no authority to arbitrate, and it would have no control over the fish within the 3-mile limit, within the historic State boundaries, or within the area which might later be defined by Congress. All such treaties would go out the window, because the United States would not have the necessary ownership.

The United States would still have its navigational rights, and it would, of course, still retain its obligation with respect to the national defense; but it would have no ownership over the fish, which will have passed to the States, assuming that the so-called Holland resolution shall be passed. It would have no right to control or regulate fishing. We would have the State of California sitting down to negotiate international agreements with Mexico and Ecuador. The Secretary of State would no longer be the person to sign and seal such agreements; they would be executed by the States of California, Texas, and Mexico. The Secretary of State would really be a diplomat. He would have to carry on negotiations with Mexico in reference to fishing agreements, in which the United States would have little or no part. Manifestly, for the time being, if the fish happened to be outside the 9-mile limit, the United States might be brought into an agreement; but I do not know how it would be possible to tell whether the fish were going to be outside the 9-mile limit or not.

So, Mr. President, we shall have within the United States, if the joint resolution becomes law, not merely one Department of State negotiating fishing treaties, or negotiating agreements as to what Newfoundland and Mexico are going to do about the extension of their seaward boundaries. Instead, we shall have departments within 21 States making all kinds of agreements with respect to the rights of their citizens to fish off the coasts of some of the other nations. The State Department would enter into the negotiations in only a very, very small way. Mr. President, I submit that, as a nation, we cannot go ahead by pursuing such a course.

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

Mr. KEFAUVER. I yield to my distinguished colleague from Tennessee for a question only.

Mr. GORE. I have been impressed by what my distinguished colleague has said with respect to the possibility of numerous States undertaking to fix boundaries and make claims, as well as to conduct negotiations for rights with other countries. Would not that bring us face to face with a constitutional prohibition? Under what authority would a State of the Union undertake to conduct negotiations with a foreign power?

Mr. KEFAUVER. I may say to my distinguished colleague that someone must negotiate with reference to fishing rights off the coast of Texas, for example, 9 miles out. The Government of the United States would have no right to negotiate on that subject, because it would have no interest in the fish, in the sea, or in the land beneath the sea, since, under the pending resolution, all of that would be given to the States, and the boundaries would be set up for the respective States. The United States would retain only its rights pertaining to navigation, defense, and commerce.

So, Mr. President, when a void exists, someone must undertake to fill it. In a case coming from South Carolina—and this would hold true in the Florida sponge case—that Mr. Justice Vinson has said that in the absence of a Federal declaration of control, the States have the right to control the fishing or diving for sponges, and to control shrimp beds, about which questions arise in certain States. In another decision, the Supreme Court said that the State of Virginia had certain rights over shrimp beds off the coast of Virginia.

So I suppose, since the Federal Government would have no jurisdiction to enter into negotiations of that sort, and since the treaties would be abrogated automatically by a law subsequently passed, a vacuum would exist which would have to be filled, as it was in the case of the States of Florida and South Carolina, by the respective States taking over.

I may say to my distinguished colleague from Tennessee, that is the very reason why we need a commission to study this whole problem. Who is to conduct such negotiations? It might be of interest to note that, with respect to certain islands, California is claiming that its historic boundary is represented by a line drawn between 2 islands, 40 or 60 miles off the coast of California, and that Congress has the right to extend the States boundary in that manner. Whether it can substantiate that claim, I do not know. Affecting this great area someone must have jurisdiction to make treaties with Mexico and Canada with regard to fishing rights. The United States would not have any right to do so if it quitclaims the land under the sea and all the natural resources involved. The States want to continue navigation, but, of course, they do not intend to take over the responsibility of national defense.

That is a question which has to be studied, and some conclusion must be reached with reference to it.

To a large extent the fishery industry of New England can be put out of business if Newfoundland should extend her boundaries as we are proposing to extend ours. We must anticipate what other nations are going to do.

Mr. President, neither can we make a rule applicable to the Gulf of Mexico which is not applicable to other seas as well. The tuna fishery of our west coast is in point of dollar returns the most important fishery of the United States. But the tuna is one of the widest ranging of all the fishes of the sea and a very substantial, if not the largest, portion of the catch landed at the west coast ports of the United States, such as San Diego and San Pedro. Tuna are taken off the coasts of Mexico, Central America, and South America. The tuna industry has already had difficulties with some nations to the south of us. The tuna industry may soon find itself and its vessels debarred from rich tuna waters by action taken by this Congress intended to apply to another sphere far away but which unquestionably would be taken advantage of by other nations intent on protecting resources in adjacent seas for the benefit of their own nationals and in the maintenance of their own interests.

As a matter of fact, this problem was foreseen at the time the United States proclaimed the paramountcy of its rights to minerals in the submerged lands adjacent to its coasts. It issued a similar proclamation reserving paramount rights to the fishery resources of what until that time had been considered high seas under international law and agreement.

Neither of the rights claimed by these proclamations has been tested in the international courts of justice. So far the United States has not put these claimed rights into actual use and so has not come into conflict with the rights, or claimed rights, of the nationals of other sovereign nations. But such a legal test is bound to occur. It is also certain that unless we adopt the doctrine of major force which has always been repugnant to us, we must allow other nations precisely the same rights and privileges which we take for ourselves.

The Congress may place our international fisheries in jeopardy if it is the will of the majority of the Congress to do so. But it must not do so in ignorance of the facts.

Mr. President, I hope the fishermen of New England, and of Florida, Louisiana, Texas, California, Washington, and Oregon have come to understand what is going to happen to them if this joint resolution is passed. The reason why we are talking here is because we want them to know the facts. When once the facts are known, there will be a different story.

The proclamations of the Government of the United States to which I have referred appear in the Federal Register of October 2, 1946.

Mr. President, I have these proclamations and I had intended to read them in their entirety, but I do not want to delay the proceedings this afternoon. It is sufficient to say that the proclamations have in mind the necessity of protecting our fishing industry and take into consideration the fact that there are international waters which might be within the area which the joint resolution is attempting to give away.

The complexity of this subject, the far-reaching issues which are involved, have finally become clearer and clearer. If we are to transfer ownership, rights, and privileges to the States, it is important to point out that we shall also be transferring grave responsibilities. It is absolutely necessary to have an exact and precise definition of just what areas are involved in such a transfer, and precisely what rights, privileges, responsibilities, and obligations go along with ownership and control. It is in this area that we may expect difficulties to arise which will require interpretations by the courts for many years to come. Those persons who, in simple faith, expect an act of Congress to solve their desires in this matter, can take warning that no act of Congress can do so. Certainly the Holland joint resolution which is under consideration is not going to do so.

Mr. DOUGLAS. Mr. President, will the Senator from Tennessee yield?

The PRESIDING OFFICER (Mr. YOUNG in the chair). Does the Senator from Tennessee yield to the Senator from Illinois?

Mr. KEFAUVER. I am happy to yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that in addition to the difficulties which would be created so far as fishing rights are concerned as between the States and foreign governments, great difficulties would also be created between the States themselves? Would it not be possible for a given State to impose heavy taxes upon fishing boats of other States which fished off its coast, and, therefore, would we not Balkanize the fishing resources of the United States?

Mr. KEFAUVER. I am delighted the distinguished Senator from Illinois has brought up that subject. He is exactly correct about it. If we pass this proposed legislation there will be the most disastrous contests between various States, each State trying to draw a line out to where its citizens can fish and carry on their operations, and at the same time trying to keep out citizens of other States from that area. If Congress transfers to the States the title to the land and the natural resources of the seas, it will lead to great dissension, will lead to conflicts, to litigation, and to court decisions, and the fishing industry itself will be injured.

We in Washington have read about shooting affairs between citizens of Maryland and Virginia because of quarrels over oyster rights in Cheasapeake Bay. We know about the difficulties between fishermen of one State and another State. We have seen that the Federal Government can give the people of the Nation protection where it now has jurisdiction to see that the citizens of one State do not impose upon citizens of another State. We have seen laws passed which are only a small sample of what is going to happen in the years to come.

Mr. President, with further reference to the subject which the Senator from Illinois has brought up and which I think is very important to consider at this time, I should like to discuss the case of Toomer against Witsell, involving an appeal from the district court of the United States for the eastern district of South Carolina, reported in 334th United States Reports at page 385. It is a recent opinion, having been handed down in July 1948. It indicates that even with the power of the Federal Government to give protection, which it could not give if we pass this quitclaim legislation, the very thing about which the Senator from Illinois has spoken has, to some extent, happened, and it will happen in a larger way if this joint resolution is passed.

The suit was one to enjoin as unconstitutional the enforcement of several South Carolina statutes governing commercial shrimping in the 3-mile maritime belt off the State of South Carolina. The appellants, who instituted the action, were individual fishermen, all residents of the State of Georgia. However, they were incorporated as a corporation of the State of Florida, so the State of Florida came into the picture also. The persons against whom the suit was brought were the law enforcement officials of the State of South Carolina. The Supreme Court said:

> The fishery which South Carolina attempts to regulate by the statutes in question is part of a larger shrimp fishery extending from North Carolina to Florida. Most of the shrimp in this area are of a migratory type, swimming south in the late summer and fall and returning northward in the spring. Since there is no Federal regulation of the fishery, the four States most intimately concerned have gone their separate ways in devising conservation and other regulatory measures.

To interpolate, there is always the Supreme Court to see to it that a citizen of *one State does not impose on a citizen* of another State. It is up to the Federal Government to see that any regulations are fair, or that the Federal Government itself can take jurisdiction. But if the proposed legislation is passed, the States involved will go their own separate ways, and the fishing industry of this Nation may be destroyed, thus holding up the United States to ridicule in international tribunals of the world.

I quote further from the Supreme Court decision in Toomer against Witsell:

> While action by the States has followed somewhat parallel lines, efforts to secure uniformity throughout the fishery have by and large been fruitless. Because of the integral nature of the fishery, many commercial shrimpers, including the appellants, would like to start trawling off the Carolinas in the summer and then follow the shrimp down the coast to Florida. Each State has been desirous of securing for its residents the opportunity to shrimp in this way, but some have apparently been more concerned with channeling to their own residents the business derived from local waters. Restrictions on nonresident fishing in the marginal sea, and even prohibitions against it, have now invited retaliation to the point that the fishery is effectively partitioned at the State lines; bilateral bargaining on an official level has come to be the only method whereby any one of the States can obtain for its citizens the right to shrimp in waters adjacent to the other States.

Mr. President, had not the Supreme Court had jurisdiction to enter into the controversy, this kind of partitioning, which gave special rights to the citizens of the particular States, would have continued to a very much greater extent. The Federal Government does have jurisdiction. It does not quitclaim the marginal sea to the States. Therefore, the Supreme Court now can protect fishermen when they are interfered with in violation of the Constitution.

The State of South Carolina required a license fee of $25 for each shrimp boat owned by residents of South Carolina, but required a fee of $2,500 for each shrimp boat owned by nonresidents. Thus, under its statute, South Carolina required nonresidents to pay a very much larger fee than was paid by residents of the State of South Carolina. The Supreme Court held that those statutes were in violation of the United States Constitution, that they were a burden on commerce, and that they did not meet the test of the due-process clause of the 14th amendment. The Court held that such statutes were illogical discriminations and were unconstitutional. At page 403 of the decision, the Supreme Court said:

> Thus we hold that commercial shrimping in the marginal sea, like other common callings, is within the purview of the privileges and immunities clause. And since we have previously concluded that the reasons advanced in support of the statute do not bear a reasonable relationship to the high degree of discrimination practiced upon citizens of other States, it follows that section 3379 violates article IV, section 2 of the Constitution.

Mr. President, I desire to call to the attention of Senators another situation that has caused some concern and will probably be of increasing concern if the proposed quitclaim measure is passed. I refer to the case of Takahashi against Fish Commission, which came to the Supreme Court of the United States from the State of California and was decided by the Supreme Court in 1948. In that case, Mr. Justice Black delivered the opinion of the Court. The controversy in California arose because the appellant, Takahashi, who had lived for a long time in the United States, but who was a citizen of Japan, was not naturalized and, therefore, was not a citizen of the United States. The State of California held that aliens did not have shrimping and fishing rights, either in the 3-mile limit or in the marginal sea, and Takahashi was denied the right to make his living by fishing. He contested the decision in the courts. Mr. Justice Black held that California's action amounted to unconstitutional discrimination. He said that the sea belonged to all the people and pointed out the existence of certain international rights that a person had *beyond a certain point. He said:*

> To whatever extent the fish in the 3-mile belt off California may be capable of ownership by California, we think that ownership is inadequate to justify California in excluding any or all aliens who are lawful residents of the State from making a living by fishing in the ocean off its shores while permitting all others to do so.

As matters now stand, it is quite clear that a State does not have any such ownership in the marginal sea or within the 3-mile limit as to enable it to pass a discriminatory statute of the kind that had been passed in California. However, it is implied in what Mr. Justice

Black said, and probably would be true if a quitclaim law were enacted giving title and ownership to the States, that the States could do what the Supreme Court said in the Takahashi case they could not do; namely, discriminate against other States and citizens of other States. Each State would set up its own rules and regulations, and when anyone came within the territorial water of that State, he would have a difficult time.

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

The PRESIDING OFFICER (Mr. YOUNG in the chair). Does the Senator from Tennessee yield to the Senator from Illinois?

Mr. KEFAUVER. I yield to the distinguished Senator from Illinois for a question.

Mr. DOUGLAS. Is it not true that by title I, section 2, subparagraph (e) on page 12 of Senate Joint Resolution 13, the Holland resolution, there is transferred to the States, under the definition of the term of "natural resources," not only oil and gas, but also fish, so that, as indicated on page 12, all fish would pass to the States within the 3-mile limit or within historic boundaries, or within whatever zone has been "heretofore or is hereafter" recognized by the Congress?

Mr. KEFAUVER. The distinguished Senator is entirely correct. By subsection (e), fish, lobsters, sponges, and all other marine matter, in addition to oil, gas, and other minerals, are transferred to the State. It is further shown, if there is any doubt about it, that they are transferred to the State by what is said in section 6, as to what the United States retains. The United States is allowed to retain only its rights so far as navigation, flood control, the development of power, and so forth, are concerned. So there can be no question that this measure would transfer fish.

Let us see what would be the effect. No longer would fishermen from one State be able to follow the fish, shrimp, or tuna down the coast. The fisherman would be at great peril.

Also a great responsibility would be placed upon the fish themselves. It might be possible, if a person were without the 9-mile limit of Texas, for him to catch fish there. But inside the 9-mile limit there might be some prohibition against catching fish, a prohibition placed in effect by the State of Texas. So it would be very important to a free-swimming fish in the ocean, which has always belonged to all the people of all the world, to know exactly where he was. Not only would it be important that he know exactly the boundary of the State, whether it was 3 miles out, or 9 miles out, or whether it extended out 100 miles, in order to know what protection a fish would receive, but it would be important to know exactly where the line of the boundary came, even with respect to the 3-mile limit, because on one side of the line, no matter how far out the boundary might extend, certain rules and regulations would apply. On the other side, a fisherman would be subject to another set of rules and regulations, which might be very different.

So a great deal of confusion would be caused, not only between the United States and other nations, but as between the States themselves. Let me say to the Senator from Illinois that I have examined a great many of the treaties which have been entered into between various nations with reference to their territorial waters, 3-mile limits, and so forth. We find that treaties are always negotiated between one nation and other nations. I do not know what the situation would be in the event the joint resolution should be enacted. This question certainly requires study by the commission which we propose to establish. When jurisdiction over the subject matter is taken away from the Federal Government, perhaps treaties will have to be negotiated by the States. I have yet to find, in the treaties with Canada or with England, any negotiations which were carried on with individual States. We have always operated on the basis of the entire government. Foreign governments have always negotiated with the National Government here, but that may not be the case in years to come. That is a question which certainly requires a great deal of study before we act.

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

Mr. KEFAUVER. I yield for a question.

Mr. DOUGLAS. Is it not true that under article II of the Constitution, the States are virtually prohibited from conducting foreign negotiations with other countries and entering into treaties? So if this power is denied to the Federal Government there will be no governmental unit which can negotiate treaties with respect to fishing, with other countries. The Federal Government will be stopped from acting, but the State governments will not be granted powers, will they? Would we not need a constitutional amendment for that?

Mr. KEFAUVER. That is correct. Under our Constitution the States may not make treaties. The Federal Government must make them. I do not know whether or not the States can make executive agreements, which do not rise to the dignity of treaties. In any event, there certainly would be a vacuum in which possibly neither the States nor the Federal Government could make agreements or treaties, because the Federal Government would have the subject matter taken away from it. The proposed law apparently tries to give the subject matter to the States, but it does not amend the Constitution so as to give the States the power to make treaties with other nations. However, it might be possible for the States to enter into some kind of executive agreements with other nations. I am not sure what the constitutional situation would be.

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

Mr. KEFAUVER. I think, in any event, that is an important question which should be studied by the Commission which we propose to establish.

I now yield to the Senator from Florida for a question.

Mr. HOLLAND. These treaties, of course, are made under the interstate and foreign commerce provision of the Constitution. I ask the distinguished Senator if it is not true that the pending measure specifically reserves and preserves the complete jurisdiction of the Federal Government in that field?

Mr. KEFAUVER. Section 6 (a) provides as follows:

> (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.

So I cannot see that the Senator leaves anything substantial for the Federal Government to negotiate in connection with fish. Fish is certainly a natural resource. It is very important. It comes within the definition of "natural resources," but the Senator leaves the Federal Government with power only in international affairs, and only with respect to those matters which he does not exclude in section 6 (a), but he excludes fish from the jurisdiction of the Federal Government.

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

Mr. KEFAUVER. I yield for a question.

Mr. HOLLAND. The Senator having admitted—which is true—that the jurisdiction of the Federal Government in the general control of interstate or foreign commerce, is not diminished in the slightest by the pending measure, I ask the distinguished Senator if he knows—as is the case—that as between States, the waters around the perimeter of our Nation are covered by interstate compacts which have been approved by Congress?

Mr. KEFAUVER. In the first place, the Senator put words in my mouth which I did not say. I did not say that the power of the United States over interstate commerce would not be diminished. On the other hand, I say that this measure would whittle away the power of the United States over interstate commerce. It likewise whittles away the power of the United States to make treaties with other nations and to get other nations to be reasonable in the use of their territorial waters.

I am aware of the fact that there are compacts in existence between States respecting fishing rights which have been approved by act of Congress. That subject should be studied from the standpoint of what effect the passage of the pending joint resolution would have on such compacts. The compacts were entered into with the idea that, in order to bring about some agreement and uniformity, the Federal Government not having claimed certain rights, the States had them. I do not know whether the proposed legislation would affect such compacts or what would happen. That is a point which the Secretary of State ought to be requested to testify. I have never understood why the proponents of the legislation, with all the witnesses they called and who testified before the committee—I have

before me a volume containing 1,282 pages of the testimony, listing witness after witness—did not call the Secretary of State to testify before the committee.

Everyone knew from the beginning that one of the most important matters involved in the whole subject was the problem of international relations and fishing treaties and what would happen to our territorial waters and to the territorial waters of other nations. The question of the freedom of the seas was also involved. I cannot understand why the proponents of the measure did not call the Secretary of State to testify, to advise us on what would happen in the field of international affairs, whether the sovereignty of this Nation would be whittled away or destroyed by the pending measure, and what adverse effect it would have upon the fishermen of the Nation, namely, whether they could expect any further protection from the State Department. I never understood why the proponents of the bill did not call Mr. Dulles to testify.

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

Mr. KEFAUVER. I yield for a question.

Mr. HOLLAND. Does not the Senator from Tennessee know that the State Department was invited to send its most informed man in that field, and that the State Department sent the deputy solictor, Mr. Tate, who testified at great length on this point?

Mr. KEFAUVER. Yes; I know that Mr. Tate testified. I know Mr. Jack Tate. I know that he testified before the committee, but he testified very scantily on the problems which we are discussing.

Does not the Senator from Florida think that the fishing industry is so important, that all these treaties are so important, and that our standing with other nations in connection with our treaties is so important that the Secretary of State himself should have been requested to testify before the committee? This is no small matter. The question of how large the grab will be for the States is no small matter, when we consider the adverse effect it would have on the Nation. Mr. Tate said in his testimony that Mr. Dulles knew he was appearing before the committee and knew that he had come to testify, but he did not have too much to say about whether he was speaking for the State Department or for Mr. Dulles. I have read his testimony. In any event Mr. Dulles should have come before the committee to testify, and I have never understood why the proponents of the bill did not ask him to testify.

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

Mr. KEFAUVER. I yield for a question.

Mr. DOUGLAS. Is it not true that the device of interstate compacts, upon which the Senator from Florida seems to lean so heavily, proved inadequate in the case of Florida's own shrimp fisheries, when Florida was dealing with South Carolina? Is it not true that the shrimp fishermen of Florida found that they were being compelled under South Carolina law to pay $2,500 for a license to catch shrimp off the coast of South Carolina, whereas the South Carolina fishermen had to pay only $25 for such license in Florida waters; and is it not also true the Florida fishermen, finding no relief in interstate compacts, appealed to the Federal power over fishing, which the proponents of Senate Joint Resolution 13 would now primarily destroy?

Mr. KEFAUVER. The Senator from Illinois is right. I do not know whether the Senator from Florida meant to infer that there was a compact between the State of Florida and the State of South Carolina. However, if there was a compact it certainly did not protect the shrimp corporations of Florida from very inequitable treatment at the hands of South Carolina, when South Carolina undertook to charge the citizens of South Carolina $25 for a license and the citizens of the State of Florida $2,500. Whether there was a compact in existence I am not in a position to say. In any event apparently it did not cover that subject matter.

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

Mr. KEFAUVER. I yield.

Mr. HOLLAND. Mr. President, does not the Senator from Tennessee know it to be a fact that the very case to which he has referred was one of the principal reasons why the interstate compact affecting the Atlantic waters to which both South Carolina and Florida are parties was entered into?

Mr. KEFAUVER. As I understand, it was entered into after the decision was rendered.

Mr. HOLLAND. Yes.

Mr. DOUGLAS. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. DOUGLAS. Is it not true that until the decision was rendered there was warfare between the various States along the shrimp routes, so to speak, each State, particularly South Carolina, trying to get as large a share of the total catch as possible; is it not true that until the assertion of Federal power there was no State agreement; and is it not also true that if the Federal power is destroyed there is grave danger that the States may revert to the anarchy that prevailed before the Toomer-Witsell case?

Mr. KEFAUVER. I think that is true. I do not blame the Senator from Florida for not agreeing with the Senator from Illinois. If the Holland joint resolution had been the law of the land when this controversy arose between the citizens of Florida and the citizens of South Carolina, it is very doubtful whether the Supreme Court could have given any relief to the citizens of Florida from the discriminatory treatment. The exercise of Federal power remedied the situation. If the Federal power is taken away by th passage of the joint resolution it is quite likely, as the Senator from Illinois has indicated, with no one having superior authority and with international control and jurisdiction gone, there will be many scraps and fights between the States, and the situation will become worse and worse, because there will be no Federal jurisdiction that can be invoked.

Mr. HUMPHREY. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. Mr. President, is the Senator from Tennessee aware of the fact that in the testimony before the Committee on Interior and Insular Affairs, Mr. Thruston B. Morton, Assistant Secretary of State, introduced a letter dated March 6, 1953, in which he informed the committee that no bill or joint resolution should be reported which would in any way affect the 3-mile limit, or extend it. Is the Senator from Tennessee aware of that fact?

Mr. KEFAUVER. Yes; I am aware of the fact that a letter was sent by the State Department stating that the State Department has consistently taken the position that no legislation should be passed affecting anything outside the 3-mile limit.

Mr. HUMPHREY. Is the Senator aware of the fact that Mr. Morton testified that it is the view of the State Department that any proposed legislation should not support claims of States to seaward boundaries in excess of those traditionally claimed by the Nation, namely, 3 miles from the low-water mark on the coast?

Mr. KEFAUVER. I am aware that he had testified substantially to that effect. I appreciate very much to have the distinguished Senator from Minnesota give his exact testimony. What the Senator has stated points out further that it is urgently necessary, since the State Department is not in favor of the joint resolution, since the Attorney General is not in favor of the resolution, since Secretary McKay thinks the joint resolution does not deal with the whole problem, and inasmuch as the joint resolution does not satisfy anyone in the executive department, and will cause chaos and confusion and a whittling away of our national sovereignty, that a commission should be established to study the whole problem.

Mr. HUMPHREY. Mr. President——

Mr. KEFAUVER. I now yield further for a question.

Mr. HUMPHREY. Is the Senator from Tennessee aware that the State Department was very much concerned about the provisions of Senate Joint Resolution 13, when the State Department said:

> 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.

Therefore, is the Senator from Tennessee aware that the State Department has admonished Congress not to extend the jurisdiction of our Nation beyond the 3-mile limit?

Mr. KEFAUVER. I am glad the Senator from Minnesota has called the let-

ter to my attention, because I had not seen it.

Mr. HUMPHREY. It is a very important letter.

Mr. KEFAUVER. The letter was sent to the Senator from Nebraska [Mr. BUTLER] by Thruston B. Morton, Assistant Secretary of State, who was writing for the Secretary of State.

Mr. HUMPHREY. That is correct.

Mr. KEFAUVER. I believe Mr. Morton is a very fine gentleman, who used to be a Member of the House of Representatives, from Louisville, Ky. He is also a fine lawyer.

So the States and the people of the United States should realize that, if the pending joint resolution is enacted into law, thus asserting the right of Congress to extend our boundaries beyond the 3-mile limit to any extent whatever, our fishermen need expect no protection from the State Department when they get within such limits of the coast of Mexico or the coast of Canada or the coast of any other foreign country. For instance, some of our fishermen have gone between the 3-mile limit and the 9-mile limit off the coast of Mexico, and their ships have been seized. In this letter, Mr. Morton, speaking for the State Department, says he will not be able to take action to help them if the pending joint resolution is enacted.

It is significant that he signs the letter "Thruston B. Morton, Assistant Secretary (for the Secretary of State)."

So I was wrong when I said I did not know exactly what position Mr. Dulles took on this matter, for now it is obvious that Mr. Dulles is opposed to the joint resolution, for certainly it does not contain the provisions which Mr. Morton said in his letter, which was written for the Secretary of State, this measure should contain.

Mr. HUMPHREY. Mr. President, will the Senator from Tennessee yield for another question?

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. Would not it be fair to say that the State Department, through the Assistant Secretary of State, Mr. Morton, acting for the Secretary of State, Mr. Dulles, has warned and has admonished Congress that the enactment of any legislation which would modify our historic position in reference to the national sovereignty out to the 3-mile limit, might very well have serious repercussions and implications in respect to our foreign policy and our international relations?

Mr. KEFAUVER. There can be no doubt of it. I had not had an opportunity to read the letter. This letter constitutes all the more reason why we need to have a commission study this problem. I believe it would be very important to have such a study made by a commission which, unlike the committee, would call before it, for testimony, Mr. Dulles, and would ascertain the developments in these various situations.

Mr. HOLLAND. Mr. President, will the Senator from Tennessee yield to me for a question?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. Does not the Senator from Tennessee know that the letter from Mr. Morton was received in the very early days of the hearing, and was passed upon by the very able committee of 15 Senators, and was in their minds and was completely well known by them—although the Senator from Tennessee had not seen the letter before now—prior to the time when the committee reported the joint resolution?

Mr. KEFAUVER. I see by the record that probably that is so. It so happens that I am not a member of the Committee on Interior and Insular Affairs, and so I did not attend all the hearings which were held by that committee. I believe I did attend its hearings on three occasions.

However, it seems to me that one who was building up this record would know that these questions would arise in connection with this matter, and would be put on notice that these international matters are involved. It seems to me that a Senator who was so much interested in the joint resolution and that the other members of the committee who had charge of it would at least have wished to have Mr. Dulles testify about this measure before the committee, in order to clarify the entire matter.

That is why I believe it imperative to have a commission study this matter. I believe Mr. Dulles should state to us just what he thinks should be done if these problems arise and if these treaties are abrogated. In that event, I think we should take into consideration what we would have to do in order to rehabilitate the Florida and the Massachusetts fishermen who would be thrown out of employment.

So the letter is very significant, and it has not received the attention it should receive.

I should like to read again one portion of the letter:

> 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.

Mr. President, if that is not a clear warning signal, a clear warning sign to stop, look, and listen, I do not know what is. Now I can understand why Mr. Dulles was not asked to testify before the committee, for apparently the letter states Mr. Dulles' opinion. Undoubtedly he would have expanded on that theme, and would have pointed out other danger signs; and perhaps his testimony would have been so convincing that the joint resolution would not have been reported by the committee.

Mr. HUMPHREY. Mr. President, will the Senator from Tennessee yield for another question?

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. Does not the Senator from Tennessee find it rather incredible and amazing that the clear and pointed testimony of the State Department, the testimony of the Attorney General, and the testimony of the Secretary of the Interior should be utterly disregarded in the reporting of the joint resolution?

Mr. KEFAUVER. It certainly is utterly amazing that not one of the departments affected supports this measure. All of them are against many of its provisions. Yet the joint resolution comes to us with a label which would indicate that it is a so-called administration measure. It is incredible that such a label should be used, inasmuch as the Department of Justice headed by Mr. Brownell—the department that is charged with the enforcement of all our laws—does not agree with the provisions of the joint resolution; and Mr. McKay thinks it should at least deal with other matters, and thinks it is not a proper measure; and apparently the State Department is bitterly opposed to it, according to the letter to which reference has been made, because the joint resolution violates every condition laid down in the letter.

So the entire question should be studied. We should see whether we can work out all these differences, by means of the action of a commission which would be able to draft proposed legislation in light, not in darkness

Mr. Dulles was not even asked to appear before the committee and to testify there about the joint resolution. All that is simply incredible to me.

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

Mr. KEFAUVER. I yield for a question.

Mr. HUMPHREY. Does not the Senator believe that as this debate proceeds, new evidence seems to come out all the time? Is not the Senator impressed by the fact that this is the first time this letter of the State Department has been brought up for discussion? Yet have we not been told repeatedly that everything has been said that could be said regarding the pending measure?

Mr. KEFAUVER. Yes; I heard that only a few days after the debate began. But it is quite true that more questions are coming up. The ramifications of what this is going to lead us into are becoming more intriguing. More evidence is being elicited all the time. I have no doubt that when the fishermen of the United States and of the State of Florida learn the real truth regarding what the Secretary of State has said, namely, that in the event the pending measure is passed he is not going to be able to give them any protection in the future when they operate within the territorial waters of Newfoundland or of Mexico, they are going to be very much alarmed.

Mr. HUMPHREY. Mr. President, will the Senator yield to me for a further question?

Mr. KEFAUVER. I yield to the Senator for a question.

Mr. HUMPHREY. Does the Senator recall that in the letter to which he has referred, and which has been the subject of our discussion for the past few moments, the representative of the State Department warns the Congress that there are today nation states who are attempting to violate the principle of freedom of the seas and to violate the accepted doctrine of the 3-mile limit? Did the Senator not read that language?

Mr. KEFAUVER. Yes; I read that language, which puts us on notice that there are today nations—and I am certain that we know the identity of some of them—who are attempting to violate traditional international law regarding the 3-mile limit. He further says in his letter that we are trying to keep them from doing that, and that we have always adhered to the 3-mile limit; but the State Department cannot ask them not to violate the 3-mile limit and extend their boundaries hereafter if we ourselves do it.

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

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. Is the Senator aware of the fact that the Soviet Union has attempted to extend its boundaries into the Baltic so as to violate what we consider to be the doctrine of the open seas, the freedom of the seas?

Mr. KEFAUVER. I am aware that the Soviet Union has attempted to do that, but thus far I think we have been fairly successful in preventing it. But I may say to the Senator that, if we pass this proposed legislation, all the arguments we have heretofore been able to use with the Soviet Union, in the United Nations, and elsewhere, to maintain the Baltic as an open sea, which is so necessary for the defense of the free world, will be out the window.

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

Mr. KEFAUVER. I yield for a question.

Mr. HUMPHREY. Does the Senator agree with me that, if we were to take the initiative by legislative action to extend the boundaries of the United States into the Gulf and into the open seas, we would then have put the stamp of approval upon Soviet action in the Baltic, and therefore would have sold out, it may be, Norway, Sweden, and Denmark?

Mr. KEFAUVER. I think the Senator is correct, that we would not only have put the stamp of approval on it, but also would have invited further action by the Soviet Union in extending its territorial borders into the Baltic. I say to the Senator it would be bad enough if, as a result of action on the part of the Soviet Union or some other nation in extending its territorial waters and doing away with the freedom of the sea, we were to retaliate, or were to try to emulate them. But to take the initiative, to invite the catastrophe, to set at naught the doctrine and practice of the freedom of the seas, which would so adversely affect so many nations, and to take the initiative by inviting other nations to follow our example, would not, in my opinion, be in line with our position of intelligent leadership in the free world. That is what this joint resolution would do. I am certain that is a part of the matter Mr. Thruston B. Morton, speaking for the Secretary of State, had in mind. I am certain also that the President of the United States probably did not anticipate all the adverse effects which might result from such legislation, when he said that he thought the States should have the oil.

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

Mr. KEFAUVER. I yield for a question.

Mr. HUMPHREY. I ask the Senator, would it be a fair statement to say that the pending measure, Senate Joint Resolution 13, is not merely a measure involving billions upon billions of dollars—which of itself is of great importance—but that it is also a measure which would modify and change an historical policy initiated by the United States, namely, the 3-mile limit as a belt of defense, proclaimed by Thomas Jefferson in 1793, and freedom of the seas, which has been defended by this Nation in war after war, at great cost in substance and human life? Is that a fair statement?

Mr. KEFAUVER. Yes, that is a very fair statement. There can be no question that that is what would happen, since the passage of the joint resolution would be a complete abandonment of our position of the past. As to what its effect would be on our treaties, I want to read from the book I hold in my hand. I could read the entire volume, and it would be interesting and it would be relevant. I may say to the Senator, if we were trying to carry on a filibuster, I could read this entire book, and it would all be relevant. It is a book entitled "Protection of Coastal Fisheries Under International Law," by Stefan A. Riesenfeld. It is Carnegie Endowment for International Peace Monograph No. 5. I merely want to read 2 or 3 paragraphs regarding the practice of the United States with reference to freedom of the seas and the 3-mile limit. From chapter 8 I read:

> The practice of the United States has formed the subject matter of many discussions, surveys, and examinations.

I may say that the great international lawyer, John Bassett Moore, is, I think, the authority on international law and freedom of the seas. His works should be very useful. In his opinion, the doctrine of the 3-mile limit has been the great moral force of the United States which has eliminated numerous disputes about the territorial waters of nations. We have steadfastly adhered to the doctrine.

There is also a very famous professor of international law, Edward M. Borchard, who has written extensively on the subject. His writings indicate the chaos which would come about if we were to change our position, as proposed in the pending measure.

Mr. President, we have such warnings, not only by the Secretary of State but also by every writer on international affairs, and by everyone who has studied treaties governing fisheries. Practically all of them have predicted what the probable result would be of a reciprocal extension of territorial boundaries—and we cannot do it unless other nations do. Their writings stand as great warnings and signposts of danger to us in connection with the proposed legislation.

But I was going to read about 3 or 4 paragraphs from this book by Mr. Riesenfeld:

> The practice of the United States has formed the subject matter of many discussions, surveys, and examinations. Perhaps the best brief statement of American practice is contained in the letter of the United States Government to the Preparatory Committee for the Codification Conference, dated March 16, 1929. The conclusion that follows therefrom is that the United States adheres in principle to the 3-mile rule, but that certain exceptions have been recognized or asserted at various times and for various purposes.
>
> In 1782 a committee of Congress, consisting of Messrs. Lovell, Carroll, and Madison, to which the fishery question in view of the peace negotiations with Great Britain had been referred, took the position that the United States would not claim any fishing rights within 3 leagues of the shores of France or Great Britain or of any other nation.
>
> On November 8, 1793, Mr. Jefferson, then Secretary of State, informed the British Minister in Washington that provisionally the limit of the territorial jurisdiction of the United States for neutrality purposes should be fixed at the distance of "1 sea league, or 3 geographical miles" from the shore. The French Minister was likewise informed on the same date that the United States fixed the area of territorial jurisdiction for neutrality purposes at 3 geographical miles, without prejudice to any larger claim in the future. Mr. Jefferson explained that the utmost range of a cannonball was usually calculated at this distance and that this was the smallest distance claimed by any other nation. A statute of 1794, which is still in force, provided, in harmony with this policy, "that the district courts shall take cognizance of complaints by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof."
>
> At the same time, a greater distance was claimed for the enforcement of the customs law. A statute of August 4, 1790, had extended territorial jurisdiction with regard to customs matters to 4 leagues, and the act of February 18, 1793, for enrolling and licensing fishing vessels, established jurisdiction over such licensed ships within 3 leagues.
>
> Subsequent to this formative period of American law, there have been a great number of diplomatic statements and administrative declarations by Secretaries of State and other officials, as well as court decisions to the effect that generally speaking the territorial sea of the United States extends to 3 nautical miles.

Mr. President, we shall be breaking many customs laws which have been established over a long period of time if we establish a territorial limit of 9 miles and place it within the power of Congress to extend it to any distance Congress may later decide upon.

I continue reading:

The above-mentioned letter of the United States to the League's Preparatory Committee in 1929 quotes excerpts from several letters and statements of Secretaries of State to this effect: From Secretary Pickering to the Lieutenant Governor of Virginia under date of September 2, 1796; from Secretary Madison to Messrs. Monroe and Pinkney under date of February 3, 1807; from Secretary Buchanan to Mr. Jordan under date of January 23, 1849—

There are quite a number of others, on down to Secretary Hughes in 1924. I continue reading:

Especially important is the fact that the United States in her diplomatic correspondence objected several times to the claims of other nations to exercise maritime jurisdiction farther than 1 league from the shore. The letter to the Preparatory Committee cites the main instances, which have also been referred to in foregoing chapters of this survey. The first was the objection to Russia's claim to 100 Italian miles in 1821; this conflict was settled by the Treaty of 1824. The next instance was the dispute with Spain in 1862 regarding the territorial waters of Cuba. This was followed by a controversy with France on the occasion of the battle of the famous Confederate warship *Alabama* with the Union vessel *Kearsarge* near the French coast, and by an exchange of notes with Great Britain likewise arising out of the Civil War. In 1867, 1868, 1875, and 1882 the United States again asserted the 3-mile rule against Russia with respect to the Sea of Okhotsk, and in 1891 and 1892 another dispute with Russia occurred over the capture of American sealers off the Russian coast. As described above, this resulted in an arbitration by Mr. T. M. C. Asser, in 1902.

The American agent in that case stated:

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

That was our position with reference to Russia in 1902. But, Mr. President, what will happen to the treaty we have made with Russia with reference to the Bering Sea if we now change our position? We then said that we claimed only 3 miles and would recognize a claim on the part of Russia of only 3 miles. We are now asked to change the rule entirely. We could not complain, if Russia should extend her territorial waters out 200 miles, because if the proposed legislation is passed, we shall have abandoned the solemn principle we adhered to so long. Many agreements were worked out under the administration of the father of the distinguished majority leader. They were all based upon the 3-mile principle, restricting other nations and requiring them to refrain from any interference or control or attempt to control anything occurring farther than 3 miles from shore.

In 1914 the United States refused to recognize the extension of the Italian neutrality zone beyond 3 miles. That rule is also embodied in several treaties.

I read further:

The most famous one is the above-mentioned treaty with Great Britain of October 20, 1818. Its construction was one of the principal objects of the well-known North Atlantic Coast Fisheries Arbitration, and the interpretation given by the Arbitral Award was put into operation by the treaty with Great Britain of July 20, 1912. Other conventions which may be noted are the so-called liquor treaties, a number of which (viz, those with Great Britain, Cuba, Germany, the Netherlands, and Panama) contain a clause to the effect that—

"The high contracting parties declare that it is their firm intention to uphold the principle that 3 marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters."

Mr. President, how can we repudiate what our Department of State throughout the years has done? We have provided in treaties which are still in effect that we believed 3 miles was the proper number. Can we in good conscience now say we repudiate everything we have said, and establish not 3 miles, but 9 miles, or 140 miles, or as far as Congress wants to go in establishing the proper limits of territorial waters?

I read further, Mr. President:

Probably the most important judicial statements on that topic are contained in the decisions of the United States Supreme Court in the cases of *Manchester* v. *Massachusetts*, and *Cunard S. S. Co.* v. *Mellon*. Other cases in point are the Ann (a decision by Mr. Justice Story)—

That was one of the early decisions of our judiciary, establishing judicially the 3-mile limit as the limit of the territorial waters of the United States—

Commonwealth v. *Manchester*, which was decided by the Supreme Court of Massachusetts; *In re Humboldt Lumber Manufacturers' Association;* and *People of California* v. *Stralla*.

The last-named decision was by the Supreme Court of California, is reported in 98 California Appeals, and was decided in 1939.

In all these cases the 3-mile limit of territorial waters has been adjudicated, and the matter has also been decided by our State Department. This is the first time Congress has ever threatened to come near upsetting that which has been the law for so long. It is in the matter of the transfer of rights, privileges, responsibilities, and obligations that some persons expect difficulties to arise which will require the interpretation of the courts for many years to come. Those who in simple faith expect an act of Congress to fulfill their desires by merely transferring the oil to the States can take warning that no act of Congress is likely to do that.

It should be noted that in coming to precise definitions and formulas of what control, what rights, what privileges, and what obligations we are transferring, we shall run into international complications. The area is undefined. The privileges and their extent are undefined. The obligations are undefined. The responsibilities are undefined.

The Federal Government is an operating agent for the greater concept of the Nation. We have talked much of Federal as against State ownership. True ownership of whatever there is to own in and below the marginal sea is in the Nation. The Nation is paramount. It is the Nation which now owns, and has always owned, title to the submerged areas. The Federal Government operates in the national interest. If operational control is to be taken away from the Federal Government, if the rights of the Nation are to be given away, the rights dispensed with must be severely defined.

In an interesting letter to the editor of the Washington Post, which was published on March 10, 1953, Mr. Charles S. Collier, professor of law at George Washington University, raised a somewhat similar point, phrased in a different way. I shall quote a portion of Professor Collier's letter. Those who are interested in reading the entire letter may read it in the Washington Post. Professor Collier wrote:

The bills recently introduced in the United States Senate providing for the transfer to the several States of the beneficial ownership of the lands lying under the marginal sea, heretofore judicially decided by the United States Supreme Court in a series of carefully considered opinions to belong at the present time as a matter of legal and beneficial ownership to the United States as the legal proprietor and not merely as the paramount sovereign, propose that the United States should perpetrate a plain and indefensible breach of trust in a legal sense, as well as in a moral sense.

Professor Collier further wrote:

As to the Louisiana controversy, everyone will realize at the outset that at the date when the United States when by the Treaty of 1803 acquired this entire territory from France, there was no State of Louisiana in existence. But the United States Government as a constitutional government did not by the Louisiana purchase acquire unrestricted property ownership of the lands therein, even if vacant and not theretofore appropriated by any of its inhabitants.

Professor Collier declared:

The true legal situation, at least during the territorial period, was described in apt language by Chief Justice Taney in his famous and much discussed opinion in the Dred Scott case as follows:

"A power therefore in the general Government to obtain and hold colonies and dependent territories over which they might legislate without restriction would be inconsistent with its own existence in its present form. Whatever it acquires, it acquires for the benefit of the people of the several States who created it. It is their trustee acting for them and charged with the duty of promoting the interests of the whole people of the Union in the exercise of the powers specifically granted."

Professor Collier continued:

If this trust be once accepted, as I believe it ought to be, both on direct judicial authority and on ultimate constitutional principles, it seems clear the proposed transfer of the ownership of the lands under the marginal seas to the exclusive benefit of the single State of Louisiana, which itself was carved out of the much larger territory included within the Louisiana Purchase, constitutes a direct and undeniable breach of that trust which was accurately defined by Chief Justice Taney as a trust for the common and equal benefit of the whole people of the Union.

In other words, as Professor Collier quoted Chief Justice Taney, the Chief Justice's concept of the whole people of the Union is equivalent to the concept embodied in the single word "Nation."

Professor Collier says to us:

Imagine a family settlement of valuable property to be held in trust by a designated trustee for the benefit of 48 beneficiaries corresponding to the present 48 States, nothing less than which could comprise the whole people of the Union.

And then imagine the trustee in our illustration proposing to transfer the trust property or any part of it without any compensatory consideration and without any beneficiaries. Would anyone seriously contend that this would constitute a legally permissible disposition of the trust property by the trustee in the case supposed?

The argument that the marginal lands under consideration are located within the historic boundaries of particular States, even if true, does not affect or alter the trust character of the legal ownership of these lands and properties by the United States.

If we may rely on an essentially similar but less controversial and better understood case, the creation of the State of Wyoming, its admission to the Union has never been supposed to involve or justify a transfer by the United States of its proprietary ownership of the Teapot Dome area or of the lands lying within Yellowstone National Park to the newly created State. How would any serious citizen evaluate a new congressional proposal brought forward in 1953 to transfer without compensation these immensely valuable United States properties, actually located within the physical boundaries of Wyoming, to the State of Wyoming as proprietor for exclusive use and enjoyment and profitable exploitation by that State or its people alone?

And would anyone actually regard such a transfer as a return to the people of Wyoming of the properties that justly belonged to them alone or to their State government alone, merely because the properties are now located entirely within Wyoming's 'historic boundaries'?

So wrote Professor Collier, who proved himself a good deal of an optimist.

There is at this moment before the Senate, based on the possible action of the Congress in quitclaiming submerged lands of the Continental Shelf, a bill which would give to the State of Wyoming title to the mineral rights of those portions of the public domain within the boundaries of the State of Wyoming. The bill was introduced by the distinguished senior Senator from Wyoming [Mr. HUNT] and indeed applies not only to the mineral rights under the public domain in Wyoming, but also to the mineral rights under the public domain in the various States.

Mr. President, I do not blame the Senator from Wyoming for introducing such a bill. It is proposed in the pending measure to give away something that is not even within the boundaries of the various States. It is proposed to give away what the Supreme Court has already said belongs to all the people. In my opinion there could be no logical or persuasive argument against applying the same rule to the mineral rights under the public lands in the various States or even to the public lands themselves. Senators know that. Of course, that will be the next step in the giving away of our great national treasure.

As I shall discuss in greater detail later, we cannot here establish a principle applying to a few States without allowing the same principle to apply to all States. The end result of such action is obviously inconceivable to a good citizen such as Professor Collier. It is not only conceivable, but it lies before us as an immediate actuality.

This year we are celebrating the 150th anniversary of the Louisiana Purchase, the most notable real estate transaction in our history. Congress is now, or soon will be, depending upon its action in the submerged-land case, involved in an even bigger real estate transaction, the giving away all that is of value in the public domain.

If the interests of the Nation, that is, the sum of all Americans and the continuing force thus embodied, are to cut away for the benefit of a subsidiary concept, then those interests require definition. The Nation, except in conflict with other sovereign nations may operate without definition. And it will be with the coming of severe and strict definitions that conflicts are sure and certain to arise in the field of international relations.

That this is becoming clearer to representatives of the present administration is suggested by an article by Richard Fryklund which appeared in the issue of the Washington Sunday Star bearing the date of Sunday, March 8, 1952.

For the information of Senators I should read this instructive article. It indicates that the administration, now that it is face to face with the realities of this problem of transferring ownership and control of the land under the marginal seas, realizes that a good deal more than a wave of the hand and a good deal more than the passage of a bill by the Congress of the United States will be required to solve the problems involved.

I ask unanimous consent that this rather brief article by Mr. Fryklund be printed in the RECORD at this point as a part of my remarks.

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

TIDELANDS NO MORE THAN GETS SETTLED THAN SOMETHING HAPPENS

(By Richard Fryklund)

Just when the States' righters thought everything was going their way on the tidelands issue, the new Attorney General stepped in last week and gave the apple cart a good push.

President Eisenhower had said that this was the time for Congress to concede control of the supposedly oil-soaked undersea lands to the States. President Truman had twice vetoed such legislation.

Congress was going ahead at a good clip this year with easy, early passage of a State-ownership bill seemingly assured. But when Attorney General Brownell went to the Hill last week with a new angle on tidelands, the outlook began to fog up a bit. The President insisted he still favored State ownership, but even so, Mr. Brownell had stirred up the obscure issues of constitutional and international law.

It all stems from an argument over what the Supreme Court really meant when it ruled on three tidelands cases. The Court had been asked to decide whether the Federal Government or the coastal States owned the land under the adjacent oceans.

The Supreme Court ruled once in 1947 and once in 1950, that the States did not have title to or property interests in offshore lands. But the Court did not take the next step and say who did own the lands. It said, instead, that the Federal Government has "paramount rights in and full dominion over" the lands.

COURT'S EXPLANATION

The decree seemed to leave ownership of the oil up in the air—or down at the bottom of the sea. But the court went on to explain:

"The crucial question on the merits is not merely who owns the bare legal title to the lands under the marginal sea. The United States here asserts rights in two capacities, transcending those of a mere property owner. In one capacity it asserts the right and responsibility to exercise whatever power and dominion are necessary to protect this country against dangers to the security and tranquility of its people incident to the fact that the United States is located immediately adjacent to the ocean. The Government also appears in its capacity as a member of the family of nations. In that capacity it is responsible for conducting United States relations with other nations. It asserts that proper exercise of these constitutional responsibilities requires that it have power, unencumbered by State commitments, always to determine what agreements will be made concerning the control and use of the marginal sea and the land under it."

NEW TO REALTY BUSINESS

Reaction to these and other even less-clear comments in the court decisions seemed to vary with the self-interests of the reader. Coastal State politicians said "paramount rights and full dominion" was something new in the real estate business where degree of ownership or control over property has been long established and neatly defined. And these rights that "transcend those of a mere property owner" seemed to have nothing to do with oil-land ownership.

States righters from both coastal and inland States said the words were meaningless. The Federal Government, they insisted, held sovereignty over the adjacent seas just as they did over any other part of the United States. But ownership of land was another question. The States always had owned the undersea lands out to their historic borders and still would if the Supreme Court had not clouded the title.

But persons who wanted the Federal Government—or all the people, as they put it—to get the income from the oil wells said that the coastal States obviously had no claim and that a binding Supreme Court decision gave control to the Federal Government.

CONGRESSIONAL CLASH

The two points of view clashed in Congress. President Truman and his supporters asked Congress to give the Interior Department the machinery to run the oil lands. The States righters, who were found in both parties, asked for a bill to quitclaim Federal rights, if any, and to specify that title and ownership lie with the coastal States.

Another consideration was touched on lightly, but did not become a key issue—until last week when Mr. Brownell spoke up. He asked Congress to make a fundamental change in the bill. Instead of giving the States title and ownership, he said simply give the coastal States authority to administer and develop the natural resources under the sea. The change, he said, would be for the purpose of minimizing constitutional questions.

Closely questioned by exasperated Congressmen who had expected the new administration to go down the line for State ownership, Mr. Brownell squirmed in the witness chairs of both Interior Committees and avoided an answer to these pertinent ques-

tions: Who, then, does own the lands? What are these constitutional questions you are out to minimize?

Mr. Brownell said only that certain groups intend to tie up in court action any kind of State-ownership law approved.

A TROUBLESOME CASE

What he apparently had in mind, however, was that a person could go to court and make at least a troublesome case with this sort of reasoning, based on the Supreme Court's three decisions:

When you go seaward of the low-tide mark you are in open seas. It has been established in international law to the satisfaction of virtually every country, including the United States, that the open sea and anything under or in it is free for all—with this usual exception—a sovereign nation has the right to protect itself by controlling a narrow strip of that sea around its coast.

In the 1700's, when the narrow strip first was universally agreed on, a cannon on shore could shoot about 3 miles into the sea. So 3 miles was set as the limit of the area a nation could defend and control. The 3-mile limit of sovereignty has become universally recognized.

But some nations now claim 4, 6, or 12 miles as territorial waters. For some purposes, regulation of fishing, for instance, several countries claim the entire Continental Shelf, which sometimes is more than 200 miles wide. The United States herself claims control out to 12 miles for customs purposes and to the Continental Shelf for undersea natural resources. We do not, however, concede that other nations own land out to these distances, nor do they concede all our claims.

THE LEGAL VIEW

In international law, and America claims to be an international-law-abiding nation, a country legally controls only those open-sea territories that other nations concede it controls.

Furthermore, under international law, only a sovereign nation can exercise any control. A state or province has no standing in international law. The American Constitution specifically puts conduct of foreign affairs in the hands of the Federal Government, as the Supreme Court decisions pointed out.

So Government officials adhering to this line of reasoning are worried by State claims to the open seas—out to 27 miles in the case of Louisiana and to the Continental Shelf in the case of Texas. If the Federal Government decides the States do or do not own this area, it could prejudice its future claims for control of coastal seas or could prejudice its protests against other countries whose claims we feel are outrageous.

Under this line of reasoning, it would be better to avoid a definite decision until we know where our own self-interests here and abroad lie under international law. It would be best even, from that point of view, not to raise the issue of ownership at all. The Supreme Court did not raise it. The Truman administration skirted it, and Mr. Brownell last week did his best not to talk about it.

HOW TO DODGE ISSUE

If a Federal-rights man were worried about these points of international law, he would do as President Truman did—seek Federal administration of the oil land without asking for a definition of paramount rights. A States' rights advocate under the same circumstances would ask that the States administer the lands without trying to place ownership. Which, of course, is what Mr. Brownell did last week.

This would all be merely an exercise in probing vague areas of international law but for the views of many Congressmen. They believe there can be ownership of the undersea lands in the usual meaning of the term. A majority in both Houses believe, furthermore, that the States should hold the clear title. These lawmakers have little patience for shadow-boxing with theories of international law.

And they apparently will be backed up in their stand by the President himself. Supporters of Federal rights to the tidelands, however, can be counted on to quote—and interpret—the Attorney General during coming debate.

The States righters appear to have the votes, so the issue still may go again to the Supreme Court. The tidelands controversy, which was born 15 years ago, does not seem ready yet to die an easy death.

Mr. KEFAUVER. Mr. President, I understand that if I suspend at this time the majority leader will move that the Senate take a recess until Monday morning at 11 o'clock.

Mr. TAFT. If the Senator wishes to suspend at this time, I shall be glad to move that the Senate take a recess until 11 o'clock on Monday morning.

Mr. KEFAUVER. I yield the floor.

DISPOSITION OF DISPLACED PERSONS—REQUEST FROM AMERICAN HUNGARIAN FEDERATION

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a communication which I have received from the American Hungarian Federation be printed in the body of the RECORD at this point. I do hope that the State Department will give serious attention to this request of the American Hungarian community. It is a humanitarian appeal with which our Government ought to be associated.

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

AMERICAN HUNGARIAN FEDERATION,
Washington, D. C., April 13, 1953.

Hon. HUBERT H. HUMPHREY,
United States Senator, Member, Senate Foreign Relations Committee,
Senate Office Building,
Washington, D. C.

DEAR SENATOR HUMPHREY: The American Hungarian Federation is the central representative agency of the American citizens, churches, fraternal, and civic organizations of Hungarian ancestry.

In behalf of the million and a half loyal American citizens of Hungarian descent, we respectfully ask you to read the enclosed request addressed to the Secretary of State and inform him of your consent to and approval of this proposal.

We believe that the timely transmittal of our request by the United States Minister to the Hungarian Communist Government will result in the proof of their true reaction to such humanitarian appeal.

Respectfully yours,

STEPHEN E. BALOGH,
Executive Secretary.

AMERICAN HUNGARIAN FEDERATION,
Washington, D. C., April 13, 1953.

Hon. JOHN FOSTER DULLES,
Secretary of State,
Department of State,
Washington, D. C.

MY DEAR MR. SECRETARY: Recent peace movements of the Soviet Government, initiated either for tactical or for some other unknown reasons, convey the impression of the voluntary softening of the Russian rigidity. It is probable that this new attitude is the consequence of the uncertainty of their own internal political affairs and will only last as long as the reason itself, on the other hand it is feared that such internal uncertainty may lead, on the peripheries, to an extreme retribution. The tragical signs of confusion, indicated by current fragmentary news emanating from satellite countries, may cause a new wave of terrorism. Regardless of future developments we are assuming that the conciliatory Soviet attitude, designed for winning the sympathy of free world's opinion, will be also extended to the satellite nations. Under such circumstances it would be wise, indeed paramount, if the Department of State would inform the present Government of Hungary of those initial gestures which we Americans, and the rest of the free world, would accept and interpret as logical proofs of their sincerity toward the peace of the world.

We, the representative central organization of the American citizens of Hungarian origin, believe that the following initial suggestions should be transmitted to the Hungarian Government:

1. Permission granted by the Hungarian Government to aged Hungarian applicants requesting admission for immigration to the countries of the free world.

2. Aged victims of the Hungarian mass-evacuation and those who are forced to exist presently in mass concentration camps should receive permission to choose their own residence within Hungary, outside of Budapest and of larger cities; thus with the help of their rural area relatives they may find access to needed medical care.

3. Immediate release and amnesty for those political prisoners whose professional activities and the personal integrity of their former status negate any of the political crimes they were forced to confess under duress, i. e., Cardinal Mindszenty, Archbishop Groesz, other Catholic, Protestant, and Jewish leading clergymen convicted during the purge of the clergy and during the nationalization of the educational institutions; those women who have never participated in the political activities for which they have been sentenced to prison terms.

The humanitarian effect and impact of these suggestions is most obvious. The advantage of free emigration from Hungary, because of the lack of money or relatives abroad, would only be taken by relatively few aged persons—whereas the free movement of the deported persons within Hungary, would grant to them a certain degree of their human dignity, the lessening of their spiritual isolation, the assurance of tolerable living conditions in the friendly environment of their own selection, and would then cease to vegetate as tolerated objects. The economical advantage of freedom must be evident even to the Hungarian Communist government. There are many impoverished families in Hungary today who are unable to send continuous aid to their deported relatives or friends, while the presence of another member at the family table would not imperil their daily existence.

We respectfully request, Mr. Secretary, that you approve the transmittal of our request to the United States Minister of Hungary for the purpose of his timely suggestion of these measures to the Hungarian Government. We are convinced that these suggestions, if accepted by the Hungarian Government, will offer concrete proof of the existence of real peace movements within the satellite countries. While the refusal of our request by the Hungarian Government could not impair further the miserable conditions of the deportees, because additional punishment of these victims cannot be avoided by us if such will suit their purpose—at the same time they may consent to part of or to the entirety of our request to prove their cooperation upon the suggestion of our American Minister with his reference to the Soviet peace movement.

Mr. FLANDERS. Mr. President, these suggestions seem to me to be just and reasonable. They will protect alike the interests of the public and of individuals who otherwise might be subject to undeserved reproach.

EXECUTIVE SESSION

Mr. BUSH. Mr. President, will the Senator yield to me?

Mr. KNOWLAND. I should like to have the Senate go into executive session so that we may dispose of certain nominations on the Executive Calendar, and then proceed with the debate on the unfinished business. At 12 o'clock we can arrange an additional opportunity for insertions in the RECORD.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

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

Lester L. Cecil, of Ohio, to be United States district judge for the southern district of Ohio, vice Robert R. Nevin, deceased.

The VICE PRESIDENT. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

NEW REPORTS—CENTRAL INTELLIGENCE

The legislative clerk read the nomination of Lt. Gen. Charles P. Cabell, United States Air Force, to be Deputy Director of Central Intelligence.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. KNOWLAND. I ask that the nominations in the Army be confirmed en bloc.

The VICE PRESIDENT. Without objection the nominations in the Army are confirmed en bloc.

REGULAR AIR FORCE

The legislative clerk read the nomination of David E. Rippetoe, Jr., to be first lieutenant in the Regular Air Force.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

CALIFORNIA DEBRIS COMMISSION

The legislative clerk read the nomination of Col. Paul D. Berrigan, Corps of Engineers, to serve as president and senior member of the California Debris Commission.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. KNOWLAND. I ask that the President be immediately notified of all nominations confirmed this day.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. KNOWLAND. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

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

Mr. KNOWLAND. I announce that the Senator from Ohio [Mr. BRICKER], the Senator from Indiana [Mr. CAPEHART], the Senator from Indiana [Mr. JENNER], the Senator from New Jersey [Mr. SMITH], the Senator from Ohio [Mr. TAFT], and the Senator from Oregon [Mr. MORSE] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] is absent on official business.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent by leave of the Senate.

Mr. CLEMENTS. I announce that the Senator from New Mexico [Mr. CHAVEZ] is necessarily absent.

The Senator from Illinois [Mr. DOUGLAS], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Texas [Mr. JOHNSON] are absent on official business.

The Senator from Rhode Island [Mr. PASTORE] and the Senator from Alabama [Mr. SPARKMAN] are absent by leave of the Senate.

The VICE PRESIDENT. A quorum is present.

PROPOSED UNANIMOUS-CONSENT AGREEMENT LIMITING DEBATE ON UNFINISHED BUSINESS

Mr. KNOWLAND. Mr. President, I should like to invite the attention of the acting minority leader, the Senator from Kentucky [Mr. CLEMENTS], the distinguished Senator from Alabama [Mr. HILL], and other Senators who may be in opposition to the pending bill, to a unanimous-consent request which I should like to present to the Senate at this time for its consideration. I ask unanimous consent that the clerk read the unanimous-consent request.

The VICE PRESIDENT. Without objection, the clerk will read the unanimous-consent request.

The Chief Clerk read the unanimous-consent request, as follows:

UNANIMOUS-CONSENT REQUEST

I ask unanimous consent with reference to Senate Joint Resolution 13 that beginning Wednesday, April 22, no Senator shall speak more than once or more than one-half hour on the resolution or any substitute or amendment thereto or on any appeal or on any question of order or motion; that if no vote is obtained by Thursday, April 23, the time thereafter shall be divided between the opponents and the proponents of the joint resolution; the time for the joint resolution, and against amendments, to be controlled by the Senator from Oregon [Mr. CORDON]; the time against the joint resolution to be controlled by the Senator from Illinois [Mr. DOUGLAS]; and the time for any amendments to be controlled by the proponents thereof.

Further, that the total time allotted shall not exceed 6 hours, and thereafter votes shall be taken on the amendments, substitutes, and on the joint resolution itself; that the joint resolution shall be open to amendment at any time, provided the amendments are germane to the subject of the joint resolution.

Ordered further, that in the event affirmative action is taken on the committee substitute (amended, or not amended), as the case may be, the Senate shall, without debate, proceed to consider H. R. 4198 (Calendar No. 133), the Submerged Lands Act passed by the House, that it be deemed to be amended by striking out all after the enacting clause and inserting in lieu thereof the text of Senate Joint Resolution 13, as amended, with the exception that in lieu of the words, "joint resolution" wherever they appear therein, the word "act" shall be substituted; that the engrossment and third reading of the bill as amended shall be deemed to be ordered; and that on the question of the final passage of the bill no Senator shall speak more than once, and the total time to be not longer than 60 minutes, to be divided equally between the proponents and the opponents of the bill.

Mr. HILL. Mr. President, do I correctly understand that the Senator from California submits that unanimous-consent request?

Mr. KNOWLAND. Yes. I should like to say to the Senator from Alabama that we now have had 3 weeks of debate on this very important piece of proposed legislation, and it seems to the acting majority leader that at the beginning of this week it is entirely appropriate again to submit a unanimous-consent request,

in the hope that the opponents of the joint resolution will recognize that the measure has now been rather fully debated; that under the unanimous-consent request there would still be very definite leeway for additional discussion; and that we might then proceed with the other business of the Senate.

Mr. HILL. Mr. President, reserving the right to object, let me say that a similar request was rather fully threshed out at the last session of the Senate, on Saturday, when it was made rather clear that we could not agree to a limitation of debate until Senators who are anxious to speak on the pending measure, and who feel that they should speak on it, and present their reasons against the measure and their arguments why they believe it should not be passed, have had an opportunity to do so.

Under the present proposal of the acting majority leader, the Senator from California, beginning on Wednesday, which is the day after tomorrow, no Senator could speak more than once or for more than half an hour, no matter what might be before the Senate.

In that connection, let me refer, for instance, to the Senator from Tennessee, who has a very important amendment to the joint resolution. Any Senator who heard the speech of the Senator from Tennessee on Saturday, or who has taken occasion to read that speech in the RECORD, knows that the Senator from Tennessee raised important and vital questions regarding the pending measure which had not previously been raised. He now seeks to conclude his speech. How long he will take to do so, I do not know.

Furthermore, I know that there are Senators who have not had the opportunity I have had to speak against the joint resolution. They desire to have that opportunity, and they should not be cut off.

So far as the length of debate is concerned, as the Senator from California knows, there have been a good many interruptions. As the Senator knows, the Easter recess is always somewhat disrupting, and takes some time.

Other Senators have made speeches on other subjects. I am not complaining about that, because they have a right to speak. However, up to the present time there has not been too much straight, constant debate on the joint resolution and there have not been too many opportunities to speak on it.

Certainly until all Senators who wish to speak against the joint resolution have had what they believe to be a reasonable opportunity to do so, I think there should be no limitation.

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

Mr. HILL. I yield for a question.

Mr. KNOWLAND. It may be that the Senator from Alabama would desire to suggest that Thursday be specified, rather than Wednesday; or perhaps he would prefer some other day. However, in the circumstances it seems to me that Senators would be amply protected, if they have any new information which has not been presented time and time again to the Senate and to the respective committees of the two Houses. Such Senators could make summaries of their statements on the floor of the Senate, and then could ask leave to have the statements printed in the RECORD, as is their right, under the rule. In that way, such further implementations of their views would be available to all Senators. When Senators then read the RECORD they would have an opportunity to obtain that information, and no Senator would be foreclosed, in any sense of the word, from presenting his case both to the public and to the Senate.

Mr. HILL. Of course, in another body there is a practice of extending remarks in the RECORD, but that is not the practice in the Senate. If a Senator feels that he should say something in regard to a pending measure, the procedure is for him to rise on the floor of the Senate and make his speech.

There are Senators who have not had an opportunity to speak on the joint resolution. Some Senators, as I have said—such as the distinguished Senator from Tennessee—have important amendments to the joint resolution, and should have an opportunity to speak on them. Certainly they should not be denied an opportunity to make their speeches.

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

Mr. HILL. I yield for a question.

Mr. KNOWLAND. I am not sure whether the Senator from Alabama was on the floor earlier today, but I believe he may have been informed that it is the intention of the leadership on this side of the aisle to have evening sessions held all this week.

Mr. HILL. I am informed about that. Let me say that those who oppose the joint resolution have been most reasonable, I believe, in their attitude. They have not adopted any tactics of filibustering or anything of the kind.

For instance, a few minutes ago the Senator from California requested the confirmation of some Executive nominations. He knows that if Senators opposing the joint resolution were moved by a purpose to delay, postpone, and put off, or what is ordinarily called filibustering, they could have spoken at length on those nominations.

Furthermore, day after day the distinguished majority leader has obtained the consent of the Senate to have the Senate take a recess at the end of each session until 11 o'clock the next morning. The Senator from California knows that if there had been an effort to delay unduly the procedure in connection with the pending measure, or if, in connection with the pending measure, there had been any effort to indulge in what sometimes is called a filibuster, unanimous consent would not have been given, because, as the Senator from California knows, then the only way the Senate could have been recessed until the following day would have been to have a quorum present and to have a majority of the Senators then present vote that the Senate take a recess.

There are many parliamentary tactics, with which I am sure the Senator from California is familiar, which can be resorted to, and in the past have been resorted to, and usually are resorted to when there is any desire to delay the consideration of a measure. Let me say that the opponents of the joint resolution have not resorted in any way whatever to any of those tactics. Tactics which might have been resorted to by opponents of the joint resolution under the rules of the Senate have not been resorted to at all.

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

Mr. HILL. I yield to the distinguished Senator from California for a question.

Mr. KNOWLAND. I wonder whether the Senator from Alabama realizes that there is an honest difference of opinion, putting it mildly, as to just how this prolonged discussion should be characterized. I recognize that there may be room for honest differences of opinion about that. But does not the Senator realize that the acting majority leader is not rising at this time in any acrimonious sense?

Mr. HILL. Oh, certainly, I recognize that.

Mr. KNOWLAND. I am seeking to obtain from the distinguished Senator from Alabama and his colleagues on the other side of the aisle an agreement; and my general observation is that when an agreement is being sought the fewer the statements made as to how the prolonged debate might be characterized the better the chances of obtaining an agreement. I am pleading with the distinguished Senator from Alabama in the interest of the orderly procedures of the Senate in order that the Senate, with concurrence on the part of the House, may finally adjourn the Congress at a reasonable time this summer, and I am pleading with Senators to permit us to expedite the business of the Senate.

I feel sure that, in the final analysis, under the very fair agreement which I have proposed, and in view of the debate which will continue today, going into the late hours this evening, and with the debate which will take place tomorrow, again going into the late hours, all the speeches which the distinguished Senator has mentioned could be made. The unanimous-consent agreement would then become operative, and there would still be room for ample discussion. Under those circumstances, does not the Senator from Alabama believe that not only the Senate but also the country would feel that there had been fair and ample time allotted for the discussion of this important legislation?

Mr. HILL. I may say to the Senator from California, that in any event those speeches would be made, and we would come to an orderly conclusion of the debate. Of course, I realize that the Senator is proceeding in the finest spirit. I appreciate the fact that, as acting majority leader, he is endeavoring to do everything he can to expedite the legislative program, regarding which he has some responsibility. I fully understand the position of the Senator from California. However, there are Senators who feel that the pending measure is highly important, particularly in view of the fact that it is a giveaway resolution, a legislative proposal to give away billions of dollars' worth of property belonging to the Government of the United

States, property which the Government now holds for the benefit of all the people. We feel that there is a grave constitutional question involved, and that there are also involved questions which might seriously affect our international relations and might have consequences which could even mean the difference between peace or war. In view of all the circumstances, Senators ought to have full opportunity to express their views on this important matter.

Mr. KNOWLAND. Would the Senator from Alabama be willing to agree to the unanimous-consent request if the effective date of the agreement were changed to Thursday, April 23, allowing 1 full day more for discussion of the joint resolution?

Mr. HILL. I may say to my friend from California that I have great respect and esteem for him, and a sympathetic understanding of the situation in which he finds himself, for, as he knows, in times past I have had the honor of being the acting majority leader, when the majority leader on this side was absent.

I can well understand the desire on the part of the majority leader that the Senate proceed as expeditiously as possible with the legislative program for which the leadership is responsible, and for which the majority leader himself is particularly responsible. However, I do not think there has been any material change in the situation since Saturday, when this very situation was discussed.

My suggestion to the distinguished acting majority leader would be that we allow the debate to proceed for a little while, after which it may be possible for us to arrive at some unanimous-consent agreement. But, I repeat, there has been no material change in the situation since Saturday. Senators should have full opportunity to discuss a measure so far reaching as the pending joint resolution, which many of us consider to be a giveaway proposal.

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

Mr. HILL. I yield to the Senator from New Mexico for a question.

Mr. ANDERSON. In view of the fact that there have been only 2 or 3 speeches from the majority side of the aisle on the part of those supporting the joint resolution, and since the majority in all probability intends to support the joint resolution very generally, does not the Senator from Florida feel that time should be afforded Senators on the majority side in order that they may present their reasons for supporting the joint resolution, and that they should not be prevented from speaking, any more than Senators opposing the resolution should be?

Mr. HILL. Senators would not want to cut off debate on the part of those favoring the measure, any more than they would want to cut off debate on the part of those who are opposing it.

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

Mr. HILL. I yield for a question only.

Mr. KNOWLAND. I wonder whether the distinguished Senator from Alabama does not realize that, in order to assist in expediting the public business, particularly in view of the fact that the subject of the pending joint resolution has been fully debated, not only during the present session but also during past sessions of the Senate, many Senators on the majority side, in order to expedite the business of the Senate, might very well be pleased to make brief remarks, and then to incorporate in the RECORD by reference prior remarks on the subject? If so, that would expedite the business of the Senate.

Mr. HILL. I may say to the Senator that it would certainly be their privilege to do that if they saw fit, and they would be well within their rights if they did so; but that does not mean that Senators who desire to be heard on this subject should not have an opportunity to be heard.

Mr. KNOWLAND. Mr. President, I have submitted the unanimous-consent request.

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

Mr. HILL. Reserving the right to object, I yield for a question only.

Mr. KEFAUVER. Is the Senator from California not aware of the fact that many Senators feel that by the pending measure the entire program of power development, reclamation, navigation, and flood control, and the building of dams by the Federal Government, would be impaired, that certainly some question will be raised as to whether that program will be seriously impaired, and that that aspect of the matter has not been debated to any extent up to this time? Does not the Senator realize that a discussion of that question might require several days?

Mr. HILL. Mr. President, the Senator from Tennessee is correct. That very question is involved in the pending measure, as well as many other issues, such as the effect the establishment of such a precedent would have and how far the resolution, if passed, would open the door to other things.

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

Mr. HILL. I yield to the Senator from New Mexico for a question only.

Mr. ANDERSON. With reference to the previous discussions of the general subject in other sessions of Congress, does not the Senator from Alabama recognize that those discussions were had in connection with a somewhat different legislative proposal, and that new matters have been included in the pending joint resolution, some of which are very dangerous, including the question regarding the Continental Shelf?

Mr. HILL. Mr. President, I am glad the Senator from New Mexico has raised that question. I emphasize that the pending measure raises many important questions which were not raised by previous legislative proposals. The pending measure contemplates things of which most of us had never dreamed.

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

Mr. HILL. I yield for a question only.

Mr. ANDERSON. Does not the Senator recognize that in the pending joint resolution, for the first time, we find the words "and assigned to," words which the distinguished chairman of the subcommittee said were the granting clause? And does not the Senator from Alabama recognize that heretofore the proposals related to a quitclaim and that many people consider that a quitclaim measure might be equally unconstitutional? We now find a granting clause in the pending measure.

Mr. HILL. The Senator is entirely correct. An entirely different question is presented by the pending measure from the questions which were presented in previous measures.

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

Mr. HILL. I yield to the Senator from North Dakota for a question only.

Mr. LANGER. By its terms, would the pending joint resolution affect the Territory of Alaska?

Mr. HILL. It would undoubtedly affect Alaska, since we know that Alaska will someday become a State. We also know that Hawaii will someday become a State of the Union. They will come into the Union on an equal footing with all the other States. Alaska should, therefore, be considered in connection with the pending measure. We should consider what effect the joint resolution would have, if and when Alaska finally becomes a State of the Union.

Mr. LANGER. Mr. President, will the Senator from Alabama yield further?

Mr. HILL. I yield for a question.

Mr. LANGER. Is the Senator aware that perhaps the greatest oil field in this entire continent is in Alaska and in the waters adjoining Alaska?

Mr. HILL. I have information to that effect, and I think it comes from a very high and reputable authority, I will say to the Senator from North Dakota.

Mr. President, I do not desire to delay the Senate longer. There are many parliamentary tactics to which those who oppose Senate Joint Resolution 13 could have resorted, but we have not used any of the tactics ordinarily employed for purposes of delay. We feel that the giveaway joint resolution involves serious constitutional questions, questions affecting our relations with other nations, and so forth, and that it will leave the door open for further acts of this kind. So we feel just as we felt on Saturday, that Senators should have an opportuntiy to speak on the proposed legislation, make their views known, and give expression of their feelings on the question.

Under the circumstances, Mr. President, I am constrained to object, and do object to the request of the Senator from California.

The VICE PRESIDENT. Objection is heard.

TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, since the hour is almost 12 o'clock, I wonder if the distinguished Senator from Tennessee [Mr. KEFAUVER] will be willing to grant the time now wherein Senators may insert matters in the RECORD, introduce bills, and transact other routine business before he resumes his speech; so that he will be relieved from yielding

lic Law 357 are the basis upon which certain provisions of the Immigration and Nationality Act were drafted to exclude from the shores of the United States those aliens, irrespective of their status, whose admission into this country would jeopardize the public safety.

On the basis of uncontroverted and overwhelming evidence it has been clearly established that Communist agents, saboteurs, and spies have been gaining admission into the United States under the guise of diplomats.

Under date of February 7, 1950, J. Edgar Hoover, Director of the Federal Bureau of Investigation, testified as follows:

"Experience has revealed that foreign espionage agents seek the protection of a legal cover. By that I mean they seek admittance to the United States on diplomatic passports. They seek assignments to some official foreign agency, and thus conceal themselves under the diplomatic cloak of immunity. To further avert suspicion, a high-ranking espionage agent may very well be employed as a clerk or in some minor capacity in a foreign establishment. However, when he speaks, those with high-sounding titles follow his orders without question. Foreign espionage services maintain strict supervision over their activities in this country."

Several months ago, Mr. President, the Immigration Subcommittee disclosed that there were literally hundreds of cases of trained Communist agents operating in this country as affiliates of international organizations or as attachés of the consulates and embassies.

The then chairman of the subcommittee, transmitted to the Chief of the Central Intelligence Agency a list of 100 names which were taken at random from the names of several thousand aliens who had gained admission into the United States in diplomatic status. The Chief of the Central Intelligence Agency was asked to report on the background of these 100 typical cases on the basis of the information contained in the files, but without revealing the identity of the individuals or the source of information. The Chief of the Central Intelligence Agency reported that 32 of the individuals have been engaged in active work for the intelligence services of their respective countries, 21 were reported to have been active in Communist organizational work of an underground or subversive nature, outside their homelands; and 29 were reported to have been ardently working in subversive activities which in the light of known Communist methods, must be considered to be * * * against the interests of the United States.

In the testimony before the subcommittee by the enforcement officials, not one official had a recollection of a single case in which a visa application had been disapproved on security grounds involving a diplomat or in which a diplomat had been excluded from this country on security grounds, notwithstanding the fact that in the period of the few years covered by our investigation thousands of entries had been made into this country by diplomats from behind the Iron Curtain.

The Chief of the Visa Division of the Department of State testified that in every case in which the Visa Division had disapproved a visa application on security grounds involving officials of a foreign government or an affiliate of an international organization, the case had been approved by the higher echelon of the Department of State. He further testified that the cases involving aliens in diplomatic status in which the Visa Division had disapproved the application for a visa on security grounds, but in which the Visa Division was uniformly overruled, were running at the rate of 8 to 10 a month.

Admittedly, so long as the United States maintains diplomatic relations with Communist countries, it will be necessary to admit into the United States aliens in diplomatic status who are Communists. The new law does not make them ipso facto excludable or deportable. This new law provides for the exclusion from the United States of any alien, irrespective of his status, whose entry into the country would endanger the public safety. It provides for the deportation from the United States of any alien, irrespective of his status, who engages in activities in the United States endangering our public safety.

The issue presented by the actions which I have brought to attention is clear. This Government must either assert that inherent aspect of sovereignty which gives us the right to exclude from our shores those who would destroy us or we must consider our sovereignty in respect abandoned and delegated to the United Nations notwithstanding the plain provisions of duly enacted domestic laws designed to preserve and safeguard that segment of our sovereignty.

TITLE TO CERTAIN SUBMERGED LANDS

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

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

Mr. KEFAUVER. Mr. President, on Saturday I discussed the question of the effect Senate Joint Resolution 13 would have on fishing, fishing treaties, and fishing rights of citizens of the various States and of the Nation. Today, Mr. President, I desire to speak about another feature of the joint resolution in which every Member of the Senate will be vitally interested, namely, that under the provisions of the joint resolution it would be impossible for the United States Government to continue the great reclamation, navigation, flood-control, and public power projects which are so vital to the development and the preservation of the resources of this great Nation. It is an alarming statement to say that this proposed legislation may interfere with those important developments. If Senators will follow me, I think I can prove conclusively that there is a grave question as to whether the Federal Government would have the right, except during time of war, to build dams for the purpose of reclamation, flood control, navigation, or power, without securing the consent of the States in which such projects would be constructed. At least, there is grave question raised about it, and this is one of the questions which should be studied very thoroughly by a commission which would be appointed under the provisions of Senate Joint Resolution 18, if it should be adopted.

Mr. President, I have in my hand a very beautiful gavel. I assure the Presiding Officer that I do not wish to be in competition with him in the use of his official gavel, but it so happens that this gavel belongs to the distinguished Vice President of the United States. It is a beautiful, shiny piece of metal, sturdy, but of light weight. It looks like silver, but it is not silver. It was given to the Vice President at the first international magnesium exposition held at the National Guard Armory in Washington, D. C., on March 31, April 1, and 2, 1953, by the Magnesium Association.

One might wonder what magnesium has to do with the proposed legislation. I shall attempt to demonstrate that it so happens that the gavel was made of water from the sea. As I understand, it was made entirely from sea water, through a process of extracting magnesium from sea water. It is a very important industry, with great possibilities for the future, as I shall presently demonstrate.

Mr. President, the whole magnesium industry would possibly be impaired if the Holland joint resolution should be enacted into law.

I shall attempt to show later in my speech that it would be impossible, without consent of the State involved, except in time of war, for the Federal Government or for private industry to take water from the sea unless it were done beyond the historic State boundaries as set forth in the joint resolution.

I shall also discuss this afternoon the great value of potable water made from sea water, and the progress being made in making from water taken from the sea water that can be used for irrigation, and even for drinking purposes. I shall show how this great program, as to which Congress is proud that great headway has been made, would be impaired by the enactment of the joint resolution now under consideration.

While so many Senators are present in the chamber, I shall demonstrate to the Senate that this is not a fanciful belief. It is not fanciful to imagine that the Federal Government no longer would have the right to take water from the sea for the purpose of making potable water, or water for irrigating great arid sections of the United States. It is not fanciful to say that the Federal Government would be denied water from the seas in order to conduct experiments in the making of magnesium from sea water. It is not fanciful to say that Senate Joint Resolution 13 would impair the program for the building of dams by the Federal Government for the purpose of irrigation and reclamation.

The pending joint resolution is called a tidelands measure, but under its terms big interests would not only come in through the back door, they would come in also by the front door.

I shall discuss this matter more thoroughly later. For the moment I wish to discuss briefly why the Holland joint resolution might result as I have said it would. At least, it is a problem that should be discussed.

I read from section 3 (a) of Senate Joint Resolution 13, which provides that "It is hereby determined and declared to be in the public interest that, first, title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and second, the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law" would be vested in the States. The States would have "the right to manage, administer, lease, develop, and use" the natural resources within such

water in accordance with applicable State laws.

Under section 3 (a) the right and title of the States would be confirmed, established, vested in, and assigned to the respective States. It would not simply allow the States to use those natural resources; the right and title to those resources would be vested in the States.

Let us consider section 3 (b). Not only does the joint resolution state that all the right, title, and power to use would be vested in the States. That would not be completely satisfactory. Some persons, and I am certain some of the sponsors of the joint resolution, or perhaps most of the sponsors, do not intend that anything further be done. But great power interests, those who wish to exploit the natural resources of the Nation, must have had a hand, or at least an influence, in writing Senate Joint Resolution 13. Let us see what section 3 (b) (1) provides:

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.

Thus it becomes important to understand what is said about the land. The reference is to land beneath navigable rivers; it is land beneath the water out to the 3-mile line; it is land beneath the water out to the historic boundaries of the States.

But what about the natural resources? What are they? There is no question but that the water itself, all minerals and fish, the right to the use of the water, the right to make potable water from sea water—all that would be taken away from the Federal Government and would be vested in the States.

It will be noted that in subsection (a) all the natural resources would be given to the States and authority over them would be vested in the States. By section 3 (b) the Federal Government would relinquish all right, title, and interest in natural resources. What are the natural resources that are talked about in this measure? Section 2 (e), on page 12, provides as follows:

The term "natural resources" includes, without limiting the generality thereof—

Of course, the proponents of the joint resolution want to include everything—

The term "natural resources" includes, without limiting the generality thereof, oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but does not include waterpower, or the use of water for the production of power.

The proponents would take in everything. They would include not only the oil and gas, but all other minerals in the water would be included. Magnesium would be included. The product from which the beautiful gavel I hold in my hand was made would no longer belong to the Federal Government within the 3-mile limit. There is a large magnesium plant in Texas, and even if the Federal Government might have the right to take water, even if it were to go out 9 miles beyond the historic boundary of Texas, who can say whether Texas or some other State similarly situated, would grant to the Federal Government the privilege of pumping water, or to have pipelines through which to bring in the water after going out 9 miles?

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

Mr. KEFAUVER. Would the Senator permit me to make one more point? Then I shall be very happy to yield for a question.

Mr. ANDERSON. Certainly.

Mr. KEFAUVER. The interpretation of the legal rule is that if one specifies certain items, by implication he eliminates others. If it is said that a certain piece of land may be used for a certain purpose, then under the law of contracts and under the common law generally relating to land, all other uses are excluded. So if those uses are omitted, if nothing is said about the uses which the Federal Government might have, then this question might not arise. But I direct attention to page 12, beginning on line 9 and continuing through line 11 of section 2 (e).

After defining what natural resources are, including oil, gas, and all other minerals, which would include salt water, magnesium, and everything else, including shrimp, crabs, sponges, kelp, and other marine life, as well as fish, the joint resolution says, "but does not include water power, or the use of water for the production of power."

Mr. President, what does that mean? That means that specifically, and by the rule of inclusion of specifics, any other use by the Federal Government of any of the natural resources is expressly denied to the Federal Government. In other words, the only thing the Federal Government can do with any of the water of the sea or the water of the navigable rivers is to use it for the production of power. No other interpretation is possible. The Federal Government could not, without flying in the face of the joint resolution, use the water for the purpose of flood control, for the purpose of navigation, or for the purpose of irrigation and reclamation. The only use the Federal Government could make of the natural resources described here, which include all the water and everything in it out 3 or 9 miles into the ocean, and including all the water in the navigable rivers of the United States, would be for the production of power. The language of the joint resolution is, "but does not include water power, or use of water for the production of power."

I am certain that many of the sponsors of the Holland joint resolution, being great conservationists, being interested in multiple-purpose dams, did not intend that result, but that is what the joint resolution provides. That is another reason why we need a commission to study the entire problem.

It might be said that that would not be the result, because in another section of the joint resolution the Federal Government retains certain powers. Let us see what the powers retained by the United States are, under the title "Powers Retained by the United States." I read section 6 (a), beginning in line 21 on page 18:

(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.

Back in section 2 and section 3 it is provided that the States have exclusive ownership and use. The Federal Government has no ownership or use. One would think that, as to flood control and navigation, the Federal Government would have the right to take sea water. One would think the Federal Government would have the right to take sea water for the purpose of making magnesium, or for the purpose of making potable water, or water for the irrigation of the vast area of Arizona and Nevada, which could change our whole way of life. That is one of the most promising projects the Nation knows about. One would think that certainly there would be some exception so as to permit the Federal Government to do those things; but there is no exception.

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

Mr. KEFAUVER. I yield to the distinguished Senator from New Mexico for a question only.

Mr. ANDERSON. The Senator is familiar, is he not, with the fact that statements have been made to the effect that nothing new can be developed in connection with this question?

Mr. KEFAUVER. I am.

Mr. ANDERSON. I am very much interested in what the Senator is now saying. Is not the Senator aware of the fact that under the sponsorship of the distinguished junior Senator from South Dakota [Mr. CASE] a bill was passed by the Senate, which became a part of a House bill sponsored by Representative ENGLE, of California, under which the Department of the Interior was to be entrusted with the responsibility of trying to make potable water and water for irrigation out of the water of the sea? Is not the Senator familiar with the fact that the Senate passed such a bill?

Mr. KEFAUVER. Yes. I appreciate very much the suggestion of the Senator. I am familiar with the fact that such a bill was passed, and that much progress is being made.

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

Mr. KEFAUVER. I yield for a further question.

Mr. ANDERSON. Is it not true that if the Federal Government ever was able to make potable water out of sea water it could solve the irrigation problem which now so sorely vexes the States of California and Arizona, which have been quarreling over the waters of the Colorado River?

Mr. KEFAUVER. The Senator is exactly right. Water is the life of our Western States. If this program could go on to success, it would mean more for the peace of the world than anything else. It would bring water to the nations

of North Africa, the Middle East, and many other places, where water would enable the country to bloom like the Garden of Eden. It would do more for the peace of the world than any other development. I am afraid, however, that such development would be impossible under the terms of the joint resolution.

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

Mr. KEFAUVER. I yield for a further question.

Mr. ANDERSON. Would it not be true that under this construction the States could require the Federal Government to pay a severance tax for the value of the water which it took out of the ocean?

Mr. KEFAUVER. In answer to the Senator's question, it would not only be possible, but the States would have a right to require payment of a severance tax. The joint resolution goes even further and provides that the Federal Government may take any of this property only during time of war. It is during time of peace that we want to be making these great experiments.

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

Mr. KEFAUVER. I yield for another question.

Mr. ANDERSON. The Senator has exhibited a gavel made from magnesium. Did not the Senator also refer to the fact that there is a large magnesium plant on the Gulf of Mexico, built by one of our great industrial organizations, which extracts its magnesium from sea water? Would not that operation be subject to a severance tax by the State, completely destroying the value of the project, if the joint resolution were enacted?

Mr. KEFAUVER. The Senator is exactly right. The Dow Chemical Co., I believe, has a magnesium plant on the coast of Texas. In the first place, the State could prohibit the taking of sea water by the Dow Chemical Co. or any other chemical company. In the second place, if it takes sea water for the purpose of making magnesium the State can, of course, require a severance tax. It would have the same control over the magnesium taken from the sea water, and over the sea water itself, as it would have over the oil under the ground. This project would be entirely destroyed.

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

Mr. KEFAUVER. I yield for a further question.

Mr. ANDERSON. Was not that project started during World War II as an essential defense project?

Mr. KEFAUVER. I am not familiar with the detailed history of the project. I shall have before me shortly a memorandum as to exactly when it was started. I have been advised that it was started as a defense project. I have been advised also that a great part of the magnesium which we are producing today in the United States today comes from the waters of the sea.

Mr. ANDERSON. The Senator is familiar with previous debates which have taken place in connection with this measure on the floor of the Senate and the floor of the House. Does he recall any question ever arising in the past as to the use of magnesium from the sea, or the development of potable water and water for irrigation on the west coast of California, to relieve the pressure on the water of the Colorado River?

Mr. KEFAUVER. Answering the question of the distinguished Senator from Mexico, I will say that I have not heard this subject discussed on the floor of the Senate; and in looking over the RECORD in the House of Representatives I find no discussion of the subject at any time. This is a subject of vital importance to the United States.

Before giving away the right of the Federal Government to take water from the sea, before making it possible for a State to collect a severance tax when a manufacturer uses sea water, or even cut off his use of sea water, we ought to talk about this measure for 6 months, if necessary, because such a result would be a catastrophe. Certainly Members of the Senate do not want to be a party to such a catastrophe.

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

Mr. KEFAUVER. I yield for a question.

Mr. ANDERSON. Does the Senator not recall that there was before this body in the 81st Congress, and I believe in the 82d Congress also, the question of the central Arizona project, which would cost probably a billion dollars, and perhaps more than a billion dollars, and which would probably be unnecessary if it were possible to develop potable water from the Pacific Ocean to take care of the very essential needs of the State of California in the Los Angeles area?

Mr. KEFAUVER. Yes, the central Arizona project has been debated in Congress for a long time. I voted for the central Arizona project because I know that unless the people of Arizona can get water their State will revert almost to desert status. The project was approved by the Senate, but was later turned down. I will show in a few minutes that even a project like the central Arizona project may be impeded if the joint resolution is passed, because of the necessity of getting permission from all the States involved, where the dams might be built or where the water might be taken, before the water could be transported to another State.

However, the Senator from New Mexico is quite right in saying that if the project for the making of potable water can be successful—and it is nearing success—it will solve the problems of Arizona and of all the other States which so desperately need water.

It should be kept in mind that the Navy and the Army have done much with respect to this project. They furnished water for drinking purposes to the soldiers and inhabitants of many of the islands in the Pacific during the war, by a process of distilling sea water.

The Department of the Interior, I believe upon the recommendation of the distinguished Senator from South Dakota [Mr. CASE] especially, has been granted an appropriation of $2 million, as I recall—it may be more than that—for the purpose of bringing together all the research groups of the Army, the Navy, and the Department of the Interior, as well as of private concerns, who have been working on this problem. Therefore, experimentation is now going on in an effort to devise an economical process for making potable water from sea water. All that experimentation would have to be stopped if the pending joint resolution were passed.

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

Mr. KEFAUVER. I yield for a further question.

Mr. ANDERSON. Does the Senator not feel that the subject covered by the bill which was offered in the Senate by the distinguished Senator from South Dakota [Mr. CASE] offers perhaps the only solution for either Arizona or California? In other words, what I am trying to say is that if California gets all the water it requires—and its growth has been inspiring to all of us—then Arizona would be denied the water it wants under the Central Arizona project; on the other hand, if Arizona could get all the water it wants from the Colorado River, then probably the future development of the Los Angeles area might be hampered. Therefore, does not the proposal before us in the joint resolution imperil the possibility of a peaceful and profitable solution of this problem?

Mr. KEFAUVER. The Senator from New Mexico is absolutely correct. The question of what these States are going to do about water is serious to their inhabitants, and is impeding their growth. As a matter of fact, there is simply not enough water in the Colorado River to furnish all the water these States need. They have entered into a compact with Mexico under which Mexico gets a certain amount of water, and the States have also entered into a compact with reference to the use of the water. However, they need many times the water that is in the Colorado River. They need it for many purposes.

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

Mr. KEFAUVER. I yield.

Mr. CASE. Mr. President, the question I should like to address to the Senator from Tennessee is whether or not it would be appropriate to place section 4 of the act to which he has alluded in the RECORD at this time, because it contains a statement with regard to the title of the water. It is a part of Public Law 448, 82d Congress, 2d session.

Mr. KEFAUVER. It is quite all right to have the Senator do so, provided I do not lose the floor. It is something that certainly all of us should know about. The future of these States will be at stake, and will be greatly impaired, certainly, if the pending joint resolution is passed. Therefore, I ask unanimous consent that, without my losing the floor, the distinguished Senator from South Dakota may be permitted to read section 4 of the act into the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from South Dakota may proceed.

Mr. CASE. Section 1 of the act reads:

Be it enacted, etc., That, in view of the acute shortage of water in the arid areas of the Nation and elsewhere and the excessive use of underground waters throughout the

Nation, it is the policy of the Congress to provide for the development of practicable low-cost means of producing from sea water, or from other saline waters, water of a quality suitable for agriculture, industrial, municipal, and other beneficial consumptive uses on a scale sufficient to determine the feasibility of the development of such production and distribution on a large-scale basis, for the purpose of conserving and increasing the water resources of the Nation.

Mr. President, question has arisen with respect to the effect of this act on the pending legislation. It seems to me that question is covered primarily, so far as title is concerned, by section 4 of the act, which reads:

SEC. 4. The Secretary of the Interior is authorized, for the sole purpose of this act, to dispose of all water and other products produced as a result of his operations under this act pursuant to regulations to be prescribed by him: *Provided*, That nothing in this act shall be construed to alter existing law with respect to the ownership and control of water.

Mr. President, I asked for permission to read these portions of the act because it seemed to me that there was an implication in the discussion of the pending joint resolution that in some way the act had relation to the pending legislation. While it does stress the importance of the minerals in the water, it does not change the title to the water. That point is made clear by the proviso which I have read.

Perhaps the whole act should be printed in the RECORD at this point.

I ask unanimous consent that it may be included in the RECORD at this point.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

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

[Public Law 448, 82d Cong., ch. 568, 2d sess., H. R. 6578]

An act to provide for research into and development of practical means for the economical production, from sea or other saline waters, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses, and for other purposes

Be it enacted, etc., That, in view of the acute shortage of water in the arid areas of the Nation and elsewhere and the excessive use of underground waters throughout the Nation, it is the policy of the Congress to provide for the development of practicable low-cost means of producing from sea water, or from other saline waters, water of a quality suitable for agriculture, industrial, municipal, and other beneficial consumptive uses on a scale sufficient to determine the feasibility of the development of such production and distribution on a large-scale basis, for the purpose of conserving and increasing the water resources of the Nation.

SEC. 2. In order to carry out the purposes of this act, the Secretary of the Interior, acting through such agencies of the Department of the Interior as he may deem appropriate, is authorized—

(a) by means of research grants and contracts as set forth in subsection (d) of this section to conduct research and technical development work, to make careful engineering studies to ascertain the lowest investment and operating costs, and to determine the best plant designs and conditions of operation;

(b) to study methods for the recovery and marketing of byproducts resulting from and incident to the production of water as herein provided for the purpose of ascertaining the possibilities of offsetting the costs of water production in any area by the commercial utilization of such products;

(c) to acquire, by purchase, license, lease, or donation, secret processes, technical data, inventions, patent applications, patents, licenses, land and any interest in land (including water rights, easements, and leasehold interests), plants and facilities, and other property or rights: *Provided*, That the land or other property acquired hereunder shall not exceed that necessary to carry on the experiments and demonstrations for the purposes herein provided;

(d) to engage, by noncompetitive contract or otherwise, chemists, physicists, engineers, and such other personnel as may be deemed necessary, and any educational institution, scientific organization, or industrial or engineering firm deemed suitable to do any part of the research or other work, and to the extent appropriate to correlate and coordinate the research and development work of such educational institutions, scientific organizations and industrial and engineering firms; and

(e) to cooperate with any other Federal, State, or municipal department, agency, or instrumentality, and with any private person, firm, educational institution, or other organization in effectuating the purpose of this act.

SEC. 3. Research undertaken by the Secretary of the Interior under the authority contained in this act shall be coordinated or conducted jointly with the Department of Defense to the greatest practicable extent compatible with military and security limitations, to the end that research and developments under this act which are primarily of a civil nature will contribute to the defense of the Nation and that research and developments in the same field which are primarily of a military nature and are conducted by the Department of Defense will be made available to advance the purposes of this act and to strengthen the civil economy of the Nation.

SEC. 4. The Secretary of the Interior is authorized, for the sole purpose of this act, to dispose of all water and other products produced as a result of his operations under this act pursuant to regulations to be prescribed by him: *Provided*, That nothing in this act shall be construed to alter existing law with respect to the ownership and control of water.

SEC. 5. All moneys received for products of the plants under this act shall be paid into the Treasury as miscellaneous receipts.

SEC. 6. The Secretary of the Interior shall make reports to the President and the Congress at the beginning of each regular session of the action taken or instituted by him under the provisions of this act. The report shall include suitable recommendations for further legislation.

SEC. 7. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of this act.

SEC. 8. There are authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, such sums, not to exceed $2 million, for a 5-year period, to carry out the provisions of this act: *Provided*, That departmental expenses for the correlation and coordination of information over such 5-year period shall not exceed the sum of $500,000: *Provided further*, That such departmental expenses shall be scheduled in equal amounts for each year of such period insofar as practicable.

Approved July 3, 1952.

Mr. KEFAUVER. I hope the Senator from South Dakota will remain in the Chamber for a few minutes. I am glad he has read into the RECORD Public Law No. 448, 82d Congress, which was enacted as a result of the efforts of the distinguished Senator from South Dakota. It shows a great deal of foresight, and it is an effort by which it is becoming increasingly possible to solve a very serious problem.

Mr. CASE. Mr. President, will the Senator from Tennessee yield further?

Mr. KEFAUVER. Of course under a rule of law an act may be repealed in two ways. It may be repealed by outright repeal, by naming the act and providing for its repeal; or it may be repealed by the passage of a subsequent act which, by including the subject matter, supersedes the previous act on the same subject. That is what would happen to one of the most worth-while and most constructive pieces of legislation, sponsored by the Senator from South Dakota, that has been passed by Congress in a long time.

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

Mr. KEFAUVER. I yield for a question.

Mr. CASE. Would the distinguished Senator from Tennessee object to my going on record as saying that I do not believe the act would be repealed by implication? I appreciate what the distinguished Senator has said about the importance of the act. The act, however, is not the result of the activities of the Senator from South Dakota alone.

The distinguished Senator from California [Mr. KNOWLAND] was very helpful when it came to taking action to obtain an appropriation for the objectives of the act, and I am sure he was aware of the importance of the desalination of the waters and the possibility of recovering from them valuable minerals, and so forth.

Although I have sympathy for the position of the Senator from Tennessee and the position of the Senator from New Mexico with respect to the importance of preserving for the Federal Government the title to waters containing minerals, I would not want my silence to indicate that I believed that Federal Law 448 of the 82d Congress would be repealed by the enactment of the pending joint resolution.

Mr. KEFAUVER. Mr. President, I appreciate the viewpoint of the Senator from South Dakota. I hope he will remain a little longer, because by the time we conclude this discussion, I believe he will realize that Senate Joint Resolution 13 not only would repeal by construction and by the passage of an inconsistent subsequent act, the law to which he has referred, but would repeal that law by direct language, by placing the right and title in and the use of the water in the States, rather than in the Federal Government, thus prohibiting the Federal Government from using any of the waters. I shall discuss that point in some detail.

Since reference has been made to the measure in which the Senator from South Dakota is interested, let us discuss that matter for a little while. The measure to which he has referred authorizes the Department of the Interior to conduct an experiment which offers hope to the people of Arizona and to the people of many of the other Western States, in connection with their desire to obtain more potable water and more water for irrigation purposes. This mat-

ter is not at all foreign to a State which is close to that of the present distinguished Presiding Officer [Mr. PURTELL], for all of us know that almost every year the city of New York is met with a severe water shortage, with the result that the use of water in that city has to be curtailed, even in the case of the use of water for drinking purposes. Of course that situation is a very deplorable one. No doubt the people of that city are looking forward to the time when they will be able to use water from the sea for the purpose of replenishing their supplies of potable water, which have been reduced by the increasing use of water, particularly for air-conditioning purposes.

I may also refer to the well-known water shortage situation in the case of the city of Los Angeles. Of course that situation is particularly well known to the acting majority leader [Mr. KNOWLAND]. Los Angeles obtains a great deal of water from the Colorado River, but that great city still is in dire need of more water. I am sure the acting majority leader does not wish to remove the only real hope the people of Los Angeles have in regard to obtaining additional water.

Recently I had the great privilege of visiting in the Imperial Valley, a beautiful, fertile area in Lower California. Hundreds of thousands of acres in that area are now in cultivation, but many other hundreds of thousands of acres there require more water. However, sufficient water for those purposes is not available from the Colorado River. I am certain that the Senator from California does not wish to be a party to a great "grab" scheme, a great vested interest measure which would prevent the Federal Government from carrying on this very worthwhile project. This matter is among those which should be studied by the proposed commission.

No testimony has been taken on this subject, however. I brought up the matter in the course of my testimony before the Committee on Interior and Insular Affairs, but apparently no attention was paid to it. The greed for oil is so great that there seems to be a likelihood that the needed water and the possibility of developing the other great natural resources of those regions will be denied.

Mr. KNOWLAND. Mr. President, will the Senator from Tennesee yield to me?

Mr. KEFAUVER. I yield for a question.

Mr. KNOWLAND. Certainly I do not desire to prolong the remarks of the Senator from Tennessee or to interrupt his presentation, but I am sure he does not mean to imply that a State per se is a greedy instrument of public policy and that it would have any less concern for the people of the area or the people of the Nation than would the Government of the United States. Certainly the Senator from Tennessee does not mean to imply that all the virtues must be centered in a great, all-powerful Federal Government, and that the States, as such are any less interested than is the Federal Government itself in the welfare of the people of the United States or the defense of the Nation or the solution of the great problems confronting us.

Mr. KEFAUVER. The Senator from California with his usual frankness has proven exactly the case I have been trying to make here, Mr. President. He knows a great deal about the Constitution and he knows the purpose of the pending joint resolution. He has confirmed the argument I have been making, namely, that the States will have title to the waters of the sea, if the joint resolution is enacted. He says it is true that the States will have the same use of the natural resources that the Federal Government will have—although I am not so sure that is true.

However, it seems to me that there has been quite an argument between the State of California and the State of Arizona about the use of the waters of the Colorado River. Certainly it will take time to get the potable-water projects into operation. Does the Senator from California think for a minute that if a limited amount of water is taken from the sea, and if it is decided that the water thus obtained belongs to the State of California, the citizens of California will join the Senator from California in being magnanimous in sending half that water to the State of Arizona?

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

Mr. KEFAUVER. I yield for a question.

Mr. KNOWLAND. I am very much interested in the argument the Senator from Tennessee is making. If he is serious in what he is saying, as I assume he is——

Mr. KEFAUVER. I assure the Senator from California that not only am I serious, but I am much alarmed and shocked by the pending proposal.

Mr. KNOWLAND. Then, if the Senator from Tennessee is being serious, let me say now, for the benefit of those who may read the RECORD, that I am sure he is not saying that the situation in the case of the waters of the oceans of the world is comparable to the situation in the case of the limited amount of water which flows down the Colorado River, and which by compact has been divided between the several States in that area, since there was an honest difference of opinion as between the States, because of the limited amount of water available. Certainly the Senator from Tennessee is not saying that that situation is comparable to the situation in the case of the waters of the seven seas of the world, for, as the Senator from Tennessee knows full well, I am sure, the water which would be taken out of the sea, at the shoreline or from any bay, would automatically be replenished; and I do not believe the Senator from Tennessee is seriously predicting that any State or all the States together or the Federal Government and the States would use so much sea water that the navies of the world would no longer be able to float.

Mr. KEFAUVER. The Senator from California further confirms the argument I have been making, namely, that the States would have a right to control the water that is taken from the sea off their coasts; but the Senator from California says we need not be alarmed about that, and he says that situation is not comparable to that affecting the waters of the Colorado River. He points out that only a limited amount of water is available from that river, whereas there is an almost unlimited amount of water in the seven seas—to which we always thought there was some international title on the part of all the nations, although that is now becoming a doubtful title so far as the ocean from the shoreline out to the Continental Shelf is concerned. However, the Senator from California has pointed out that since the ocean, unlike the Colorado River, contains such an almost limitless amount of water, the State of California would not be stingy in respect to allowing the State of Arizona to make some use of the potable waters obtained from the sea water.

I believe that is the burden of the argument of the Senator from California, and it might be acceptable if all legislators in the California General Assembly were as magnanimous as is the Senator from California. But, Mr. President, what if a severance tax were placed on water taken from the ocean, when the water is to be used in another State? If that should happen, the citizens of Arizona would be paying the State of California a tax upon all water taken from the sea, within the jurisdiction of the State of California, for irrigation purposes in Arizona. It may be contended that that is unlikely to happen, but my experience indicates that when something of great value is taken by one State from another State, the latter State is very apt to impose a tax upon it. For instance, in the State of South Carolina an act was passed imposing a fee of $25 in the case of citizens of the State and of $2,500 in the case of citizens of other States for the issuance of a license to take fish in South Carolina waters.

There are those within the State of California who argue that their reason for not wanting to see the State of Arizona developed is that it would put the agricultural products of Arizona into competition with those of southern California. I am sure that is not in the mind of the distinguished Senator from California, but I have heard it said that that was their reason for being opposed to the central Arizona project. Citizens of California have made that assertion.

Mr. President, if the water were to be taken in substantial amount, it would not be 10 days before there would be a determined effort made to impose a severance tax upon it, in order to retard development in the State of Arizona. I point out further that, while there are unlimited waters within the seven seas, and while California might claim a boundary seaward of from 20 to 30 miles, within a line drawn between certain islands, and while there would be, and doubtless is, a tremendous amount of water within that area, it is not going to be possible to develop all at once the operations designed to make potable water out of sea water in a large way. Over a period of years there will be a limited supply. It will be many years before the demands of California alone can be met.

California is a large State. At one time I spent 2 weeks traveling from one end to the other. I say to Senators from Arizona, Nevada, and New Mexico, whose States are badly in need of water, that

it will be a long time before the demands for water within California will be met, so that potable water can be taken from California with the consent of that State, for the irrigation of the desert areas of their States.

Mr. ANDERSON. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield to the Senator from New Mexico for a question only.

Mr. ANDERSON. Does the Senator recall that in the second draft of Senate Joint Resolution 13, prepared by the Committee on Interior and Insular Affairs, there was language dealing with the Continental Shelf which provided that the States affected could collect a severance tax on waters from the Continental Shelf, whereas the Supreme Court has over and over again declared that there is no support whatever for such a claim? Even the States themselves have not claimed anything on the Continental Shelf; yet they are proposing to collect a severance tax.

Mr. KEFAUVER. That shows exactly what they will do. The States have in mind collecting a severance tax and their next effort will be to do that. It was in the original House bill, but was eliminated by the Keating amendment on the floor of the House. If it had not been that a vigorous fight was put up against it, the severance tax would have been provided for in that measure, as is done in the bill introduced by the distinguished Senator from Texas [Mr. DANIEL], under which the State of Texas would collect a severance tax upon oil taken out on the Continental Shelf.

Mr. President, I hold in my hand something that may turn out to be of more importance than oil and gas. It is magnesium. The production of magnesium may be developed. If a State imposes a severance tax on oil, does anyone suppose that the States would not similarly impose a tax on minerals, including magnesium? Does anyone suppose that the State of California, the State of Louisiana, or the State of Texas would seek to place a severance tax upon the taking of oil from the Continental Shelf, but would not place a severance tax on the taking of water for the purpose of irrigating the deserts of Arizona, when the water would be more valuable than all the oil and gas about which we are talking today?

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

Mr. KEFAUVER. I yield to the distinguished Senator from Montana for a question.

Mr. MURRAY. In discussing the question of a severance tax on waters taken from the sea, is it not a well-known fact, a traditional fact, that in certain countries of the world a tax is laid on the extraction of salt from sea water? That has been in vogue in India and in other countries. It is a right that is recognized, and it could be made the law of this country if the pending measure were to contain provisions to that effect. Under the particular measure which the Senator is discussing, it seems to me quite likely that there would be a severance tax placed upon water or upon minerals taken from water.

Mr. KEFAUVER. I thank the distinguished Senator from Montana for his contribution to the debate. His statement of the minority views on the pending measure is a great masterpiece. The Senator is entirely correct in what he has said. Throughout history, and in many, many nations, severance taxes have been imposed on things taken from the water. I have in my hand a book entitled "The Sea Around Us," written by Rachel L. Carson, which I commend to everyone who wants to protect the interests of the Nation, and not give away our rights to special interests, or whittle away the sovereignty and power of the Federal Government, as is proposed by the pending measure. Anyone who wants to know what the nations of the world have done with reference to taxing minerals taken from the sea should read the book by Miss Carson. It contains a very full discussion, going back to ancient times. It discusses arguments of the very kind that have been made by the Senator from California.

But, Mr. President, another interesting problem is presented, assuming something which I think no one will deny. Certainly the United States Government does not want to be placed in the position of being at the mercy of the State of California in connection with the taking of water from the sea for use in the State of Arizona. We have a national interest in such a project. We do not want to be at the mercy of California when it comes to getting water for New Mexico or Arizona. But, assuming that California might be magnanimous, and might allow the water to be taken without the collection of a severance tax, and assuming that within 20 years, after California has taken all the water from the sea it desired, it might be willing to let Arizona have a little bit of it, I have yet to observe any evidence that the State of California is going forward with any such program. I have not heard that the State of California is appropriating money for the purpose of conducting experiments to see what can be done along this line.

No, Mr. President, the State of California has not done so. Even if the State of California were willing, should such a great right be vested in one State, for the sole and exclusive use of that State? Is this not a question of experimentation, which, as Congress has so well indicated by the passage of the Case bill, should be conducted by the Federal Government, the results to become available to all States? The Senator from South Dakota [Mr. CASE] said he doubted the accuracy of what I have said, although the Senator from California has admitted that it is true; namely, that the States, not the Federal Government, would have title to the water, and that the Federal Government would be at the mercy of the State in the matter of water to be converted to potable uses. I believe there can be no question that the Senator from California is correct about it. But in discussing the legal aspects of the question, let us consider whether the law sponsored by the Senator from South Dakota, would be repealed in the event the pending measure were passed. I refer to certain sections of the Holland measure.

I shall refer to ownership of the lands, as provided by section 3 (a); and if the Senator from California does not agree with what I say, I hope he will ask me a question about it.

Ownership of the land, together with the natural resources, is by section 3 (a) given to the States. The wording is "the right to manage, develop, and use the land, and the natural resources shall go to the States. So it is very clear that the right to the ownership of the land and the right to use the land and the natural resources is given to the States.

Not satisfied with that, in an effort to pin it down absolutely beyond peradventure of a doubt, the proponents of the pending measure do not intend that the United States can take one drop of water without the consent of the States, and it is provided that the Government "hereby releases and relinquishes all the right, title, and interest" in the lands and the natural resources. The only loophole would be found in connection with what is the natural resource in question. If it is fishing, possibly the Federal Government could still use some of the water. If the natural resource involved were oil or gas, the Federal Government could take out some of the water.

But let us go back to section 2 (e) on page 12, and see the meaning of the phrase "natural resources."

I hope the Senator from California [Mr. KNOWLAND] will follow me, because I know he is interested in water which is so much needed in the West.

A short time ago I was discussing the proposal in the Holland joint resolution to give away properties probably vastly more important to the Nation than oil and gas. The particular question before the Senate was whether the States would be given the exclusive right to say what water could be taken from the sea, and the right to impose a severance tax on any water so taken. I had discussed the great use that would be made of potable water when this experiment was conducted, and had pointed out that in section 3 (a) all the right and title in the lands under the sea, and the use of such lands and natural resources, went to the States. Under section 3 (b) the Federal Government would release and relinquish all title to lands and the natural resources. We know what the land is. We now come to a discussion of what the natural resources are.

In order to know what the natural resources are, it is necessary to read section 2 (e). This states what would be given away under the listing "natural resources."

The Senator from California [Mr. KNOWLAND] has said that he believes that sea water is included. He will be confirmed in his opinion after he reads again what is included in the term "natural resources."

> The term "natural resources" includes, without limiting the generality—

That is, the proponents of the joint resolution are not specifying merely oil

and gas. The measure is supposed to be one relating to oil, but the proponents are not satisfied with saying that. They say:

without limiting the generality thereof, oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine, animal, and plant life but does not include water power or the use of water for the production of power.

It seems that those who are interested in potable water could also have said "or the making of potable water from sea water." But by specifying "water power, or the use of water for the production of power," the sponsors have expressly and absolutely ruled out the right of the Federal Government to take one drop, unless it is to be used for "water power, or the use of water for the production of power." Potable water would not be used for power; it would be used for reclamation and irrigation, something which the Senator from Montana [Mr. MURRAY] has been advocating for many years.

Let us consider the bill introduced by the Senator from South Dakota [Mr. CASE], which is now Public Law 448, 82d Congress. He expressed an opinion that he did not think that law would be repealed by the pending measure. In the first place, if the Federal Government cannot get water, I do not know how it can conduct its experiments. Of course, some water might be borrowed from the States, but the Federal Government should not have to place itself in such a position that, in order to carry out an experiment that can do so much for humanity, for nations all over the world, by means of irrigation, it has to go to the State of California, for example, and say, "Please, California, will you let the Federal Government have a little water from the ocean, for the purpose of experimenting to see whether or not sea water can be made potable?" Such action should not be necessary. It should not be necessary for the Federal Government to be required to pay a severance tax to the State of California.

There ought to be some way in which the Federal Government can get water from the sea without being obligated to the States. Otherwise, we would be breaking up our Nation. We would have 48 little nations instead of 1 great Nation of 48 States.

Let us look at the law which was sponsored by the Senator from South Dakota [Mr. CASE]. Section 1, which is very important, provides:

In view of the acute shortage of water in the arid areas of the Nation and elsewhere and the excessive use of underground waters throughout the Nation—

That is important, because Arizona has been fairly well furnished with water from hundreds and even thousands of wells, but the claim now is that the water under the ground is becoming exhausted and that the wells are becoming dry. That is the reason why the central Arizona project has been pushed for so long.

It is the policy of the Congress to provide for the development of practicable low-cost means of producing from sea water, or from other saline waters, water of a quality suitable for agriculture, industrial, municipal, and other beneficial consumptive uses on a scale sufficient to determine the feasibility of the development of such production and distribution on a large-scale basis, for the purpose of conserving and increasing the water resources of the Nation.

That is a matter of congressional or national policy. Before the policy is overruled, there certainly should be a commission to study it, and, of course, it ought to be turned down.

That was section 1. Section 2 provides:

In order to carry out the purposes of this act, the Secretary of the Interior, acting through such agencies of the Department of the Interior as he may deem appropriate, is authorized—

(a) by means of research grants and contracts as set forth in subsection (d) of this section to conduct research and technical development work, to make careful engineering studies to ascertain the lowest investment and operating costs, and to determine the best plant designs and conditions of operation;

(b) to study methods for the recovery and marketing of byproducts resulting from and incident to the production of water as herein provided for the purpose of ascertaining the possibilities of offsetting the costs of water production in any area by the commercial utilization of such products.

Subsection (b) has a great deal of significance. In other words the distillation process or the chemical process that would be used might be fairly expensive, and it would be desirable to see if something could not be produced as a byproduct which would bear part of the cost of making the potable water. That would be realistic, because in every square mile of water there is a tremendous amount of gold, silver, magnesium, and other kinds of minerals that could be recovered. It might develop that not only would the recovery of the minerals pay for the cost of making the water potable, but also that a great profit would be made.

I have before me some estimates I shall speak of later with respect to the great value of such minerals. Similar discoveries have been made before, by which the revenue from the byproducts has paid entirely the cost of production of the main product. I remember that in southeastern Tennessee there were a number of companies mining copper. As a result of the mining process, sulfuric acid fumes from the chimneys spread far and wide, killing vegetation for miles around. Many lawsuits were brought against the copper companies to enjoin them from bringing about this damage. Case after case reached the Supreme Court of the United States. The copper companies resisted the effort. Finally, under the order of the Supreme Court, they had to do something to reclaim the sulfuric acid. Some little vegetation is now coming into this area again. Under the old arrangement the sulfuric acid was largely wasted. The sulfuric acid which the companies were forced to keep there, to save the soil and vegetation, is many times more valuable than the copper which has been produced. It is quite likely that the expense involved in producing this water would be more than paid for by the value of the minerals which would come from the sea.

Section 2 of the Case Act provides in part as follows:

SEC. 2. In order to carry out the purposes of this act, the Secretary of the Interior, acting through such agencies of the Department of the Interior as he may deem appropriate, is authorized—

* * * * *

(c) to acquire, by purchase, license, lease, or donation, secret processes, technical data, inventions, patent applications, patents, licenses, land and any interest in land (including water rights, easements, and leasehold interests), plants and facilities, and other property or rights: *Provided*, That the land or other property acquired hereunder shall not exceed that necessary to carry on the experiments and demonstrations for the purposes herein provided.

I do not know whether this means that the Secretary of the Interior has a right to go out and get the water, or whether he has a right to buy some land alongside the ocean. But whatever it may mean, that right, by implication and by express provision, would be taken away from him by the terms of the joint resolution. The Secretary of the Interior must acquire it from the State if he is to get it. Are we going to put ourselves in the position of letting the States determine what water we can get out of the sea?

Let us read a little further. Subsection (d) provides that physicists and engineers may be employed. I shall not read all of that. It is in the record.

Subsection (e) provides that there may be cooperation with other State and Federal or municipal departments, with private persons, or educational institutions. That is a very worthwhile provision, because I think California Tech has been especially interested in this kind of experiment, and probably has made great progress. So all the scientific information of many agencies, universities, the Army, and the Navy, looking to the production of potable water from sea water, has been brought together under the provision of this act.

Section 3 provides that—

Research undertaken by the Secretary of the Interior under the authority contained in this act shall be coordinated or conducted jointly with the Department of Defense * * * to the end that research and developments under this act which are primarily of a civil nature will contribute to the defense of the Nation.

This is an important defense matter. Do the proponents of the joint resolution wish to take away the right and power of the United States to defend the country? We all know that certain islands in the Pacific were furnished with potable water by means of a distillation process which the Navy and the Army had developed. Suppose an atomic bomb or some other kind of bomb should drop on the water mains supplying New York City. Havoc would result. The defense of the Nation is certainly involved in the Case Act, and Congress has so stated.

The Case Act provides that all these things shall be done not only for defense, but also "to strengthen the civil economy of the Nation." That is the most important part of it, I think. Do we want

the strengthening of the civil economy placed in the hands of the States, which can deny the right to the Federal Government to secure the necessary raw materials?

Section 4 of the Case Act was read by the Senator from South Dakota [Mr. CASE] as showing that he thinks it would enable the Federal Government still to obtain water. Let us read it again:

SEC. 4. The Secretary of the Interior is authorized, for the sole purpose of this act, to dispose of all water and other products produced as a result of his operations under this act pursuant to regulations to be prescribed by him: *Provided*, That nothing in this act shall be construed to alter existing law with respect to the ownership and control of water.

That does not give the proponents of the joint resolution anything to hang on. This merely says that nothing in the act shall affect any right which the Federal Government had to get water prior to the time the act was passed. I believe the act was passed in the first part of the 82d Congress. It provides that nothing in this act shall limit the right of the Federal Government to get water, which right may exist under some previous legislation. However, the sponsors of the grab measure which is before us were not so thoughtful. The sponsors of the joint resolution, which would take away every ounce of salt water from the Federal Government, were not so thoughtful. We do not find in the joint resolution anywhere any provision that it shall not affect the right of the Federal Government to take salt water from the sea. I am sure that it must be the intention of someone to place the control of salt water exclusively in the States, even for the purpose of making drinking water for the inhabitants of Los Angeles.

Let us see if there is anything else in the Case Act which would enable the Federal Government to get water. Section 5 provides as follows:

All moneys received for products of the plants under this act shall be paid into the Treasury as miscellaneous receipts.

We do not need to worry about that, because the Federal Government cannot even have any water to experiment with unless the States want to give it to them. There will not be any moneys received. There might have been a great deal. There might have been a veritable gold mine, which would enable us to pay something on the national debt.

I have heard many Members of the Senate talk about the great national debt—some $260 billion. They ask, "How are we going to pay it?" We are not going to pay it by giving away the treasure of the United States.

When an individual is in debt he does not give away all his rights. He does not give away his oil. He does not give away his magnesium. He does not give away his gold. But not so with the Federal Government; not so with the sponsors of the pending legislation. The wealth which it is proposed to give away under the terms of the pending measure is incalculable. It is many times our national debt. I refer Senators to the Paley report.

Of course, the oil has not even been proved. We do not know how much it is. We do know that many wells have been found off the coast of Alaska, and have been closed up, because it is not desired to use them now. When Alaska becomes a State, the same principle will apply as applies to other States, because all States, when they enter the Union, are accorded the protection of coming into the Union "on an equal footing with all other States."

I cannot understand the attitude of this administration, which is so much interested in reducing appropriations, reducing taxes, and paying something on our national debt. Under the terms of the pending measure, it is proposed to give away many of the things which would enable us to pay something on the national debt.

If we do nothing else except apply the $60 million to the United States Treasury—and it is money which the Supreme Court says belongs to the United States and in which the States of California, Louisiana, and Texas have no interest whatever—it would at least be $60 million that could be used in reducing the national debt. Under the terms of the Hill amendment, it would be $60 million which could be used for the defense of the Nation or for the benefit of our schools. That $60 million is only a drop in the seven seas. In magnesium alone there may be enough wealth with which to pay off a large part of the national debt. There would be enough water available to build up the economy of the vast desert areas of our country, so that our Nation as a whole would become more productive, and thus be able to pay off its national debt. Under the conservative estimate made by the petroleum interests themselves, $50 billion could be realized, at a time when all of us are trying to reduce the national debt.

Mr. President, those are questions that should be studied very carefully before we reach a decision. I know that many of the Senators who are sponsoring the joint resolution are aware of those questions. Many Senators sponsor a bill merely for the purpose of discussion. I do not believe that all the Senators who sponsored the joint resolution want to give away all the magnesium in the water or deny the Federal Government the use of the sea water. My joint resolution provides a perfect "out" for them.

There are many questions about the subject which are still undecided. There are many international problems involved. All of them ought to be studied by a commission, so that Congress may legislate in the light and not in the dark. I am sure that the commission would agree with the Senator from California that under the joint resolution the Federal Government relinquishes and gives away all the right and title to the use of the waters of the sea. However, some people may not be so clear about it. Therefore we ought to have legal decisions on that point. If there is any doubt about it we should have a commission appointed, which could secure the services of lawyers to study that point.

Mr. President, let us see if there is anything else in the Case Act which would retain any rights in the waters of the sea for the Federal Government.

Under section 6 the Secretary of the Interior shall make reports. That is a technical section. Under section 7 the Secretary of the Interior may issue rules and regulations to effectuate the purposes of the act. Of course there would not be any purposes left, because there would be no act left if the joint resolution were passed. That whole Case Act would be thrown out the window, and all the work that had been done under it so far would be of no use, because the Federal Government would have no water.

Section 8 authorizes an appropriation. That appropriation now is $2 million. A great deal of good has been done with that appropriation.

Mr. President, I agree with the Senator from California that if the Senate passes Senate Joint Resolution 13 the Federal Government can obtain no salt water for the purpose of carrying out the Case Act, to make potable water from seawater, without the permission of the State.

I will say that that international law may be a little kinder to the United States than we are being to ourselves in the Holland joint resolution. However, it is possible, while the United States may have no interest in the water around the State out to the 3-mile limit or within a State's historic boundary, which may be 9 miles out, in the deep ocean the United States may still have a little interest. It may be possible for the United States to run a pipeline out 9 miles into the ocean to get sea water, in order to carry out the purposes of the Case Act. It would be possible, except for one thing—namely, in order to get to that international sea 9 miles out, it would be necessary for the pipeline to run along the land—and that could not be done under the joint resolution, because it provides that the use of the land and the natural resources is in the States, and it provides that the Federal Government gives up the use. Therefore the Federal Government could not go out there. It could not do anything about it. I do not know how the Federal Government would be able to get water for the project.

It is unthinkable that so promising an effort should be nipped in the bud at such an early time, when it is just now coming to the point where it may mean so much to so many States of the Nation.

Mr. President, I now wish to talk about another little feature of the joint resolution which alarms me, and which, I am sure, also alarms other Senators who believe in building dams for mutiple purposes and who believe in navigation, reclamation, flood control, and the various other purposes for which multiple-purpose dams are used.

We know that many interesting proposals have been made recently with respect to the nothern section of California, where there are located vast areas of land which would be much more productive if they had water. Proposals have been made to bring water from the Columbia River into Oregon, and using some of it to irrigate sections of Oregon and northern California. In California the Central Valley project shows what land can do if it has water.

We know also that with respect to some of the dams in South Dakota and in North Dakota water from one State is used for reclamation purposes in other States. We know it has been proposed that water from the Snake River be channeled through the mountains into the Colorado River, for the purpose of building up the supply of water in the Colorado River and thus making it possible for the States of Arizona, California, Nevada, Utah, New Mexico, and other States to have more water. If the pending joint resolution is passed, anything done in that connection will depend upon securing the permission of the States before any dam can be built. Heretofore the Federal Government has always had the right to go into any State to acquire property and to build a dam for the purpose of irrigation or other uses. That is all over if the pending joint resolution is passed.

Let me prove my case, Mr. President. It is very easy to prove. All we have to do is to go back a little.

The joint resolution covers not only land under the marginal sea, but it also covers land under the rivers.

Section 2 (a) of title I, at page 10, provides:

(a) The term "lands beneath navigable waters" means—

(1) All lands within the boundaries of each of the respective States which are covered by nontidal waters that were navigable under the laws of the United States at the time such State became a member of the Union, or acquired sovereignty over such lands and waters thereafter, up to the ordinary high-water mark as heretofore or hereafter modified by accretion, erosion, and reliction;

(2) All lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide. * * *

(3) All filled-in, made, or reclaimed lands which formerly were lands beneath navigable waters, as hereinabove defined.

So the joint resolution provides that title to all the lands beneath the rivers of the United States is vested in the States and that the right to use those lands is vested in the States. In short, the United States relinquishes all right to the title or to the use of those lands.

The main purposes for which the United States has ever asserted any right to use the rivers has been for the building of dams for flood control and other purposes. Mr. President, since, according to the joint resolution, that land will belong to the States, not to the Federal Government; and since, as I shall show later, under section 6 no power is reserved to the Federal Government to use any of the land for the purpose of building irrigation or flood-control projects—although the failure to include such a provision may have been an oversight—let us read section 6 to see whether the United States will retain any right to build dams for the purpose of irrigation or flood control. I now read from subsection (a) of section 6:

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—

Mr. President, I do not know what the words "constitutional purposes" mean in that connection. I suppose the phrase "constitutional purposes of commerce" relates to the movement of ships on the rivers. I suppose the use of the word "navigation" relates to action by the Federal Government in erecting aids to navigation, to safeguard the movement of vessels; and I suppose the use of the words "national defense" relates to the right of the Federal Government to defend the rivers or the ocean within the 3-mile limit. I do not suppose the words "international affairs," as used in the subsection, have anything to do with navigation on the rivers.

However, Mr. President, when we read more of that subsection, we find that "proprietary rights of ownership" are not included. In other words, the United States Government would not retain rights in and powers of regulation and control of proprietary rights of ownership in any lands under the rivers, for the purpose of building dams.

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

The PRESIDING OFFICER (Mr. FLANDERS in the chair). Does the Senator from Tennessee yield to the Senator from New Mexico?

Mr. KEFAUVER. I yield for a question.

Mr. ANDERSON. In line 25, on page 18, does the Senator from Tennessee notice the use of the terrible word "paramount", in connection with the use of the word "rights"—in other words, "paramount rights"? Did not the Senator from Tennessee hear other Senators become terribly worked up over the subject of paramount rights and the theories about them? Is not the Senator from Tennessee familiar with, shall I say, the propaganda in connection with the Fallbrook case, about which pages and pages of newspaper articles have been written in dealing with the question of paramount rights? Can the Senator from Tennessee understand how the authors of the joint resolution agreed to give the Federal Government paramount rights, after all that has been said on that subject?

Mr. KEFAUVER. It is very difficult for me to understand why they should use the word "paramount" at that point, after all the discussion of that word in connection with the decisions of the Supreme Court. But at that point the meaning would be all right if a period were inserted after the words "navigable waters", so that the phrase would read: "regulation and control of said lands and navigable waters."

However, certain things that it is proposed the Federal Government will be able to do are set forth at this point in the joint resolution. By naming certain things, all other things are specifically excluded. I believe that is clear under constitutional law. Later today I hope to have brought to me a book on constitutional law. However, I do not believe anyone will question that general statement. I see that the distinguished senior Senator from Michigan [Mr. FERGUSON], who is a most distinguished lawyer, is now acting as majority leader. I believe he will agree with me when I say that if certain things are specified as coming within the rights that are given the very specification of those rights excludes all others, unless there is a provision to the contrary. However, no such contrary provision is included in the joint resolution, which says that—

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 let us note the following, Mr. President—

but shall not be deemed to include—

This is the important part. Dams for flood control, reclamation, and other purposes are not mentioned. In addition, the authors of the joint resolution wish to make very clear that they do not expect the Federal Government to build any more dams unless the State itself is willing to sell to the Federal Government the land thus required. The authors of the joint resolution wish to make that matter clear; they wish to pin it down.

Mr. President, the joint resolution is not only a big oil "giveaway"; it is also a big "giveaway" to the vested interests and private utilities, including the electric utilities. I can imagine the happiness and the glee that will be manifest around the meeting tables of the private power trusts if this joint resolution, when enacted into law, contains the provision to which I am now referring. On the other hand, I can imagine the sadness that will be manifest and the moisture that will appear in the eyes of the general public when the members of the general public realize what a monstrosity has been inflicted upon them.

Mr. President, in reading further from section 6 of the joint resolution, we find that, after it gives certain rights to the Federal Government, it then provides:

* * * 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, the Federal Government thus will have no right of management or right of administration or right of leasing or right of use or right of development in the lands and natural resources. So the Federal Government will not be able to build a dam or carry out its reclamation projects.

One possible exception is made; and in fairness I think I should point it out. It is set forth in subsection (b) of section 6, which reads as follows:

(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.

It should be noted that subsection (b) of section 6 contains the words "in time of war." In other words, the right there provided for the Federal Government

will not exist in times when our Nation is preparing for war, although, of course, in looking to war, one should do the necessary things in preparation for war, so as not to be caught without any preparation.

Let us analyze subsection (b), to see what it means. We find that it provides that in time of war or at a time when it is necessary for the national defense, the Federal Government shall have the right of first refusal to purchase at the prevailing market price those natural resources, including some water out of the ocean. Of course, if the Dow Chemical Co. were willing to pay more for the water than the United States was willing to pay, the United States would not be able to buy it. In short, the United States Government would have to compete with other prospective purchasers, and would have to do so at the prevailing market price.

I do not know what the prevailing market price would be, because water is very expensive, just as magnesium is very expensive. If the Federal Government wished to purchase magnesium, it would have to compete with Dow Chemical Co. and other firms which wished to obtain magnesium. However, under the provisions of the joint resolution, the United States would have the right of first refusal in time of war or when necessary for national defense. If each prospective purchaser bid $100 million for some magnesium, then the United States Government would have the right of first refusal, at the prevailing market price.

At that point the joint resolution makes a great concession to the Federal Government. I believe we should be very grateful to the sponsors of the joint resolution for providing this great concession. If the Federal Government cannot get it by competition, except, of course, it has the first refusal in time of war, or when necessary for national defense, the Federal Government shall have the right to condemn so as to get sea water from the sea, for the purpose of making potable water. The Federal Government can file a condemnation action—for what purpose?—in order to secure property which the Federal Government now owns—according to the decisions of the Supreme Court—and which the sponsors of the pending measure are asking be given away, and given away in such a manner that it is in my opinion insulting to the Federal Government! The joint resolution ties the hands of the Federal Government so that it can never, except under most extraordinary circumstances, carry out worthwhile national projects in many, many lines.

Mr. President, I desire now to pass on to another branch of my address.

Mr. ANDERSON. Mr. President, will the Senator yield for a question before he proceeds to another subject?

Mr. KEFAUVER. I yield to the Senator from New Mexico for a question.

Mr. ANDERSON. Does not the Senator from Tennessee think that some of this language might be clarified by additional hearings or by having the type of study which he suggests? Has his attention been called to the executive hearings on the pending measure? I refer now to part 2, page 1299, where I asked a question as to whether it would be desirable or advisable to have one additional hearing before we reported the measure, and ask the Attorney General of the United States to come before the committee to interpret language contained in the joint resolution which is different from any language heretofore used, and on which we have not had any hearings.

Mr. KEFAUVER. I agree fully with the Senator that further hearings should be held. It is most necessary that the Attorney General and representatives from the State Department appear before the committee They could clear up many things. There should be hearings, and a further study should be made.

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

Mr. KEFAUVER. I very happily yield to the Senator from Montana for a question.

Mr. MURRAY. Does the Senator from Tennessee recall that at the close of the hearings upon the pending measure a request was made for the right to call officials of the Government, including the Attorney General and others, in case it became necessary to question them with reference to some of the problems which seemed to have been left unanswered in the hearing? For example, the Attorney General had recommended that a line be drawn on the map delineating the historic boundaries of the States. That question was left undecided in the hearings, and it was thought it might be necessary to recall him, and to recall other representatives of the Government, representatives of the Geological Survey, or others, who might be capable of drawing that line. Moreover, there were certain other matters which were left in abeyance at the time the hearings were closed. Does the Senator recall that?

Mr. KEFAUVER. Yes; I certainly do. I may say to the Senator from Montana that I recall that all those questions were left unanswered. Many other questions which the administration itself said ought to be settled were not settled. Permission was given, and it was suggested that even after the joint resolution was reported, certain persons be called in for the purpose of testifying further; but that has not been done. I recall the testimony of the Attorney General that a line ought to be drawn all the way around, marking the seaward boundaries of the States. I remember also that there was testimony on the part of the Attorney General of the State of Louisiana. I do not recall his name.

Mr. ANDERSON. He was Fred S. LeBlanc, Attorney General of the State of Louisiana.

Mr. KEFAUVER. I thank the Senator. He was asked, "Just where is the line, Mr. LeBlanc?" There was a very amusing bit of testimony regarding islands in the Gulf of Mexico near Louisiana. He was asked, "Just where would you draw the line, if you were to draw one—3 miles out or 27 miles?" Mr. LeBlanc said, "That is something for the members of the committee to decide. I cannot draw lines." Then the question was asked what his position would be if he were asked to make a legal decision as to where the line was. He replied, "That is a matter for the Supreme Court to decide. I cannot draw the line." Of course, that illustrates the difficulties one encounters when trying to do something that is not right. When we try to give away property of the Nation in order to satisfy greed, then all kinds of complications arise, such as have arisen here. But, even more important than the minor difficulties, such as Mr. LeBlanc's not being able to define the boundary of the State of Louisiana, it is a fact, I may say to the Senator from Montana, that the pending measure is contrary to the recommendations of all the executive agencies whose representatives testified. The Attorney General of the United States recommended something entirely different from what is contained in the Holland joint resolution. He was in many respects rather reasonable. He did not want title taken from the Federal Government, when the Supreme Court said it belonged to the Federal Government. He did not want the property to be given away or to be transferred. He merely wanted to limit it with respect to the revenue to be derived from the oil under the submerged land. Had the suggestion of the Attorney General been followed, it might still be possible for the Federal Government to obtain sea water for the purpose of making potable water; but that recommendation was not followed. The Attorney General also wanted a line to be drawn; but that line was never drawn.

The pending measure does not satisfy Secretary McKay, either. It comes a little nearer to satisfying him than satisfying the Attorney General; but Mr. McKay felt that there should be an entire package. Mr. McKay knew that if the joint resolution were passed in its then form, it would not be any time at all before a claim would be asserted extending boundaries far beyond the present grants, indeed, as far as Congress would extend them. Mr. McKay said it would not be any time at all before that would be done. The fact is, that has already happened. Mr. McKay wanted provision to be made for development of exploitation, the use and handling by the Federal Government of revenues derived from the sale of oil, gas, or minerals obtained from the sea beyond the 3-mile limit, or the historic boundary. But no, in face of his recommendation, it was not so provided. As all Senators at least must think, it was left blank, and unprovided for so that at the next session of the Congress, under the clause allowing such future line or extension as the Congress might sanction, the States could ask for more.

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

Mr. KEFAUVER. I yield further to the Senator from Montana, for a question.

Mr. MURRAY. I should ask the Senator from Tennessee whether it is not true that the record was left in that unfinished state? I read certain lan-

guage found at the conclusion of the hearings:

Senator MURRAY. The Attorney General suggested, as you recall, that we should draw the line representing the borderline of the various States on the ocean, and Mr. Mastin White said this morning that would be a very difficult problem and that we should have the assistance of the Interior Department, the Defense Department, and the Coast and Geodetic Survey.

It would, of course, avoid a lot of litigation if such a borderline were drawn. He wants it delineated on a map.

Senator CORDON. That was his statement.

Senator MURRAY. If we decide, after we talk this matter over among ourselves, that it becomes necessary to have those people assist us in drawing that line, do you not think we should have the right to call them in?

Senator CORDON. Surely. In our executive sessions, if we reach the conclusion that the committee needs any expert or technical assistance, I think the committee at that time can call that assistance in and proceed to carry out any procedure the committee has agreed on. I am in entire agreement.

Senator MURRAY. The committee may not wish to draw that line as the Attorney General suggested. If they do not wish to draw it, I cannot compel them to.

Later on, immediately before the hearings closed, as shown on page 1178, the Senator from Oregon [Mr. CORDON] stated:

The hearing, insofar as further testimony is concerned, is now closed.

On page 1180 of the hearings, we find the following language:

Senator MURRAY. And for calling any representatives of the agencies, if we find that we need assistance in drawing the borderline of these States.

Senator CORDON. The Chair also states that the record will be reopened in the discretion of the committee at any time during its executive consideration of the matter.

So the situation is left in that unfinished state.

Mr. KEFAUVER. That is correct. Certainly, in good faith and good conscience, Mr. President, we should have some testimony from the Secretary of State and from other responsible officials as to some of the grave problems which have been brought out, and, in that way, cut down debate a great deal. If, for instance, it could be made clear that there will be some amendments which will enable the Federal Government to get water out of the sea or to develop the entire program, it would be the appropriate thing to do. But we do not want to have the proposed legislation pass upon matters which have not been considered in connection with it.

It seems to me the committee should have further hearings to clarify the problems to which the Senator from Montana has referred. It was apparently the intention of the committee to allow that to be done. Witnesses should be called at this time, it seems to me. But, in any event, in connection with the testimony which would be brought out, I think it is very necessary that we have light on the subject before we undertake to legislate. There ought to be a commission to study the question. Let me again point out that such a commission would be appointed by President Eisenhower, and the nominations would be confirmed by the Senate. There would be no possibility that the commission would be slanted toward any special public or Federal use. It would not necessarily be made up of persons with the viewpoints of the Senator from Montana [Mr. MURRAY] and myself with reference to objections to the proposed legislation. I can see no reason why we should not have such a commission.

Mr. LEHMAN rose.

Mr. KEFAUVER. Mr. President, I yield to the Senator from New York.

The PRESIDING OFFICER (Mr. FLANDERS in the chair). The Chair would remind Senators that any Senator who wishes to ask any questions must first address the Chair.

Mr. LEHMAN. Mr. President, I ask unanimous consent that the Senator from Tennessee may yield to me for a question without losing his right to the floor.

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from New York?

Mr. KEFAUVER. I yield, for a question, to the Senator from New York.

The PRESIDING OFFICER. The Senator does not have to ask unanimous consent to propound a question. He should simply address the Chair and ask if the speaker will yield for a question.

Mr. KEFAUVER. I yield for a question.

Mr. LEHMAN. I thank the Senator from Tennessee.

Is it not a fact that in Senate Joint Resolution 13 there is no permanent limitation placed on the boundaries of any State, and that, really, under section 4, it is an open-end matter? I read:

Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

We know, of course, that there is a great divergence of interpretation as to the location of the boundaries of some of the States, such as Louisiana and Texas. Is it not a fact that this language would place no limitation whatsoever on such boundaries?

Mr. KEFAUVER. The Senator from New York is exactly correct. The distinguished Attorney General wanted a line drawn so that States and the Government could know just where their lines are. He saw this difficulty arising. But such a line has not been drawn. It leaves the people of the United States wide open for further exploitation. Indeed, it might be that no provision covering the point could be found in any State constitution or in any of the laws of any of the Territories prior to their becoming members of the Union.

The section leaves it wide open for representatives of any seacoast State to come before Congress after Congress seeking to extend boundaries out into the ocean on the Continental Shelf, as the oil, the magnesium, and the water became more and more valuable. There should be further study of the subject.

Mr. President, I do not want to read at this time, during the main part of my speech, the document which I hold in my hand, but a short time ago I made an address on the distillation of seawater and making it potable. Water is important to the West and to the entire Nation. I spoke about what we could do with such a development in helping to bring productivity to many countries in Africa and throughout the world, and what a valuable contribution to our point 4 program it would be if we could assist in getting water to desert lands. I think it is important in connection with this proposed legislation for the people of the United States to realize what it is they are giving up, or substantially giving up, by the passage of this proposed legislation. Among the things they would be giving up is the use of potable water described in the speech to which I have referred.

Mr. President, I ask unanimous consent that that speech, entitled "Water: the Life Line of the West," delivered by me in California during the summer of 1952, be printed in the Appendix of the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(The address appears in the Appendix under the appropriate heading.)

Mr. KEFAUVER. Mr. President, I was speaking a little while ago about how the proposed legislation would affect public power projects. I am not the first one who has had something to say about it. A very distinguished and useful citizen, who may not be widely known, has talked about this very threat.

In the Nation today, Mr. President, there are all kinds of lobbies and groups. The private-power lobby has a tremendous establishment which embraces many researchers who testify before congressional committees. They have quite an organization in Washington, as they have in many other parts of the Nation. They have the money and the resources to employ persons of that kind. We all know the great influence of the power lobby. It would seem that it had a very important part in the writing of the proposed legislation, because it would require negotiations with the States themselves for the use of land in connection with power developments.

There are also other persons, Mr. President, who are little known and who are underpaid, but who try to do very outstanding public service. One of those persons is Judson King, who is director of the National Popular Government League. He resides in Takoma Park. I have visited his home. He has a very small, modest home which contains his office and headquarters. He is a rather old gentleman, and in spite of severe physical difficulties he continues his work, always trying to bring out facts which people ought to know. In his study one will find all the reports of the Corps of Engineers and of the Secretary of the Interior. They are documents which he himself has analyzed. He maintains his own card-index system. He has no secretaries or assistants. He operates by himself. He is probably one of the greatest authorities in the entire United States on the subject of public-power developments.

Judson King is a remarkable person. The National Popular Government

League is simply Judson King. It is little individuals, people who may send in $5 or $10, who help keep Judson King going. He maintains no large offices, such as the private-power trusts and other lobbying organizations may have.

Judson King knows the problem of the development of water resources. He has studied it for the last 50 years. He has never missed calling a shot as to the interpretation and meaning of language in legislation. He knows how the private-power lobby never misses an opportunity to put its foot in, to cut down on Federal development of the great natural resources of the Nation or of its navigable waters. He knows how certain other special interests do not want plants to continue operating in an effort to make oil from coal, a subject I wish to discuss a little later. He knows how certain other special interests do not want the Federal Government to do anything about the development of magnesium. He knows how certain special interests do not desire to see function the project of making potable water out of sea water.

Let me refer to what Mr. Judson King had to say in his Bulletin No. 249. I shall read the first paragraph:

Why the power joker in the tidelands oil bill?

Many of us would like to know why there is a power joker in the pending measures. We would like to know why this restriction has been apparently placed on waterpower and navigation dams and multiple-purpose dams, in a joint resolution that is not supposed to deal with that subject matter at all. I want the people of the United States who are interested in the development of our rivers to know that if this measure shall be passed, it will be one of the most disastrous pieces of legislation ever to have come from Congress. Under the guise of dealing with other subjects, the power program and the program for development of rivers through the building of multiple purpose dams will be dealt a death blow. No longer will it be in the power of the Federal Government to carry on these projects, unless it gets the consent of the States.

But I was talking about Mr. Judson King. He deserves a great deal of credit for working by himself in publishing these little bulletins. He is a remarkable man. The bulletin says:

Why the power joker in the tidelands oil bill? To delay construction of multipurpose dams?

Question: Have engineers and other experts in the Eisenhower administration developed a method of building a dam across a river without allowing it to touch the riverbed?

That is an interesting question. If they have developed such a plan for building dams without allowing the dams to touch the riverbed, then they might still be able to operate and build dams under the provisions of this law. But if they must use the land, if the dams must touch the land, then the use of the land is in the hands of the States, not the Federal Government, and the Federal Government cannot use the land without the permission of the States.

I quote further from the bulletin?

Begging your pardon—this is not a lame attempt at being facetious. The question is being propounded in effect by Senators MURRAY, DOUGLAS, HILL, and other progressives in the Senate debate over the notorious tidelands oil bill; in progress as this is written.

There is a joker in that bill, passed by the House on April 1, which plainly prohibits the Government from building multipurpose dams without the consent of the States. Able attorneys declare that if retained by the Senate or in the conference committee report, as seems likely, the legal base will be laid for a case to be carried to the United States Supreme Court.

That is exactly what power companies and investment bankers would like. Whenever the Government started to build a dam the joker would enable them to bring an injunction on the ground that it violated the rights of a State—a delay of 2 or 3 years or more would elapse before the Supreme Court could decide. Meantime our whole program of multiple-purpose development could be halted and put in jeopardy.

Mr. King's next heading is:

OCEAN SHORE LANDS: BUT RIVERS AND LAKES ALSO

Within 2 hours after the House by a vote of 285 to 108 had passed the tidelands oil bill the Senate began debate on its bill covering the same subject. They were identical as introduced. The title of the Senate Submerged Lands Act reads:

"To confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources."

Mr. King continued:

Now then, "navigable waters" includes rivers and lakes of the entire United States. For example, such a control of rivers to the States would mean that Congress could not authorize the Reclamation Service or Army engineers to build dams without their consent.

That is what Mr. King said. He has made a study of this matter for many years.

"Oh, no," exclaim the sponsors, "section 3 (b) of the bill (S. J. Res. 13) provides that the United States retains its rights in such matters and the bill shall not be construed as the release or relinquishment of any rights of the United States arising under the Constitution or authority of Congress to regulate or improve navigation, or to provide for flood control or the production of power" (p. 16). Furthermore, this is repeated in section 6 (a) which reads in full text—

I have read that section several times, so I shall not read it again. Mr. King continued under the following heading:

THE CONTRADICTION WHICH IS THE JOKER

Reading carefully all goes well to the middle of the paragraph when we encounter a surprising, unnamed proviso which I have underscored. I entreat your patience with quoting so much legal language. You will not believe me if I do not. Anyhow, this is not a mystery or a detective story—but perhaps it is, of a sort. Keen attorneys familiar with water laws and court decisions have spotted in this verbiage the words "but" and "use." They hold that this proviso denies to Uncle Sam in the text what is given him in the title.

His "powers" are retained, but he cannot build a dam without permission of the States, and he cannot have flood control, navigation, and power without building dams.

That is what Mr. King said. Anybody familiar with Mr. King knows that he knows what he is talking about.

I am certain that the Senator from New Mexico [Mr. ANDERSON] who was formerly Secretary of Agriculture, knows Mr. Judson King. Mr. King knows water law and constitutional law and has unequivocally stated his view.

He continues, referring to Uncle Sam:

His "powers" are retained, but he cannot build a dam without the permission of the States, and he cannot have flood control, navigation, and power without building dams.

Mr. ANDERSON. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I am very happy to yield to the Senator from New Mexico for a question.

Mr. ANDERSON. I should like to ask the Senator from Tennessee if, when he finished reading the document written by Mr. King, he did not realize, as I am sure I realized, that the author of that document had done a tremendous amount of work in an attempt to make a contribution. Does not the Senator think that is as fine a single piece of work on one phase of the joint resolution as he has thus far seen?

Mr. KEFAUVER. I certainly agree with that statement. This measure brings up questions which are of such great importance that we ought to call off the debate and have a committee hearing in which we would go into those problems. We ought to have a commission to study them. It is out of the question to be enacting legislation with authorities like Mr. King saying that, when we are trying to deal with something else, we are giving away our power to build flood control, navigation, irrigation, reclamation, and power dams; that we are doing something which would at least involve us in litigation for years and years in the Supreme Court of the United States.

Let me read further from Mr. King's bulletin:

The question arises, if it is not an unintentional faux pas, why is it there? Why did it get by the House unchallenged and why its retention is being defended in the Senate so vigorously? * * * It is all very strange. One would think it a simple matter to strike out that "but" proviso or clarify it and undoubtedly a motion to that effect will be made. If so, and it passes, the bill will then go of necessity to a conference committee, and the real test will come.

This bill includes minerals and all other natural resources. All students of American history are aware of how profoundly our economic system can be affected by judicial interpretation of a few apparently harmless or ambiguous words in a law or constitution. Did you ever hear wise old lawyers smilingly remark of a court finding, especially a split decision, "They had the last guess"?

Mr. President, I am not as optimistic as is Mr. King. Mr. King seems to think that a motion will be made to strike this "joker," but I am sure that very smart lawyers have gone over this provision on behalf of the proponents of the joint resolution. I am quite sure also that there are some very smart lawyers representing certain interests in this country who would like to stop the Federal power program. They would like to stop the rec-

lamation program. They would even be glad to see dams for navigation and flood reduced. It is unnecessary to have this provision, which leads me to believe that it is put there with the very definite purpose of destroying the power program of the Federal Government. That is what it would do.

There is no doubt about what Mr. King thinks of it. At least it is such a great problem that it ought to be studied by a commission before we act.

Mr. King speaks about Hells Canyon, and the "joker."

He says:

Take a red-hot example. The Government has completed plans for harnessing Snake River as a part of the Columbia River system including Hells Canyon Dam. This high dam, compared to the Hoover and Grand Coulee Dams is critically needed for flood control and power to end the shortage. But money for it has not yet been appropriated.

Meantime the Idaho Power Co. has applied to the Federal Power Commission for a license to build a low dam on the Hells Canyon site. The FPC is holding hearings right now.

Now, under the recent Roanoke Rapids decision of the United States Supreme Court FPC has legal authority to grant the company a license—despite the protest of the Bonneville Power Administration.

But even if FPC refuses to grant the Idaho Power Co. its license the company could still stop construction by starting litigation under this joker in the tidelands bill. This Roanoke Rapids decision requires our attention because of its far-reaching effects. Also, because it shows the consequences of permitting outright jokers or indefinite, unclear provisions to creep into lawmaking.

The Hells Canyon controversy is one of tremendous importance. It is undoubtedly true that even if the Federal Power Commission should turn down the Idaho Power Co.'s application and allow the Federal Government to proceed, under this provision, if the Federal Government could not obtain permission from the State of Idaho for the purpose of locating the dam there across the river—and I understand that would probably be very difficult to get, because there is opposition to the Hells Canyon Dam in the State of Idaho—the Federal Government would be powerless to build the dam.

There are a great many fine power dams in the United States. There are a great many reclamation dams out West. There are a great many flood-control dams, as well as a great many dams for purposes of navigation and other purposes, which never would have been built if we had had to have permission from the State to occupy the site. I doubt whether the dams on the rivers in Tennessee could ever have been built if the Tennessee Valley Authority had become a political football in State politics in the various States.

What it is proposed to do here is to transfer control over the Federal program of reclamation, flood control, and power from the Federal Government to the various States. That is exactly what the power companies have always wanted. That is done plainly and unmistakably by the terms of the joint resolution. Senators who are interested in getting more water for the lands in their respective States, Senators who want to get more power for industries and defense plants, Senators who feel that flood-control projects may be necessary, Senators who feel that multiple-purpose dams ought to be built, had better look very carefully. They had better stop, look, and listen to these provisions, because I am certain that they would lead to endless litigation.

I think legally we must agree with Mr. King, that the Federal Government could not build a dam anywhere—unless it could possibly be in time of war, when the Federal Government might have a little additional power under one section—unless it secured the permission of the State.

Perhaps it is thought that such permission would readily be forthcoming from the States. The private-power trust has always had more influence with legislatures of the States than with the Congress of the United States.

Furthermore, many of the dams which have been built not only benefit the people in the States where they are built, but they are of benefit to the people of many other States. So while it might be in the interest of Nebraska, Kansas, and many other States to build a dam in the State of the Senator from South Dakota [Mr. CASE], the people of South Dakota or the Legislature of South Dakota might not be willing to allow the dam to be built.

There is a great dam near Fort Randall——

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

The PRESIDING OFFICER (Mr. McCARTHY in the chair). Does the Senator from Tennessee yield to the Senator from North Dakota?

Mr. KEFAUVER. I yield for a question.

Mr. LANGER. Is it the opinion of the distinguished Senator from Tennessee that if the joint resolution were enacted into law, it might affect even irrigation projects which are already in operation, as well as those which may be built in the future by the Bureau of Reclamation or otherwise?

Mr. KEFAUVER. Yes. Mr. President, I appreciate very much the question asked by the distinguished Senator from North Dakota, the chairman of the Judiciary Committee. I understand by his question that he also believes that the private-power trust lobby language which is in the bill may have a very serious effect on our power program. It will also affect projects which have already been built, as I shall bring out very shortly.

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

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from South Dakota?

Mr. KEFAUVER. I yield for a question.

Mr. CASE. With respect to the development and distribution of power at a dam on a navigable stream, in the Senator's opinion, what would be the effect of the language of section 3 and section 6, which vest the rights of management, administration, leasing, development, and use of lands and natural resources in accordance with applicable State law?

Mr. KEFAUVER. The Senator from South Dakota is asking what would be the effect of——

Mr. CASE. What would be the effect of the language in sections 3 and 6 of the pending joint resolution?

Mr. KEFAUVER. I have been discussing, while the Senator from South Dakota was necessarily absent from the Chamber, the effect of sections 2 (e), 3, and 6. They must all be read together in order to reach a conclusion.

My analysis is that under section 3 (a) the right and power to manage, administer, lease, develop, and use—and the word use is very important—the said land and natural resources are all vested in the State.

It goes a little further in line 13, by providing that the right, and so forth, are confirmed, established, and vested in and assigned to the respective States.

So it amounts to a transfer of title.

Then in subsection (b) (1) the Federal Government expressly relinquishes all the right, title, and interest in and to the lands and natural resources the Federal Government has. Then, if we go back to section 3, we note that the term "natural resources" takes in everything except the water which is used for power. It does not include water power or the use of water for the production of power. It includes fish, oil, gas, and minerals. It includes everything except water-power and the use of water for the production of power.

We now come to section 6, with respect to what special permission may be later given to the Federal Government. It is clear that up to now everything has been taken away. Let us now see if anything is given back to the Federal Government.

Section 6 of title II provides:

(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—

It retains them for those purposes, but I cannot understand how that provision gives to the Federal Government the power to use the water for the purpose of building multi-purpose dams or irrigation. The Boulder Dam project would go by the board.

Section 6 provides further—

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.

The Senator's question was with respect to what would happen to the Boulder Dam project; is that correct?

Mr. CASE. What would happen to the hydroelectric power?

Mr. KEFAUVER. I believe the States could extract a severance fee from the Federal Government for water used in the production of hydroelectric power.

Mr. CASE. There is a difference, certainly, between the use of water for commerce, under the heading relating to navigational servitude, navigational waters, navigation, national defense, and international affairs, and the use and

development of lands and natural resources. Is there any provision in the joint resolution to the effect that the use of water as a natural resource for the production of hydroelectric power is separated from the use of water for navigation and the right to develop water for the production of power and the selling of power by the Secretary of the Interior as it is now carried on by and preserved to the National Government?

Mr. KEFAUVER. I think there is a little better chance of the use of water for power purposes being preserved to the National Government than there is for reclamation and other purposes, because the Senator from South Dakota will notice that the definition of natural resources at page 12, section 2 (e) provides that the term "natural resources" dos not include waterpower or the use of water for the production of power. Whether that would later be nullified and stricken out by not being included in section 6 is, I believe, a close question and a close case.

Mr. CASE. The Senator from South Dakota is looking at paragraph (e) under title I, Definition. The Senator from South Dakota notes that there is an exception in lines 9 and 10, but that there is not included waterpower or the use of water for the production of power.

Am I correct in understanding that the Senator from Tennessee centends there is no differentiation with respect to water for irrigation? Does he mean that the natural resource of water for irrigation purposes would be assigned to the States?

Mr. KEFAUVER. I mean that before the Federal Government could build an irrigation dam, it would have to secure the permission of the State to use the land under the river and adjacent thereto. Before it could use water from a river for the purpose of irrigation it would have to pay a severance fee to the State for the water it used, because title to the water would belong to the State.

That is the legal situation, as I see it, with which we would be confronted.

Furthermore, the Federal Government would have to secure permission from the State, I may say to the Senator, to secure sea water from the ocean, for the purpose of making potable water from sea water, and the State could lay a severance tax to the Federal Government, even though the Federal Government would have no practical way of getting that water to an inland State, which did not have a seacoast.

Mr. CASE. It happens that in my State, if we have a navigable river, it is the Missouri River. Most of the land beneath the Missouri River will be inundated by the waters of a series of big dams which are now being constructed. Does the Senator from Tennessee have any suggestion as to the effect of the joint resolution on the rights which the joint resolution would confer on the State if we sought to develop any oil or mineral resources in the lands under the Missouri River?

Mr. KEFAUVER. I believe the rights are given to the State to develop the oil resources and gas resources in river beds and under the bottoms of the lakes. That is what I think everyone has in mind on this point. I do not think there has ever been any question about it anyway, because all the Supreme Court decisions have given to the States anyway the title to lands used for those purposes under the rivers and under inland lakes.

The Federal Government, however, could not in the future, without the permission of the State of South Dakota, for example, build another dam across the Missouri River unless the State were willing to give up the land.

In the case of Fort Randall Dam or other dams in process of being built or already built, I believe it very likely that a strong legal claim for a severance tax could be made against the Federal Government by the State of South Dakota or by the other States concerned in connection with all the land used for those projects. Of course, sometimes one State is jealous about having its water used in another State. One State may be jealous about having electric power generated from the water within its boundaries used in another State.

Fort Randall Dam is a very large dam across the Missouri River, close to the Nebraska border. The dam will be used for power, flood control, and, to some extent, reclamation and irrigation. The main use of the power will be in Nebraska. The principal use of the water for irrigation will probably be in Nebraska. So the national program would be completely destroyed if one State were given the power to deny to the Federal Government the right to use some of the land in that State for the purpose of having a dam built. The dam might not be of very much benefit to the State on whose land the dam would be built; but it might be of tremendous benefit to the States adjacent thereto or to the Federal Government as a whole.

Mr. HOLLAND. Mr. President, will the Senator from Tennessee yield for a question?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. I should like to ask why it is that in giving the tortuous construction which the Senator from Tennessee has given, in the course of his address, to section 3, subsection (a), he has failed entirely to take into account subsection (d), which 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.

I wonder why the Senator from Tennessee has failed to note that provision of the joint resolution and has failed to give it any application whatever in the course of his address.

Mr. KEFAUVER. Because that provision comes before subsection (a) of section 6, which prescribes what the Federal Government can do.

Mr. HOLLAND. Mr. President, will the Senator from Tennessee yield at this point?

Mr. KEFAUVER. I yield for a question.

Mr. HOLLAND. Why is it that in reading subsection (a) of section 6, the Senator from Tennessee has studiously avoided reading the last three lines, which provide so clearly that the proprietary rights of ownership mentioned in subsection (a) of section 6 include only what is granted by section 3, in which the powers of the Nation are so fully preserved and protected in the very fields in which the Senator from Tennessee has shown interest?

In connection with my question, I read all of subsection (a) of section 6:

> 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—

Here are the particularly important words, in this connection—

> which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution.

Why does the Senator from Tennessee try to apply subsection (a) of section 6 more broadly than would be done by the words of limitation which I have just read, which so clearly limit the application?

Mr. KEFAUVER. The Senator from Florida has said that I am making a tortuous argument, but certainly that is not so, because the Senator from Florida will see that although section 3 does give certain rights to the States and does give certain rights to the Federal Government, section 6 does not make any exception whatever in connection with section 3; and inasmuch as section 6 comes last in the legislative proposal, and specifies particularly the matters over which the Federal Government shall have control, therefore, under all the rules of construction, section 6 modifies the previous provision, which thus is modified by the subsequent one. I am sure the Senator from Florida will not dispute that that is true.

Mr. HOLLAND. Mr. President——

Mr. KEFAUVER. Just a minute, please.

So whatever may be the meaning of subsection (d) of section 3, it is modified by subsection (a) of section 6; and the statement there of what the United States retains is the last word on that subject, so far as this measure is concerned. At that point we are told that the United States retains the following:

> 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—

That is an affirmative statement that the Federal Government will have no 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. HOLLAND. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. In section 3, the first power that is assigned to the Federal Government is power over the land and the natural resources; and the natural resources are defined in that section.

Mr. President, I now yield to the Senator from Florida, for a question.

Mr. HOLLAND. Does not the Senator from Tennessee admit that the very last clause of section 6 makes it very clear the property rights mentioned therein are limited by and apply solely to the powers given in section 3?

Mr. KEFAUVER. I do not admit that at all, because the reference is to what has been assigned. The assignment is made in subsection (a) of section 3. The statement of what is retained by the Federal Government must be read in conjunction with the statement of retention in section 6. Inasmuch as section 6 comes later, section 3 can have no application except as it is given by section 6. That is my opinion.

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

The PRESIDING OFFICER (Mr. SCHOEPPEL in the chair). Does the Senator from Tennessee yield to the Senator from New Mexico?

Mr. KEFAUVER. I yield for a question.

Mr. ANDERSON. I wonder whether the Senator from Tennessee can help us in the case of irrigation water, in view of the question asked by the Senator from South Dakota. His question was that if a dam were constructed across the Missouri River, in the State of South Dakota, inasmuch as the Missouri River is a navigable stream, would the State of South Dakota then acquire the rights to those waters, and would the rights of the Federal Government be surrendered.

Certainly the section which was read a moment ago might cover any questions relating to waterpower. But is there in the joint resolution any provision about irrigation in downstream States? Many of the States come in the category of "downstream States." Would the joint resolution change the rule in that respect?

Mr. KEFAUVER. I appreciate the question, and I fear very much that the joint resolution would change the rule in that respect. My opinion of the joint resolution is that it would change the rule, and would enable some States to exact a tribute for the use of the water. For instance, a State in which a dam was proposed to be built would be able to say whether the land there would be sold for the purpose of construction of the dam.

I believe that some Senators who have participated in colloquy on this matter—for instance, the Senator from California—have rather conceded that that is true. Certainly so great a student as Judson King, who has studied these problems for many years, thinks section 6 contains a joker. Perhaps it is an inadvertent joker; perhaps it is a faux pas; but, regardless of the intention, he believes a joker is included at that point.

There can be no question that when certain uses or certain conditions are specified in a statute, by implication all others are ruled out, unless there is an express provision to the contrary. In that connection, I may point out that in contracts it is customary to provide that certain uses may be made, and it is also customary to provide that the specification of certain uses does not exclude others. Language like that is found in section 2 (e), in the description of natural resources:

> The term "natural resources" includes, without limiting the generality thereof—

That is, the authors of the joint resolution do not want to limit "natural resources" merely to gas and oil. The language "without limiting the generality thereof" was inserted by the sponsors of the measure, who were fearful that without that language it might be limited to the specific items mentioned in section 2 (e). I take it that no one differs with that interpretation of the law.

I have been handed, by my administrative assistant, Sutherland's Statutory Classification, 3d Fed., volume 3, in which, for instance, we find on page 98 the statutory construction. I have not had an opportunity to examine this very closely. I read:

> Words of a statute indicating that a particular course of action, or the like, is intended to be exclusive, are mandatory. Somewhat of a corollary to this reasoning is that by which an implied negative is found in connection with certain affirmative directions. The rule is that if by the language used a thing is limited to be done in a particular form or manner, it includes a negative that it shall not be done otherwise, and that an affirmative expression introductive of a new rule implies a negative of all that is not within its purview.

Many cases are cited in support of that general principle. From section 5402, page 22, of this volume, I read:

> A statute will not be extended to include situations by implication when the language of the statute is specific and not subject to reasonable doubt.

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

Mr. KEFAUVER. I will yield in a moment. In a footnote by Moorehead, quoting *Morse* v. *National Labor Relations Board* (99 Fed.), it is said:

> A necessary implication within the meaning of the law is one that is so strong in its probability that the contrary thereof cannot reasonably be supposed.

I now yield to the Senator from Florida for a question.

Mr. HOLLAND. Mr. President, I am wondering whether the Senator will be good enough, before he concludes this part of his address, to deal with two particular subsections of the pending measure which I shall mention to him at this time, namely, subsection (c) of section 3, which specifically saves all the water rights in the Western States and preserves them "as is," and section 7 of the bill, which specifically preserves all the reclamations laws of the United States and all the rights of the United States under those laws, in that section 7 provides that "Nothing in this joint resolution shall be deemed to amend, modify, or repeal the acts," and so forth, referring to the reclamation law and other laws. I ask the Senator if will be kind enough to comment on those two sections.

Mr. KEFAUVER. I make an honest confession to the Senator in the beginning, that if one of the acts mentioned in section 7 refers particularly to reclamation, then what I have said about reclamation would not be correct. I may say I did not examine to ascertain what the acts there enumerated refer to. I had understood they did not refer to flood control, power dams, or irrigation. But I do not know which one refers to reclamation. I should be very happy if the Senator, through another question, would point out which one it is.

Mr. HOLLAND. Mr. President, if the Senator from Tennessee will yield——

Mr. KEFAUVER. I yield, for a question only.

Mr. HOLLAND. I was asking the Senator to comment on section 7, which saves and exempts the reclamation laws; and apparently he was not aware of that fact. So I think I shall ask no further questions regarding it.

Mr. KEFAUVER. I may say that if any one of the statutes enumerated in section 7 refer to reclamation—I did not examine to see what the statutes were—then of course, reclamation would not be affected by the passage of the pending legislation. But I do wish to say to the Senator from Florida that the fact that one part of this subject matter may have been discussed, with certain exceptions in section 7, points up the fact that apparently it was felt necessary to include that section in order to make those exceptions, otherwise the things excepted would have been affected by other provisions of the joint resolution. It certainly shows the intention of the Senator that the proposed law would have some effect on reclamation, because he expected reclamation.

Now will the Senator point out where in section 7 there is anything about the Case bill relating to making potable water from the waters of the sea? Will the Senator point out where there is anything in section 7 excluding power projects from the operations of the measure? Or will the Senator point out where in section 7 there is anything excluding projects providing for flood control? It might be that navigation would be excluded under section 6. But there are many other activities of the Federal Government which would be affected by the proposed legislation, and the fact that the Senator has excepted reclamation, would certainly indicate that he intended to single out that one to be excluded, but to leave the others subject to the joint resolution.

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

Mr. KEFAUVER. I yield to the Senator from Florida, for a question.

Mr. HOLLAND. I hope that before I ask my question the Senator will turn to page 33 of the hearings, which page covers a part of the analysis of the joint

resolution and contains an analysis of section 7 at the bottom of page 33, which reads as follows:

The purpose of this section is to make certain that earlier acts of Congress relating to appropriation of water from streams in the public domain, placer mining, desert lands, reclamation, and flood control are not affected by this act.

I ask the Senator whether that analysis, if true, does not clearly show that section 7 removes the body of reclamation law from the effect of this measure?

Mr. KEFAUVER. I may only say that if the language is ambiguous, and such that it might be interpreted one way or another, that is, if the language is not plain and clear, then, of course, the courts have recourse to what the sponsor of the measure said as to the intention of the measure. That is persuasive to the court, in case of ambiguity. Mr. President, as to most of the uses of water, or the land under the water, I cannot find any ambiguity in the measure.

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

Mr. KEFAUVER. I yield to the Senator from Florida for a question.

Mr. HOLLAND. If the Senator will look at page 12 of the committee report he will find the description of each of the measures referred to as exempted and will see that they and their amendments do cover the exact body of the law mentioned in the analysis of the joint resolutions made by the Senator from Florida at the time he was testifying. I ask the Senator if that is not the case, as is disclosed when he has the chance to refer to page 12 of the report of the committee, beginning at the middle of the page, "Section 7—Construction With Other Acts," and then noting the acts that are referred to and described.

Mr. KEFAUVER. I think that in fairness I shall just read very briefly a statement as to what these acts are. This shows what the Senator wanted to except from the operation of the pending measure. And I take it that it also shows, by not including others, what he wanted to remain within the operation of the joint resolution.

On page 12 of the committee report, with reference to the act of July 26, 1866, it is stated:

The main purpose of this Act is to provide that the mineral lands of the public domain are open to exploration and occupation and to set forth the procedure for obtaining patents.

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

Mr. KEFAUVER. I yield.

Mr. HOLLAND. If the Senator does not mind, I wish he would begin reading from the first of the section.

Mr. KEFAUVER. Very well. I read as follows:

SECTION 7—CONSTRUCTION WITH OTHER ACTS

This section provides that the joint resolution shall not affect, modify, or repeal the certain prior acts of Congress with respect to water rights and uses as follows:

Act of July 26, 1866 (14 Stat. 251): The main purpose of this act is to provide that the mineral lands of the public domain are open to exploration and occupation and to set forth the procedure for obtaining patents. The act also provides that rights to the use of water which have become vested by priority of possession shall be protected, and it establishes the right of the owners of such vested water rights to construct ditches and canals for the use of the water.

I think it is speaking about the water rights of individual users on the public domain, and it does not directly affect the matter about which we have been talking. I read further:

Act of July 9, 1870 (16 Stat. 217): This act amends the act of July 26, 1866 (mentioned above) by providing that placer claims are subject to entry and patent, and by establishing the procedure for making such entries. The amendment specifically provides that the water rights conferred by the act of July 26, 1866, shall not be abrogated by the amendment.

That is substantially the same thing, Mr. President. I read further:

Act of March 3, 1877 (19 Stat. 377): This act provides that desert lands can be purchased for 25 cents an acre by persons who declare their intention to reclaim the land by conducting water onto the land within 3 years. The act provides, however, that the right to use the water shall depend on a bona fide prior appropriation and shall not exceed the water actually used for irrigation and reclamation. Under the act, all surplus water over such actual appropriation and use and all other nonnavigable water on the public domain are declared to remain free for appropriation.

I do not see that that has any particular relevancy to the question about which we have been talking.

Act of June 17, 1902 (32 Stat. 388): This act provides that all proceeds from the sale of public lands in 16 Western States (excepting the 5 percent set aside for education) shall be set aside in a reclamation fund for irrigation and reclamation projects. Under the act, a procedure is set up for the construction and location of irrigation projects and provision is made for entry on lands to be irrigated and for the purchase of irrigation water by private individuals. Section 8 of the statute provides that nothing in the act shall affect State laws relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired under such State law.

I do not see anything there which is relevant to the question we have been discussing.

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

Mr. KEFAUVER. I shall read the rest of it:

Act of December 22, 1944 (58 Stat. 887): This act establishes rules for the improvement of rivers for navigation and flood control, and authorizes the construction of certain public works on rivers and harbors for that purpose. The act declares that it is the policy of Congress to recognize the interests and rights of the States * * * in water utilization and control and limits navigation works to those which can be operated consistently with appropriate and economic use of the waters of such rivers by other users.

The act of December 22, 1944, does have some significance. It establishes rules for the improvement of rivers for navigation and flood control and authorizes the construction of certain public works on rivers and harbors. I suppose it assumes that the property belongs to the Federal Government. One cannot construct anything unless he has title to the land on which it is to be constructed. It does not say that the Federal Government owns the land or has a right to build a dam on land which is to be transferred to the States under the Holland joint resolution. As to those structures which have already been built, there is a right to establish rules for their use. But that does not touch the matter about which we have been speaking, namely, the ownership of land for the building of dams on rivers of the Nation.

Mr. President, I think I should also read at this time from the minority views. I read from page 31:

The development by the Federal Government of the water resources in our navigable rivers for the purposes previously mentioned—a program that is vital to the prosperity and welfare of the Western States and is also highly important to other parts of the country—is carried on pursuant to the Government's "great and absolute" power under the commerce clause of the Constitution. That constitutional power includes the right to use the beds of navigable rivers as sites for the dams and other structures that are needed for the furtherance of the multiple-purpose program of water resources development, even though the legal title to such submerged lands is vested in the States through which the navigable rivers run.

Citing a number of Supreme Court cases. I read further, Mr. President:

The legal title of the owner of the bed of a navigable river is servient to the right of the Government to use the bed of the stream for structures incident to the exercise by the Government of its power under the commerce clause of the Constitution (*United States* v. *Chandler-Dunbar Co., supra* (at p. 62)).

Therefore, in declaring that the Federal Government's power under the commerce clause of the Constitution shall not hereafter be deemed to include the right to use the beds of navigable rivers, this measure undertakes to reverse the Supreme Court with respect to a well-established principle of constitutional law, and thereby to halt the Federal Government's multiple-purpose program of water resources development for navigation, flood control, irrigation, and electric power. Obviously, that program cannot be carried forward unless the Government can use the beds of navigable rivers for the dams and other structures essential to it.

Mr. President, the minority report agrees fully with what I have been trying to say, namely, that the joint resolution would certainly impede the program of the Federal Government of carrying out the construction of multiple-purpose dams.

The minority views are signed by a number of distinguished Senators. It was filed by the distinguished Senator from Montana [Mr. MURRAY] and a number of members of the committee joined him in the report. It is signed by the Senator from Montana [Mr. MURRAY], the Senator from New Mexico [Mr. ANDERSON], and the Senator from Washington [Mr. JACKSON].

We all know that the distinguished Senator from New Mexico [Mr. ANDERSON] has had perhaps as much experience as has any Member of the United States Senate in connection with reclamation and power projects and with the development of our great natural resources. Certainly the Senator from New Mexico would not say, as is said in the minority views, at page 31, that this

law would halt the Federal Government's program of multipurpose dams unless he felt it would do so.

The Senator from Washington [Mr. JACKSON] is a lawyer of good repute. He has been a very successful prosecutor and served as a Member of the House of Representatives for many years before coming to the Senate. He has been interested for a long time in the great Columbia River project.

I may say to the Senator from Florida [Mr. HOLLAND] that whether or not Mr. Judson King is right, whether Senators who have joined in the minority views are right, whether I am right, or whether the Senator from Florida is right in his construction, the difference in opinion shows that the matter is going to end in the biggest lawsuit the Nation has ever known. Certainly it shows that there is serious doubt as to whether we shall be taking away the right of the Federal Government to carry on these programs. It shows the necessity for establishing a commission that will study the problem very thoroughly.

I feel certain that the Senator from Florida does not intentionally wish to destroy the multipurpose dam program. I am certain that he would dislike to have the Federal Government become inferior to the States in the matter of building dams. I think that is what the joint resolution would accomplish.

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

Mr. KEFAUVER. I yield for a question.

Mr. WATKINS. Do I understand correctly that the Senator from Tennessee makes the point that the pending joint resolution would prevent the future building of reclamation projects in the West, because of this provision?

Mr. KEFAUVER. I have tried to make that point, and I think it is correct, unless reclamation is excepted by section 7, and I am not satisfied that section 7 eliminates the possibility of what I am suggesting. I am making the point because land and natural resources are transferred to the States. The Federal Government would relinquish rights. Certain powers would be retained in the Federal Government, in another part of section 3. But when we come to section 7, we find that the Federal Government would retain only powers over commerce, navigation, national defense, and international affairs. The use and management of water and land would be vested in the States.

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

Mr. KEFAUVER. I yield.

Mr. WATKINS. Does the Senator realize that in practically all of the 17 Western States that are subject to the Reclamation Act, it has been the accepted doctrine, approved by the United States Supreme Court, that the water itself belongs to the States, and that before any reclamation projects can be built, the Federal Government has to enter into arrangements with the States, either by filing applications or making some other arrangements, whereby water can be obtained for storage in these projects, and that there has never been any difficulty in the past in getting States to agree to such an arrangement? As a matter of fact, the States are clamoring for such projects. They will yield their land and their rights to the Federal Government to store water for the benefit of the people who actually receive benefit from irrigation projects. This has never been a problem. The States have always cooperated. Does not the Senator realize that?

Mr. KEFAUVER. If the Senator will permit me to do so, I shall try to answer the question.

I am not so familiar with reclamation projects as is the Senator from Utah. However, the Senator's statement fully confirms the theory I have had. His statement begins with the premise that the joint resolution confirms title to the use of the land and the water in the States, so that the Federal Government would have to come to the States in order to secure permission to make use of it.

I take it that it is true in most cases, although I know of some exceptions, that States are very happy to grant the use of water for reclamation purposes, but I say to the Senator that I am not one who wants to put the Federal Government in the position of having to come to the States to ask permission for the use of water when in the national interest the Federal Government wishes to build a multipurpose dam. We know that many dams are built for the purpose of furnishing power, and for navigation, flood control, and reclamation purposes. It may be true that in the case of reclamation projects permission is usually granted. But knowing the attitude that has been expressed by the governors and legislatures of many States, I imagine that many of them would hold out for a long time before granting permission to erect a multipurpose power dam.

Mr. WATKINS. I should like to ask the Senator to name one State in the group of reclamation States that has ever objected.

Mr. KEFAUVER. I know that there has been much objection on the part of California in the case of the Central Valley project. That is a reclamation project that has been debated for a long time.

I observe that the Senator from New Mexico [Mr. ANDERSON] is about to ask a question. He is probably the world's greatest authority on this subject.

Mr. WATKINS. I should be very glad to hear a statement on this subject by the world's greatest authority. I should like to know if he can come up with any other opinion than that the Western States claim complete control and ownership of the right to use all the waters within their borders.

Mr. ANDERSON. Mr. President, will the Senator from Tennessee yield for a question?

Mr. KEFAUVER. I yield to the Senator from New Mexico for a question.

Mr. ANDERSON. Does not the Senator recognize that the past history of such measures and the action of the House of Representatives might be somewhat enlightening? In order to help the Senator reach his decision, I shall read to him the following language which appeared in the original bill introduced in the Senate:

> That nothing in this act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power at any site where the United States now owns or may hereafter acquire the water power.

That very language was carried into House Joint Resolution 4198. If the Senator will look at page 8, lines 10 and 11, he will see that it relates to the production of power, and then these awful words creep in again:

> At any site where the United States now owns or may hereafter acquire the water power.

If the Senator desires that I remind him, I call his attention to the fact that in the executive hearings, when we were trying to mark up the bill, S. 1309, there appeared the words "waters for the production of power at any site where the United States now owns water power."

The wisdom of that was questioned by me time after time. I pointed out that such a provision might be filled with possibilities for trouble. Under the commerce clause, the Federal Government can improve the navigability of a stream and can regulate commerce upon it. In the discharge of these functions it may build a huge dam, and in releasing waters over that dam it may incidentally generate power, but the Government may not own the water power, and is not concerned with the question of title to the water power. It does what it does by virtue of the Constitution, and not from some special title to land or water. That was repeated time after time.

I should like to ask the Senator from Tennessee if he does not think that it is significant that in section 6, which has been questioned time after time, and which lists the powers which are retained by the United States, the joint resolution proceeds to limit the powers which the United States Government has, so that instead of granting or retaining powers, it would limit existing powers. In dealing with navigational servitude the words "or the rights of management, administration, leasing, use, development, and control" are employed, and a limitation on the rights of management, administration, leasing, use, or development of a river bed would certainly restrict the right of the Federal Government, under the commerce clause, to build a dam or any other thing that might come under the heading of its present power under the Constitution.

Mr. KEFAUVER. I agree with the Senator from New Mexico. I think certainly that the provision in the joint resolution marking out water power at locations where it is presently located, or which the Government may acquire, shows that someone had in mind striking a hard blow or a death blow at the Federal power program.

Mr. ANDERSON. Mr. President, will the Senator yield a moment or two longer?

Mr. KEFAUVER. I yield for a question.

Mr. ANDERSON. In connection with section 6, does the Senator recognize that the words point out that the rights of the Federal Government shall not be deemed to include proprietary rights of

ownership or the rights of management, and such things? Supreme Court decisions for more than 100 years have clearly shown that the State through which a navigable stream runs has title to the bed of the stream. Other decisions of the Supreme Court say that the Federal Government's constitutional power under the commerce clause, to regulate and improve navigation on such river, is a greater right than the proprietary right of the State in the bed of the stream. This means that if the Federal Government, in order to improve navigation, or to aid navigation on the river, should decide that a dam or some other structure ought to be erected, it could utilize the bed of the stream for that purpose without securing the consent of the State and without buying the water power from the State. The provision in section 6, which seems to give the Government no such power, surely is designed to limit the rights which the Federal Government has under the commerce clause of the Constitution. Does not the Senator agree?

Mr. KEFAUVER. I certainly agree with that statement. It seems to me that in view of all the Supreme Court decisions, the States have the value in the land under the rivers, but the Federal Government has always had the right to build dams across rivers. That lends some strength to the belief that there is a very unusual and strange effort here further to limit the use of river water and river bottoms in such a way as to prevent the building of multiple-purpose dams and the use of water for the production of power, or even for reclamation and other purposes.

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

Mr. KEFAUVER. I yield for a question.

Mr. MURRAY. Does not the Senator think it would have been a very simple matter, if the intention of the drafters of this legislation was to continue the authority of the Federal Government to enter upon such rivers and construct multiple-purpose dams, for them to have inserted the appropriate language in the joint resolution? With respect to section 7, to which reference has been made, I do not believe it means anything.

Mr. KEFAUVER. I have been trying to find out what it means.

Mr. MURRAY. Of course, with respect to all the laws which were passed during the period from 1866 until 1944, this joint resolution shall not be deemed to modify, amend, or repeal such acts. However, it does take away from the Federal Government the right to enter upon those streams and build dams. It turns over to the States full control and dominion over them.

Mr. KEFAUVER. I thank the Senator.

Mr. MURRAY. In order to build a multipurpose dam the Federal Government would have to buy rights from the State. It would have to obtain the privilege from the State. At the present time Federal law provides that before anyone can build a dam on any navigable river he must go to the Federal Power Commission and obtain the right to start such construction.

Mr. KEFAUVER. I thank the Senator. I think he is right. I do not believe section 7 does very much for the Federal Government. I have not had an opportunity to study all the details of the laws to which the Senator refers; but taking the synopsis which the Senator from Florida [Mr. HOLLAND] has shown, I cannot see how it alters the basic fact that, hereafter, the water and the land, and the use thereof, on navigable rivers, belongs to the States, and that the Federal Government cannot build any multipurpose dams there without securing the permission of the States to do so.

Mr. MURRAY. The joint resolution also provides for the reservation to the States of the right and power to manage, administer, lease, develop, and use the lands and natural resources.

Mr. KEFAUVER. Yes. It involves the great question whether the Federal Government could use the water from the rivers without paying a severance tax. I do not see where that subject is dealt with here. It might possibly be dealt with in respect of regulation.

Mr. ANDERSON rose.

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

Mr. KEFAUVER. I yield first to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, does not the Senator believe that it is wise to stay with laws whose meaning we know, and whose language permits us to construct these great multipurpose projects, rather than to take language which we do not know, language which we are not sure about, and language which those who have been studying this question for a long time feel might limit the commerce clause, and could only have been put in the measure to limit the rights of the Federal Government under the commerce clause? Does not the Senator think it is safer to stay with terms which we know will permit us to operate?

Mr. KEFAUVER. I entirely agree with the Senator. Before we pass a joint resolution which has even the possibility of doing the great damage which many of us think this measure would do to the Federal Government, we ought to have a commission to study the subject. That would not prejudice the position of the Senator from Florida. He ought to be willing to have light shed on this issue by a commission. If he is right in his interpretation, all well and good. It would be very easy for a commission, after considering this question, to report what kind of language, in its opinion, would accomplish what the Senator is talking about. Certainly the least which would result from this provision in respect to our Federal power program would be unlimited litigation. I have not seen anything yet brought out by the Senator from Florida which would enable the Federal Government to take sea water and make potable water from it. I do not see any exclusion of the Case Act in section 7. I do not see where the operation of the Case Act is excluded. I do not see any provision which would enable the Federal Government to take sea water for the purpose of making magnesium. So there are a great many values which would be denied to the Federal Government.

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

Mr. KEFAUVER. I yield to the Senator from Florida for a question.

Mr. HOLLAND. Now that the Senator has discovered that, among others, two fields of law completely exempted from any effect of the pending joint resolution by the provisions of section 7 are, first, the field of reclamation law, which is completely exempted by the exemption of the act of June 17, 1902, and acts amendatory thereof or supplementary thereto, and, second, the field of flood-control legislation, specifically exempted by the exemption of the act of December 22, 1944, and acts amendatory thereof or supplementary thereto, is not the Senator willing to reconsider his formerly announced position, and to admit that there is nothing in the pending joint resolution which would take away in the slightest from the right of the Federal Government with respect to those two important fields of reclamation and flood control?

Mr. KEFAUVER. I will say to the Senator that he is placing his own interpretation, and not my interpretation, upon the concession which I have made. I will say also to the Senator that I have seen nothing which destroys the basic fact upon which I have been arguing, that whether it is reclamation, whether it is flood control, or whether it is electric power, this proposal would change the rules affecting the building of dams for such purposes. It changes the rule in that from this time forward the Federal Government will have to secure the permission of the States as to where a dam shall be located before it can build, whether it be a reclamation, flood control, multiple-purpose dam or hydroelectric power dam.

I believe that to be true notwithstanding the exceptions which are included in section 7, because there is a specific transfer of the lands and natural resources to the States. The recitation of what is retained by the Federal Government, in section 6, coming after section 3, means that section 6 would be the section under which the powers of the Federal Government would be construed. In section 6 nothing is given to the Federal Government by way of rights, except in connection with commerce, navigation, national defense, and international affairs. The use, administration, and ownership of lands and natural resources are given to the States.

I think that fact raises such a serious question that we would be making a great mistake if we passed the pending joint resolution without getting the whole question clarified. Certainly it would be a great blow to the people of this Nation who have been interested in reclamation, flood control, and power for such a thing to happen.

Mr. President, I am not the only one who says that that is a possibility. I have quoted from what Mr. Judson King says. Over the course of the years he has been very intelligent in his study and report on the effect of bills dealing with this subject.

It is said also by three Members of the Senate, who have joined in presenting their minority views on the pending joint resolution. At page 31 of their minority

views they state that the rules of the game will be changed and that great detriment will be done to the public-power program, navigation, flood control, and the development of electric power.

Mr. MURRAY. Mr. President, will the Senator from Tennessee yield?

The PRESIDING OFFICER (Mr. THYE in the chair). Does the Senator from Tennessee yield to the Senator from Montana?

Mr. KEFAUVER. I yield for a question.

Mr. MURRAY. I invite the attention of the Senator to the analysis of the joint resolution which is found in the first part of the record of hearings at pages 32 and 33.

I note that the analysis, in referring to section 6, merely gives the first part of the section and makes no reference whatever to the part of the section which states that the powers retained by the United States "shall not be deemed to include proprietary rights of ownership, or the rights of management, administration, leasing use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution."

In other words, it delimits the power and authority of the Federal Government in connection with its control over the lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs.

If it was intended by the framers of the joint resolution that the rights of the Federal Government were to remain the same as they were before, it would have been very easy to insert appropriate language in order to carry out the purpose.

With reference to section 7, all that the analysis states is:

> The purpose of this section is to make certain that earlier acts of Congress relating to appropriation of water from streams in the public domain, placer mining, desert lands, reclamation, and flood control are not affected by this act.

Mr. FERGUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan will state it.

Mr. FERGUSON. Is the Senator from Montana asking a question?

Mr. MURRAY. I am asking it as a question.

Mr. KEFAUVER. The Senator from Montana is asking a question.

Mr. MURRAY. Is it not the opinion of the Senator from Tennessee that those two provisions do not answer the argument which he has been making?

Mr. KEFAUVER. That is exactly correct. I agree fully with the Senator. The evidence is accumulating all the time that the statement in the minority report, to the effect that the joint resolution will adversely affect navigation, flood control, irrigation, and electric power development is correct.

It should be noted also that the Senator from Florida [Mr. HOLLAND] seems to place an interpretation on language which I do not share. I should like to read from page 19 of the joint resolution, near the top of the page:

> Natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution.

The Senator from Florida argues that that language would automatically bring into operation section 3 (d).

However, it will be seen that the language which I have read refers only to that which was "recognized, confirmed, established, vested in, and assigned to." It will be noted that at the end of section 6 there appears no limitation. It would have been very easy to clarify that point if the framers had wanted section 3 (d) to apply to section 6. Then it would have been clear. As it is, I am afraid it is not clear.

Mr. President, it is remarkable that after about 15 years of controversy the people of the United States in general know so little about either the issues involved in this matter or about the actual area concerned. In part this has been due to the large amount of dust which has, I am afraid, been thrown in the eyes of the American public, and partly due to the fact that the issues involved are extremely complex in all their ramifications. There are, of course, a number of persons informed on the issue, but many of these persons are unfortunately only partially informed themselves.

The compound word "tidelands" which became attached to this issue is partly at fault. What is involved here is not the tidelands at all. The tidelands are not involved because the ownership of the tidelands has never been, to my knowledge, in dispute. In cold actuality the tidelands consist of those areas bordering the coast over which the tides of the sea ebb and flow. Properly and scientifically the term tidelands covers that usually narrow area from the highest point reached by flowing tides to the lowest point reached by ebbing tides. That area scientifically is distinct because it is marked by its own singular phenomenon—that is, the ebbing and flowing of the tide.

The tidelands on all the coasts of the United States—the east coast, the gulf coast, and the Pacific coast—historically and actually have been the possessions of the States of which they are the borders. So, far as I know, they have never been in dispute as to ownership. That established ownership has never been questioned by the Federal Government and was not in question in the cases before the Supreme Court of the United States which decided the ownership of the submerged land beyond the true tidelands.

What is at stake in the joint resolution before us, Mr. President, is the area of the Continental Shelf beyond the edge of the tidelands, that is, the low-water mark.

The Continental Shelf, submerged though it may be, is a true part of the continental mass. The shelf forms the shoulders, so to speak, of the continent.

In geological times past these shelf areas have, at various periods, been above water, just as most of the earth's surface has been below water for long periods.

The Continental Shelf, adjacent to the United States, varies considerably in width. At places along the east coast it is moderately wide. Along the gulf coast it is very wide, indeed, extending in places for several hundred miles. Along the Pacific coast, however, the shelf is quite narrow. Usually, true shelf areas are easy to identify, since at their outmost edge the land mass comes to a more or less abrupt halt, and the genuine depths of the seas and oceans begin.

The significance of the shelf areas in this case is the mineral wealth they contain. They contain such mineral wealth principally because in past geologic ages they have been subject to the same forces, conditions, and events, which have built stores of certain minerals on what is now dry land.

A little later I shall provide some information on the possible origin of some of this mineral wealth in the sea and on land, but it is interesting to note that although we have been accustomed to obtaining most of our petroleum from wells on dry land, in all likelihood those deposits of petroleum and related minerals and gases were established in those areas when they were under the sea. It is almost certain that all of the world's supplies of petroleum had their origin in life in ancient seas. Thus, it is by no means remarkable that the submerged areas of the continents known as continental shelves have many of the characteristics of adjacent dry land, so far as certain mineral resources are concerned.

The continental shelves are important for another reason, in that they support the most important food fisheries of the world. Although the open seas contain life and provide satisfactory homes for many creatures of importance to us, such as the whales and often the world-ranging tunas, those seas would not supply our great fisheries. Food for the fish which form such an important part of the world's diet is obtained most easily from the submerged areas of the Continental Shelf or from under-water plateaus of similar character, which we know as banks. The presence of vast numbers of marine creatures on these shelves and plateaus is due, first, to the fact that the relative shallowness of the water permits the growth of vast quantities of plants and plant-like organisms which form the basis of the food cycle of the seas, just as other plants do in the case of the food cycle on the land. Thus, eventual control of the areas of the Continental Shelf has much to do with the proper conservation of our fishery resources, on which one of our most important food industries is based.

If our coastal fisheries are properly nurtured and conserved, they will be available long after the last drop of recoverable petroleum has been taken from the areas of the Continental Shelf. So it would be folly of the worst sort if the Congress of the United States by any action which it may take at this time in reference to the ownership and control of these areas did not take into account the future of the fishing industry of the United States. However, up to this time I have seen no evidence that the needs and rights of the fishing industry have in any way been considered.

The eventual disposition of titles to areas of the Continental Shelf might be a simpler matter if all these shelf areas were peculiar to specific continents. However, this is not the case.

In some cases continents are joined by these submerged shelves. If we had been alive during the great ice ages of the past and then had had the advantage of modern technology, we could have seen a world with a geography considerably different from that of today. Some of the ancient ice caps were of such large size and extent that they contained, in the form of ice and snow, much of the water which now fills the seas and oceans. At such times the level of the oceans was many feet below the present level, and in many cases we could have seen land bridges from island to nearby continent and in some cases from continent to continent. As a matter of illustration, let me say that in at least one of those periods, and quite probably in several, the islands of Ireland and Britain were physically united with each other and with the continent of Europe. This was true in the most recent ice age, and below the surface of the sea there are still evidences of what once was a great river system; both of what are now the Rhine and the Thames Rivers were probably parts.

The evidence is that in a relatively early part of the retreat of the last ice age, Ireland was cut off from the land mass of which Britain was then a part. This accounts for the fact that there are no snakes in Erin, it then having been a good deal too cold for snakes. In relating this bit of scientific lore, I hope no offense will be taken by the Friendly Sons of Saint Patrick.

In the same period, the island of Iceland may have been united with northern Europe and, in turn, with Greenland. In any event, a long submerged ridge exists today between these land areas.

In our own hemisphere it seems certain that a land bridge existed between Alaska and the continent of Asia. There is a very real possibility that this was the means by which early man and the early forms of many of our animals and plants crossed to this continent. Of course, the reverse could have been true.

That submerged bridge of land exists today. While we are discussing the fate of areas of the Continental Shelf far to the south of Alaska, it is well to remember that the principles which may be established in this case will eventually apply to Alaska, and that there is no convenient break in the Continental Shelf over which part of the Bering Sea rolls. It still connects our continent with Asiatic Russia.

Mr. President, I have gone into the matter of the importance of the fishing industry, as regards the Continental Shelf, and also into the matter of the importance of the minerals and other resources of the submerged areas off the coasts of our States, because it seems important to me, if we are to dispose of any of the national interest in the Continental Shelf area, that we clearly understand, insofar as it is possible to do so, the nature of the action that it is proposed that we take.

Two things created the intense current interest in the question of control of the Continental Shelf areas off the shores of the United States. The first of these is the discovery that oil existed beneath coastal waters. The second is the development of means by which this oil could be brought to the surface.

Mining beneath the surface of the sea is a rather old story. For many years there have been in Great Britain mines below the sea. In that case the openings of the mines were on dry land, and the mines were slanted seaward into areas where accumulations of coal lay beneath the sea.

The first oil to come from submerged lands came from California, where oil wells lining the beaches are a familiar sight to visitors to that great State. Next came ventures into the true tidelands; and then it was only a step to the drilling of wells in open water. Wells off the shores of Louisiana and Texas consequently were brought in. I believe it is true that at the present time no proven oil-bearing areas exist in the Continental Shelf areas off the coasts of the United States, except in the areas adjacent to the States of California, Louisiana, and Texas. The interest of Florida has been amply demonstrated here by the able and distinguished senior Senator from that State, whose joint resolution to quitclaim the national interest in portions of the Continental Shelf area, for the benefit of the adjacent States, we are now considering. In practical benefits, however, at the present time, only the States of California, Louisiana, and Texas would share. Other coastal States doubtless hope that oil will be discovered off their shores, but so far the hope is only a pious one.

No inland State, including my own State of Tennessee, could ever hope to benefit directly in any way from any measure quitclaiming the national interest in these submerged coastal lands. If petroleum and gas were the only treasures of these areas, it is at least doubtful that any of the coastal States, with the exception of California, Texas, and Louisiana, could benefit in a practical and direct way from the passage of the pending measure. Providence has indeed been kind to the States of California, Texas, and Louisiana. They are among some of the most fortunate of our 48 States. One cannot blame them at all for seeking, through the medium of congressional action, the further smile of fortune.

Because no exact figures are available in regard to the proven or estimated oil resources of the submerged areas off these three States, there can only be a guess as to the value which the Congress, with the assent of the President, could transfer from the Nation as a whole to these three States. The estimates I have seen have run into the billions of dollars. The value is truly incalculable.

Before discussing further the potential value of these submerged areas and the waters above them, I think it is time to point out that in the controversy over the ownership of these areas, oftentimes the national interest of the Federal Government has almost been put into the class of the interest of a foreign power. The citizens of the States most desirous of the proposed change of ownership and control are in nowise alien to the Federal Government, nor is the Federal Government alien to them. It is their creation, as it is the creation of the citizens of the other States of our land. The national interest is their interest, just as the national interest is the interest of the citizens of the State of Tennessee or the citizens of the Commonwealth of Massachusetts or the citizens of the State of Ohio or the citizens of the State of Washington. The rights which we are being asked to transfer now belong to all of us equally. They belong to each and everyone of us. They are part of the heritage of our Nation.

But the wealth in the submerged areas off our coasts is not limited to the amount of petroleum which may be found there. There are other values which in time may prove to be far greater. Earlier today I spoke of magnesium and of potable water which may be obtained from the sea.

One of the most distinguished books of our time is The Sea Around Us, written by Rachel L. Carson, who at the time when she wrote this famous book was editor in chief of the United States Fish and Wildlife Service. Her book contains much information regarding the mineral wealth of the seas, which all of us should know about. She also provides us with a clear story of what is now known regarding the original formation of petroleum. It will be of considerable benefit if, during our deliberations, Senators have available information contained in this book. It would assist in the consideration of the pending measure to read in its entirety this short book. It would be very germane to read every line on every page of the book. I think it would add to the information which Senators ought to have relative to the values of what we are being asked to give away under the joint resolution. However, Mr. President, even though it would be entirely germane, and even though it would be useful for Senators to have all of the information contained within this book, I am not going to read the book in its entirety. This is not a filibuster. I desire to get through with my speech; I am anxious to do so, and to resume my seat as soon as possible.

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

Mr. KEFAUVER. I yield to the Senator from Louisiana for a question only.

Mr. LONG. Is it the book the Senator wrote against filibustering which he would like to read to us?

Mr. KEFAUVER. No. I may say to the Senator that the book I wrote is a good book. I could also read that book in this connection, but I do not intend to read either book. I may say to the Senator I wrote a book in which I expressed my opposition to filibustering as a matter of principle. I do not believe in filibustering. I may say that I know of no rule that has been proposed, in an effort to expedite the final vote on any issue, that would not have allowed much more debate than has taken place thus far on the pending measure.

Mr. LEHMAN rose.

Mr. KEFAUVER. I see the distinguished Senator from New York is on the

floor. He proposed to amend present rule XXII so as to allow 3 weeks of debate, with a limitation of 1 hour to a side on amendments. But, Mr. President, I say if there ever was a question affecting the national resources of this Nation which ought to be fully discussed, it is the question of the passage of Senate Joint Resolution 13. The measure has come before the Senate without knowledge on the part of the people of what is involved, without knowledge of what it would do to the United States, without appreciation of the fact that we would be giving away our national heritage, without appreciation of the fact that the vast amount of treasure involved ought to be used for the national defense and for purposes of education as well as for the retirement of the national debt. Furthermore, it comes before us without appreciation of the fact that, by the passage of the pending measure, we would be whittling away and tearing down our Nation as well as abrogating fishing treaties which we have made with many other nations; and without appreciation of the fact that we would stand in real danger of doing irreparable damage to our public power program, our reclamation program, and other programs designed to promote the public welfare.

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

Mr. KEFAUVER. So, if there ever was an issue which should have been discussed at great length, this is such an issue. But I want to say to the Senator from Louisiana that, so far as I am concerned, I am not engaging in a filibuster. On the contrary, I think this measure ought to be brought to a vote.

As evidence, Mr. President, that we are not engaged in a filibuster, I may say that I placed in the Appendix of the RECORD a little while ago a speech I had made on the subject of potable water. Had I been interested in a filibuster, I could have read the whole speech.

Mr. President, I think this is my second speech. Last Saturday we suspended at 5:30. I felt good. I could have continued for many, many hours, though perhaps not so long as did the late father of the distinguished Senator from Louisiana [Mr. LONG] on one occasion, on which my recollection is that he spoke for 22 hours. I could not do that.

Mr. LONG. It was 15½ hours.

Mr. KEFAUVER. At any rate, I think it was the longest speech in history. I do not blame Senators for not wanting a long debate on the pending measure. I believe that when the people realize what would be the effect of passage of the joint resolution, when they realize it is not merely and simply a matter of giving to the States certain revenues from the sale of oil beneath the water—which is probably what President Eisenhower had in mind—when they realize that it would have the effect of transferring from the Federal Government certain rights affecting the use of the waters of the sea, and the land under the sea, and that it would affect detrimentally the rights of the Federal Government with respect to navigable rivers and the land thereunder—when the people realize the fearful international and domestic complications which would probably result from passage of the joint resolution, they will rise up to demand that it be defeated and that a commission be created to study the entire problem, to the end that we may legislate in the light of all the material facts.

I have always had great confidence in the American people when they once come into possession of the facts. It is very difficult to get the facts to them. The Senator from Alabama [Mr. HILL] made a wonderful speech, explaining the whole subject of the joint resolution. The Senator from New Mexico [Mr. ANDERSON], the Senator from New York [Mr. LEHMAN], and other Senators have spoken. The Senator from Louisiana [Mr. LONG] always makes a good speech. We are interested in getting the information to the people about the pending measure, which involves the most important subject that will come before the Congress at this session or at any subsequent session during peacetime. Yet we find perhaps but an inch or two of space in the newspapers devoted to the subject. Debate on the Senate floor is therefore the only way in which we can hope to get the story to the people. When the facts are understood by the people, we shall then be very happy to vote.

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

Mr. KEFAUVER. I am happy to yield to the Senator from New York, for a question.

Mr. LEHMAN. I wonder whether the Senator from Tennessee recalls that at the time of the filibuster on the FEPC bill, the filibuster came, first, not on the measure itself, but merely on a motion to take it up on the floor of the Senate?

The PRESIDING OFFICER. The Chair must remind the Senator from New York that the Senator from Tennessee yielded for a question only.

Mr. LEHMAN. Mr. President, that is a question.

Mr. KEFAUVER. Mr. President, the Senator from New York is going to ask a question.

Mr. LEHMAN. I may point out to the distinguished occupant of the Chair that my first words were "I wonder whether the Senator from Tennessee recalls," and so forth. I am merely attempting to identify what happened. I think I am entirely in order.

Mr. LONG. Mr. President, a point of order.

Mr. ANDERSON. Mr. President, does the Senator from Tennessee yield for that purpose?

Mr. KEFAUVER. No; I do not yield for a point of order, Mr. President.

The PRESIDING OFFICER. The Chair is uncertain whether the language of the Senator from New York should be construed as a question or as a statement. Therefore, the Senator from New York may proceed.

Mr. LEHMAN. I thank the Chair very much. I shall repeat my question.

Mr. KEFAUVER. Mr. President, I yield for a question.

Mr. LEHMAN. Does the Senator from Tennessee recall that, at the time of the filibuster on the FEPC bill, the filibuster came, in the first instance, on a motion to take up that bill, so that it might come before the Senate for consideration?

Mr. KEFAUVER. Yes; I do.

Mr. LEHMAN. Does the Senator also recall that had we been able to stop the filibuster—which, of course, under the Wherry rule, was impossible—we still would have been confronted with another 21-day delay? I wonder whether the Senator recalls that?

Mr. KEFAUVER. Yes; I recall that, in January 1949, or whenever the question came up, the debate was never on the FEPC bill; the debate was merely on a motion to take up the bill.

I think it should also be kept in mind that the motion by the majority leader to take up Senate Joint Resolution No. 13 was debatable and therefore, had any Senator intending to oppose it, wanted to engage in a filibuster, he could have begun a filibuster, and we could have continued to talk on the motion to take up the joint resolution for 6 months; but we were anxious to have the measure discussed on its merits. I think that all the speeches which have been made in opposition to the joint resolution have been germane and have supplied useful information about the subject.

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

Mr. KEFAUVER. I yield to the Senator from New York, for a question only.

Mr. LEHMAN. I wonder whether the experience of the distinguished Senator from Tennessee in regard to demonstrations of public support has been the same as that of the junior Senator from New York, who found that in the early days of the debate, judging by his mail, telegrams, and correspondence, there was relatively little interest in the subject; but within the past 3 or 4 days, the Senator from New York has been astounded at the tremendous volume of mail and telegrams coming in—mail and telegrams that have run 40 and 50 to 1 in favor of the position assumed by the Senator from New York and his distinguished colleagues.

Mr. KEFAUVER. I have been aware, of course, that there is an increasing opposition to the joint resolution and an increasing alarm over some of its provisions. I have not been so fortunate as to have had an opportunity of examining my mail today, because I was here until late Saturday afternoon. But I have been advised that the proportion of my mail in opposition to the proposal is increasing. I will say to the Senate that the proposed legislation cannot stand the light of public opinion. If it is examined all the way through, and inquiry made as to what it will do to our Nation, it would fall on its own merits, or lack of merits.

I think the people of the United States are beginning to understand that while there was a political promise of some kind made on the part of the President, perhaps before the full facts were appreciated, the proposed legislation goes even far beyond any general political promise made. It goes far beyond anything the Attorney General of the United States thinks should be passed. It is not at all satisfactory to the Interior Department. I do not think the Department of State has fully expressed itself. I know that Mr. Tate had testified that he thought

the States being given jurisdiction beyond 3 miles from shore would be very dangerous and would bring about international complications. There was called to my attention by the Senator from Minnesota [Mr. HUMPHREY], a letter, which was printed in the hearings written by Thurston B. Morton, Assistant Secretary of State, for the Secretary of State. Mr. Morton is an excellent lawyer, a citizen who puts the welfare of the country above politics, and above his own personal motives and desires. He served in the House of Representatives for several terms, representing a Louisville, Ky., district. His letter, written for the Secretary of State, is absolutely opposed to the pending joint resolution. He says that if the joint resolution is enacted it will bring about complications of an international nature which would be disastrous. So, Mr. President, the Secretary of State is not for the joint resolution. My attention has just been called to the fact that the letter appears at page 1088 of the hearings. It is in very fine print.

I have been wondering why the opponents of the bill did not call the Secretary of State to testify, because his statement of opposition would be very, very forceful. Possibly some of the Members of the Senate have not been aware of the fact that the State Department opposes the proposed legislation, and I think it would be well to read a line or two of Mr. Morton's letter. It is dated March 6, 1953, addressed to the Senator from Washington [Mr. JACKSON]. The Senator from Washington had written Mr. Dulles, and his letter was answered by Mr. Morton for the Secretary of State.

I hesitate to think that the proponents of the proposed legislation want to bring about the conditions, the stress, and disorder which Mr. Morton fears in connection with it.

Mr. Morton says in his letter:

> The third and last question is to what extent would the proposed legislation conflict with the obligations and responsibilities of the Federal Government under international law, treaty, custom, and usage?

Mr. President, this is very important, and I hope Senators will listen to the language. I am reading from Mr. Morton's letter:

> Extension of the boundary of a State beyond the 3-mile limit would directly conflict with international law, as the United States conceives it, and may, moreover, precipitate developments in international practice to which this Government, in the national interest, is clearly opposed. A number of foreign states are at present showing a clear propensity to extend their sovereignty over considerable areas of their adjacent seas. This restricts the freedom of the sea, and the freedom of the sea has been and is a cornerstone of the United States policy because it is a maritime and naval power. Any change of position regarding the 3-mile limit on the part of the United States is likely to be seized upon by other states as justification or excuse for broader and even extravagant claims over their adjacent seas. Indeed, this is just what happened when this Government made its proclamation of 1945 regarding the resources of the Continental Shelf. It precipitated a chain reaction of claims generally going beyond the terms of the United States proclamation, including claims of sovereignty extending to 200 miles from shore. Extension now of the jurisdictional powers of the States in the high seas beyond those heretofore claimed by the Nation would, of course, be an abandonment of the traditional policy of the United States and negate the determined efforts now being made by this Government to oppose and restrain such actions on the part of others. It would likewise be an abandonment of those states which have hitherto stood with us in the development of our present position.
>
> Sincerely yours,
>
> THRUSTON B. MORTON,
> *Assistant Secretary*
> (For the Secretary of State).

Mr. ANDERSON. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield for a question.

Mr. ANDERSON. Will the Senator ask unanimous consent that I may place an editorial in the RECORD following his remarks?

Mr. KEFAUVER. Mr. President, I ask unanimous consent that the Senator from New Mexico [Mr. ANDERSON] may place in the RECORD a newspaper editorial following my remarks, without prejudicing my right to the floor.

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

Mr. ANDERSON. Mr. President, I desire to place in the body of the RECORD an editorial from the New York Times of this morning which may explain the increase in the mail which many Members of the Senate have been receiving. I should like to have the editorial placed in the body of the RECORD following the remarks of the Senator from Tennessee.

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

(See exhibit 1.)

Mr. KEFAUVER. Mr. President, when the Senator from Louisiana [Mr. LONG] asked me about another book, I was telling why I was not going to read all the book in detail. It is entitled "The Sea Around Us." In order to understand what is involved in the natural resources of the sea, I should like to read a portion of chapter 13, which starts out with a little quotation from Shakespeare, as follows:

> "A sea changes into something rich and strange."
>
> The ocean is the earth's greatest storehouse of minerals. In a single cubic mile of sea water there are, on the average, 166 million tons of dissolved salts, but in all the oceans of the earth there are about 50 quadrillion tons.
>
> And it is in the nature of things for this quantity to be gradually increasing over the millennia, for although the earth is constantly shifting her component materials from place to place, the heaviest movements are forever seaward.
>
> It has been assumed that the first seas were only faintly saline, and that their saltiness has been growing over the eons of time. For the primary source of the ocean's salt is the rocky mantle of the continents. When those first rains came, the centuries-long rains that fell from the heavy clouds enveloping the young earth—they began the processes of wearing away the rocks and carrying their contained minerals to the sea. The annual flow of water seaward is believed to be about 6,500 cubic miles, this inflow of river water adding to the ocean several billion tons of salts.
>
> It is a curious fact that there is little similarity between the chemical composition of river water and that of sea water. The various elements are present in entirely different proportions. The rivers bring in four times as much calcium as chloride, for example, yet in the ocean the proportions are strongly reversed—46 times as much chloride as calcium. An important reason for the difference is that immense amounts of calcium salts are constantly being withdrawn from the sea water by marine animals and are used for building shells and skeletons—for the microscopic shells that house the foraminifera, for the mass of structures of the coral reefs, and for the shells of oysters and clams and other mollusks. Another reason is the precipitation of calcium from sea water. There is a striking difference, too, in the silicon content of river and sea water—about 500 percent greater in rivers than in the sea. The silica is required by diatoms to make their shells, and so the immense quantities brought in by rivers are largely utilized by these ubiquitous plants of the sea. Often these are exceptionally heavy growths of diatoms off the mouths of rivers. Because of the enormous total chemical requirements of all the fauna and flora of the sea, only a small part of the salts annually brought in by rivers goes to increasing the quantity of dissolved minerals in the water.

I shall skip a portion of the book.

> There are other agencies by which minerals are added to the sea—from obscure sources buried deep within the earth. From every volcano chlorine and other gases escape into the atmosphere and are carried down in rain onto the surface of land and sea. Volcanic ash and rock bring up other materials. And all the submarine volcanoes discharging through unseen craters directly into the sea pour in boron, chlorine, sulfur, and iodine. All this is a one-way flow of minerals to the sea. Only to a very limited extent is there any return of salts to the land. We attempt to recover some of them by chemical extraction and mining, and, indirectly, by harvesting the sea's plants and animals. There is another way, in the long recurring cycles of the earth, by which the sea itself gives back to the land what it has received. This happens when the ocean waters rise over the lands, deposit their sediments, and at last withdraw, leaving over the continent another layer of sedimentary rocks. These contain some of the water and salts of the sea. But it is only a temporary loan of minerals to the land and the return payment begins at once by way of the old, familiar channels—rain, erosion, runoff to the rivers, transport to the sea.
>
> There are other curious little exchanges of materials between sea and land. While the process of evaporation, which raises water vapor into the air, leaves most of the salts behind, a surprising amount of salt does intrude itself into the atmosphere and rides long distances on the wind. The so-called cyclic salt is picked up by the winds from the spray of a rough, cresting sea or breaking surf and is blown inland.

The author then proceeds to state figures as to quantities and where the salts have been located. She points out that great beds have been carried for as far as 400 miles.

I resume the quotation from The Sea Around Us:

> The plants and animals of the sea are very much better chemists than men, and so far our own efforts to extract the mineral wealth of the sea have been feeble compared with those of lower forms of life. They have been able to find and to utilize elements present in such minute traces that human chemists could not detect their presence until, very recently, highly refined methods of spectroscopic analysis were developed.
>
> We did not know, for example, that vanadium occurred in the sea until it was discovered in the blood of certain sluggish and sedentary sea creatures, the holothurians (of which sea cucumbers are an example)

and the ascidians. Relatively huge quantities of cobalt are extracted by lobsters and mussels, and nickel is utilized by various mollusks, yet it is only within recent years that we have been able to recover even traces of these elements. Copper is recoverable only as about a hundredth part in a million of sea water, yet it helps to constitute the lifeblood of lobsters, entering into their respiratory pigments as iron does into human blood.

In contrast to the accomplishments of invertebrate chemists, we have so far had only limited success in extracting sea salts in quantities we can use for commercial purposes, despite their prodigious quantity and considerable variety. We have recovered about 50 of the known elements by chemical analysis, and shall perhaps find that all the others are there, when we can develop proper methods to discover them. Five salts predominate and are present in fixed proportions. As we would expect, sodium chloride is by far the most abundant, making up 77.8 percent of the total salts; magnesium chloride follows, with 10.9 percent; and then magnesium sulfate, 4.7 percent; calcium sulfate, 3.6 percent; and potassium sulfate, 2.5 percent. All others combined make up the remaining 5 percent.

Of all the elements present in the sea, probably none has stirred men's dreams more than gold. It is there—in all the waters covering the greater part of the earth's surface—enough in total quantity to make every person in the world a millionaire.

Mr. President, think of that. There is enough gold in the waters covering the greater part of the earth's surface to make every person in the world a millionaire.

But how can the sea be made to yield it? The most determined attempt to wrest a substantial quantity of gold from ocean waters—and also the most complete study of the gold in sea water—was made by the German chemist Fritz Haber after the First World War. Haber conceived the idea of extracting enough gold from the sea to pay the German war debt and his dream resulted in the German South Atlantic expedition of the *Meteor*.

Mr. President, we are not so much concerned about paying the war debt as was Mr. Haber, because we want to give away our greatest national asset, which could have been used to pay the German war debt. Haber, a German, wanted to get gold out of the water in order to pay the German war debt.

The *Meteor* was equipped with a laboratory and filtration plant, and between the years 1924 and 1928 the vessel crossed and recrossed the Atlantic, sampling the water. But the quantity found was less than had been expected, and the cost of extraction far greater than the value of the gold recovered.

In a cubic mile of water there is about $93 million in gold and $8,500,000 in silver.

When I first read that I could not believe it, but I have checked the figure with other scientists to confirm substantially the statement made here.

In a cubic mile of water there is about $93 million in gold and $8,500,000 in silver. But to treat this volume of water in a year would require the twice filling and emptying of 200 tanks of water, each 500 feet square and 5 feet deep. Probably this is no greater feat, relatively, than is accomplished regularly by corals, sponges, and oysters, but by human standards it is not economically feasible.

Most mysterious, perhaps, of all substances in the sea is iodine. In sea water it is one of the scarcest of the nonmetals, difficult to detect and resisting exact analysis, yet it is found in almost every marine plant and animal.

I shall now read further details from the statement about iodine.

All commercial iodine was formerly obtained from seaweed; then the deposits of crude nitrate of soda from the high deserts of north Chile were discovered. Probably the original source of this raw material—called caliche—was some prehistoric sea filled with marine vegetation, but that is a subject of controversy.

Iodine is obtained also from brine deposits and from the subterranean waters of oil-bearing rocks—all indirectly of marine origin.

A monopoly on the world's bromine is held by the ocean, where 99 percent of it is now concentrated. The tiny fraction present in rocks was originally deposited there by the sea. First we obtained it from the brines left in subterranean pools by prehistoric oceans; now there are large plants on the seacoasts—especially in the United States—which use ocean water as their raw material and extract the bromine directly. Thanks to modern methods of commercial production of bromine we have high-test gasoline for our cars. There is a long list of other uses, including the manufacture of sedatives, fire extinguishers, photographic chemicals, dyestuffs, and chemical warfare materials.

I did not know that sea water furnished 99 percent of all the bromine necessary for sedatives, certain types of gasoline, and war material. Certainly we cannot afford to turn over to the individual States something that is so valuable to the Nation, thus depriving the Federal Government of it, without some provision for the use of so valuable a mineral.

One of the oldest bromine derivatives known to man was Tyrian purple, which the Phoenicians made in their dyehouses from the purple snail, Murex. This snail may be linked in a curious and wonderful way with the prodigious and seemingly unreasonable quantities of bromine found today in the Dead Sea, which contains, it is estimated, some 850 million tons of the chemical. The concentration of bromine in Dead Sea water is 100 times that in the ocean. Apparently the supply is constantly renewed by underground hot springs, which discharge into the bottom of the Sea of Galilee, which in turn sends its waters to the Dead Sea by way of the River Jordan. Some authorities believe that the source of the bromine in the hot springs is a deposit of billions of ancient snails, laid down by the sea of a bygone age in a stratum long since buried.

Magnesium is another mineral we now obtain by collecting huge volumes of ocean water and treating it with chemicals, although originally it was derived only from brines or from the treatment of such magnesium-containing rocks as dolomite, of which whole mountain ranges are composed.

In a cubic mile of sea water there are about 4 million tons of magnesium. Since the direct extraction method was developed about 1941, production has increased enormously. It was magnesium from the sea that made possible the wartime growth of the aviation industry, for every airplane made in the United States (and in most other countries as well) contains about half a ton of magnesium metal. And it has innumerable uses in other industries where a lightweight metal is desired, besides its long-standing utility as an insulating material, and its use in printing inks, medicines, and toothpastes, and in such war implements as incendiary bombs, star shells, and tracer ammunition.

This gavel which I hold in my hand was made from magnesium obtained from the salt water of the sea. It is a very light, strong metal. I did not know until I read this book that it was magnesium from the sea which made possible the wartime growth of the aviation industry. Every airplane made in this Nation contains about half a ton of magnesium metal.

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

Mr. KEFAUVER. I yield for a question.

Mr. KNOWLAND. I ask the distinguished Senator from Tennessee if that is the same gavel he was talking about 3 hours ago.

Mr. KEFAUVER. I will say to the distinguished Senator from California that it is the same gavel I was describing about 3 hours ago; and if we are smart, the same gavel will be here to be talked about 3 days from now, because I am sure the Senator from California will agree that magnesium, which is necessary for our defense production and for all our war plants, should not be turned over to the States. The United States cannot afford to place itself in the position where it must obtain the consent of a particular State before it can obtain any water out of the ocean with which to make magnesium.

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

Mr. KEFAUVER. I yield for a question.

Mr. KNOWLAND. Inasmuch as the Senator from Tennessee has been quoting from a book, I ask him whether he recalls having read this:

When the leader of a filibuster has a group of colleagues supporting him, it is relatively easy to keep the Senate stalled indefinitely. * * *

One way to break up a filibuster is for the majority to organize, keep a quorum in the Chamber, and refuse to adjourn, thus holding the Senate in continuous session until the filibusters are exhausted physically.

Does the able Senator recall those passages?

Mr. KEFAUVER. I do not exactly recall them, but I think that is a correct statement.

Mr. KNOWLAND. I may say for the benefit of the Senator——

Mr. KEFAUVER. They sound like very wise words, written by someone who understood the subject matter about which he was writing. I do not know who might have written them.

Mr. KNOWLAND. The book was written by the Senator from Tennessee [Mr. KEFAUVER]. The language which I read appears on page 48, in case the Senator is interested. I was wondering whether he was in the book outlining, in his judgment, the only way a filibuster, such as that now in progress, may be broken, namely, to have continuous sessions of the Senate, all day and all night.

Mr. KEFAUVER. My esteem for the literary research abilities of the distinguished Senator from California has certainly increased since I have found that he has ferreted out a very good book. Also it is quite apparent that the Senator must be thinking about some method of terminating this discussion, which he

says is a filibuster, and which we say is not a filibuster. But I do not blame him for wanting to terminate it, because unless he can terminate this discussion the joint resolution will fail, in my humble opinion. The American people are not going to stand for the Congress of the United States giving away the right of the Federal Government to take magnesium from sea water. Magnesium is necessary for our airplane production.

I am looking again at the gavel which the Senator from California mentioned.

If we were engaging in a filibuster, as I said a little while ago, I would read all of the book. I am referring to chapter 13. I have read a part of it, and have skipped much of it. I hope it will not become necessary for me to read to the Senator the book he has before him. I am sure it would be worthwhile reading. However, it does not have anything to do with the submerged-lands issue. The book from which I am reading does have very much to do with that issue. I shall read two or more paragraphs from chapter 13.

I was referring to magnesium. I continue to read from the book:

> Wherever climate has permitted it, men have evaporated salt from sea water for many centuries. Under the burning sun of the tropics the ancient Greeks, Romans, and Egyptians harvested the salt men and animals everywhere must have in order to live. Even today in parts of the world that are hot and dry and where drying winds blow, solar evaporation of salt is practiced—on the shores of the Persian Gulf, in China, India, and Japan, in the Philippines, and on the coast of California and the alkali flats of Utah.

I shall skip quite a number of pages. I continue to read:

> One of the greatest stock piles of minerals in the world came from the evaporation of a great inland sea in the western United States. This is Searles Lake in the Mohave Desert of California. An arm of the sea that overlay this region was cut off from the ocean by the thrusting up of a range of mountains; as the lake evaporated away, the water that remained became ever more salty through the inwash of minerals from all the surrounding land. Perhaps Searles Lake began its slow transformation from a landlocked sea to a "frozen" lake—a lake of solid minerals—only a few thousand years ago; now its surface is a hard crust of salts over which a car may be driven.

Then the book discusses oil on the Continental Shelf.

The last paragraph of the chapter reads:

> So our search for mineral wealth often leads us back to the seas of ancient times—to the oil pressed from the bodies of fishes, seaweeds, and other forms of plant and animal life and then stored away in ancient rocks; to the rich brines hidden in subterranean pools where the fossil water of old seas still remains; to the layers of salts that are the mineral substance of those old seas laid down as a covering mantle over the continents. Perhaps in time, as we learn the chemical secrets of the corals and sponges and diatoms, we shall depend less on the stored wealth of prehistoric seas and shall go more and more directly to the ocean and the rocks now forming under its shallow waters.

I have discussed the wealth of the sea, because it is important. So prodigal has our generation been with the mineral wealth of the earth with the impetus of two World Wars that our children and our children's children may be forced to look to the seas for those vital elements which Miss Carson describes as being so abundantly present in sea water. Already magnesium taken from the sea is an old story. The pressures of an ever-expanding economy based on machines will surely hurry the day when we will have developed our technology sufficiently to make greater use of the elements in sea water. Hand in hand with this will go—and it is going on now—the search for what will be one of the greatest boons mankind will have ever known.

An age-old dream, more valuable by far if it comes true than the hope of the alchemist for a method of turning dross into gold, is of a method of taking fresh water from the sea at low cost and in great quantities.

I said it was an age-old dream, but it is something which we must take out of the category of dreams and the fantastic. The Federal Government today has under way a substantial research project, approved and financed by the Congress of the United States, to coordinate and lead the research to this end. It has had very great success.

While the distinguished Senator from Florida [Mr. HOLLAND] was discussing the possibility that reclamation had been eliminated from the effects of the joint resolution, I did not hear him say that anyone contended that the Case bill, which authorized the potable water project, would be excluded from the operation of the joint resolution. I have heard not one of the sponsors of the joint resolution contend that it does not or will not require the Federal Government to secure the permission of a particular State to take any water out of the sea, even for the purpose of making fresh water from it.

We know also that if the Federal Government must have permission from a State to take sea water from the sea it will find great difficulties in getting the State to agree to the transportation and pumping of the water from one State to another. These are matters the Nation ought to be able to deal with.

It is petroleum alone which has been discussed by the proponents of the joint resolution, but the values of the minerals, of the magnesium, and of the potable water would dwarf even the huge estimated values of the petroleum reserve beneath the coastal waters. Those are items we have been too shortsighted to take into consideration.

We must and should take into consideration the needs and desires and well being of the citizens of California, Texas, and Louisiana, but in doing so we must not fail to take into consideration the needs, rights, and privileges of the citizens of Maine, Wisconsin, Colorado, and of all the other States. What is asked for in this instance is a part of the birthright of all Americans, whatever their place of residence may be. The Supreme Court of the United States has repeatedly decided that the coastal waters and the submerged lands beneath them belong today and always have belonged to the Nation. They belong today and always have belonged to each American alike. I would expect the citizens of my own great State of Tennessee to hold me to account if I were knowingly to be a party to such a disposition of a birthright which is theirs.

The Supreme Court has stated that when anything is owned by the Government of the United States the Government is a trustee for all the people. A trustee is held to a high degree of accountability. A trustee cannot give away the trust estate. A trustee cannot transfer something without consideration. Yet the Senate, a member of the trusteeship of this huge treasure, is being asked to give it away, without any consideration. It is being asked not only to give it away, but to give away a great many rights which have no relation to the oil and gas lying under the lands off the coast of the country.

To be sure, the people of the seaboard States have a special and natural interest in their coastal waters and in the lands beneath them. We must recognize such an interest. We must provide for it. But in recognizing and providing for such natural and special interests, we may question whether the national interest, or the interests of other States are served by quitclaiming the totality of the national interest in these areas. It is a subject which deserves and even requires, as I see it, full, unbiased, and complete study by an impartial group prior to the taking any action on this subject by the Congress of the United States. I shall not presume to speak for any other State, but I can say that the people of the State of Tennessee expect the Congress of the United States to understand the full implications of what it is doing in this case.

Mr. President, the other day I called attention to the fact that the House of Representatives of the State of Tennessee has passed a resolution condemning this joint resolution, and asking that the Anderson-Hill bill be passed. Of course, that bill would use for educational purposes some of the revenue obtained from the submerged lands affected by the pending joint resolution. It has been estimated that the schools and the school children of Tennessee would receive a considerable number of million dollars if the revenue were used in that way.

Up to this point I have discussed the values, both real and implied, which derive or may derive from the submerged lands of the Continental Shelf. These values are enormous, but even they are small in contrast to other values which we shall place in jeopardy if we quitclaim the national interest in these submerged areas. Mighty principles are involved.

It is a basic principle of our Government—a principle which lies even deeper than the Constitution, a principle out of which much of the Constitution itself arose—that the force and effect of law must not be to give to one group of citizens more privileges than those given to other groups of citizens. Neither can we, by an extension of this philosophy, which is basic to our Government and our national life, create through the force and effect of law a group of States more privileged than other States.

The privileges and rights we grant to one State must be made available to all the States.

This means that if in this instance we grant and give to a group of States the part of the national heritage and the rights possessed by the Nation in these submerged coastal lands, we have no right to withhold from inland States such rights as the Nation as a whole possesses in the portions of the public domain lying within those States.

Can we properly give to California, Texas, Louisiana, Florida, and the other seaboard States, certain rights in the submerged lands lying off their coasts, which lands are now a part of the public domain, unless we also give to the inland States such of the public domain as lies within their borders?

The answer is perfectly clear and plain, Mr. President. We cannot give one kind of justice to Texas and another kind of justice to New Mexico. We cannot give one kind of justice, if it be justice, to California, and another kind of justice to Utah. We cannot give one kind of justice, if it be justice, to Louisiana, and another kind of justice to Pennsylvania.

Mr. President, bills which, if enacted, would mean a substantial end to the vast public domain are already pending in Congress. Many persons have made statements to the effect that it is preposterous to think that if the measure quitclaiming a substantial part of the national interest in the submerged coastal lands were enacted into law, a serious demand would be made that corresponding or equal rights and privileges be granted to the inland States, which would not obtain benefits from the pending quitclaim joint resolution. Well-meaning men and women have stated that such a thing would be preposterous and unthinkable. However, that is not the case, Mr. President. Certainly it is true that before the ink would be dry on the Presidential signature to a quitclaim measure which the Congress might pass, the hoppers would be filled with bills providing that the Congress grant to the inland States rights in the public domain substantially equal to the rights in the submerged lands which thus had been given to the seaboard States.

Mr. President, even at the time when the Senate was considering the question of the confirmation of the nomination of Mr. McKay, to be Secretary of the Interior, when Mr. McKay then appeared before the Committee on Interior and Insular Affairs, the Senator from Nebraska [Mr. BUTLER], whose statement on this matter is in the record, wished to know Mr. McKay's position about the subject of the joint resolution which now is before us; and notice was given that as soon as the issue of the ownership of and right to the oil in the submerged lands was out of the way, there would be introduced a bill providing that the public lands be returned to the States in which those lands are located. It was obvious that the proponents of such measures could hardly wait to introduce them.

Mr. HILL. Mr. President, will the Senator from Tennessee yield for a question?

The PRESIDING OFFICER (Mr. PAYNE in the chair). Does the Senator from Tennessee yield to the Senator from Alabama?

Mr. KEFAUVER. I yield.

Mr. HILL. Is it not a fact that the distinguished senior Senator from Wyoming [Mr. HUNT] has already introduced a bill to give to the public-land States the minerals in the public lands?

Mr. KEFAUVER. That is correct. The distinguished senior Senator from Wyoming has introduced Senate bill 807, about which there has been much discussion. The proponents of such measures have not even waited until the pending joint resolution has been passed; already they are trying to have the mineral rights in the public domain taken away from the Federal Government. So it is obvious that action in the case of the public domain will be next.

The Senator from Wyoming introduced Senate bill 807 in February of this year. I say to the Senator from Alabama that I do not blame the Senator from Wyoming, for there is no fundamental difference in the world between the property of the Federal Government in Yellowstone Park, in the State of Wyoming, and property belonging to the Federal Government in the lands under the sea, off the shores of Florida or Louisiana. The Supreme Court of the United States has said in clear and unequivocal terms that the States have no right, title, or interest in that land, but that it belongs to the United States. If anything, Mr. President, there is a stronger case for ownership of Yellowstone National Park by the people of Wyoming than there is for ownership of the lands under the ocean by the people of the coastal States.

Legally there is no substantial difference; but the stronger case is in favor of the ownership of Yellowstone National Park by the people of Wyoming, inasmuch as the national sovereignty in connection with protection of the Nation would not necessarily be affected by having Yellowstone National Park owned by the people of Wyoming, whereas an important part of the national sovereignty, in connection with the relationship of our Nation with other nations, requires that the Federal Government, not the States, have jurisdiction, control, and ownership of the lands and waters lying immediately beyond the shores of the United States.

Mr. HILL. Mr. President, will the Senator from Tennessee yield for another question?

Mr. KEFAUVER. I yield.

Mr. HILL. Is it not true that the rights of the Federal Government in the submerged lands arise as an attribute of the sovereignty of the Federal Government, whereas the rights of the Federal Government in the public lands arise as incidents to ordinary proprietary ownership?

Mr. KEFAUVER. That is entirely true. The Federal Government has only a proprietary interest in the various national parks. However, as has been pointed out by the Supreme Court in various cases, particularly in the California case, it is essential to the national sovereignty that the United States have control of the coastal waters. That is necessary in connection with the conduct of foreign affairs, the regulation of navigation, the maintenance of national defense, and for many, many other important purposes.

So the people of Wyoming would have a stronger case, I say quite frankly, for the return to Wyoming of Yellowstone National Park, than the coastal States would have for possession of the submerged lands lying off their coasts. Of course it would not be proper to say that the coastal States were interested in having those lands returned to them, for those lands have never really been theirs.

I have in my hand a bill, which was introduced by the Senator from Wyoming [Mr. HUNT] on February 6, 1953. It is Senate bill 807, to provide for granting to the several States the mineral rights in public lands belonging to the United States. Mr. President, we might as well understand what will happen if we pass the pending measure, and we ought to give notice to the public. If we want to reverse our traditional policy of developing the public domain, the national parks, and the national forests, and of utilizing them for the benefit of the people, we can do so by passing the joint resolution, and thereby giving away our assets. It would be the beginning of the biggest giveaway program the world have ever known. At a time when we are hard pressed financially, when we have a heavy tax burden, and a gigantic national debt, we start a giveaway program. Big interests have not only come in through the back door; they have also come in through the front door to take away from the people of this Nation the assets and treasure that is theirs.

The Senator from Wyoming, having introduced Senate bill 807, as I say, came before the Committee on Interior and Insular Affairs to testify in support of it. I was present at the time the Senator testified. Note what the Senator from Wyoming wants. The title of his bill is: "A bill to provide for granting to the several States the mineral rights in public lands belonging to the United States."

The bill then proceeds to provide:

> That subject to the provisions of section 2 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.

Mr. President, it will be observed that the Senator from Wyoming apparently excluded the national forests. He probably has some special interest in maintaining the national forests. Perhaps that is his hobby. But there are things other than the national forests for instance, Yellowstone National Park. The Senator from Wyoming is only one of an increasingly large number making

similar proposals and demands. The cry and clamor that will be made, if the pending joint resolution should unfortunately be passed for measures of this kind, which would destroy our great wealth and treasure, will shock the people of the Nation who are interested in parks and public lands.

I think it might be well to quote what was said by the Senator from Nebraska [Mr. BUTLER] to the new Secretary of the Interior, when he appeared before the Committee on Interior and Insular Affairs. The Senator from Nebraska stated to the Secretary:

> I would like to say here that when the tidelands question is settled—and I hope it will be rather definitely before too far in this session—there are plans for the introduction of a bill that will make the same theory applicable to public lands now held by the Federal Government within the State, and Nevada can really be a State of the Union instead of a part State and part Territory. The same is applicable to other areas. That may be very impractical. It is only a thought thrown out to indicate to you one bill that may be facing us a little later in the session.

The distinguished senior Senator from Utah [Mr. WATKINS], who participated in this debate a little while ago, had the same idea, because when the Senator from Alabama [Mr. HILL] testified before the Committee on Interior and Insular Affairs, in favor of the Hill amendment to the Anderson bill, the Senator from Utah [Mr. WATKINS], speaking of the public lands, said:

> As a matter of fact, outside of the forests, which I think can better be administered by the National Government, and the national parks and monuments, I think probably it would be a good idea to give those over to the States and let them have them.

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

Mr. KEFAUVER. I yield to my distinguished colleague from Tennessee for a question.

Mr. GORE. Does my colleague feel that the passage of the pending measure would in some way justify the passage of the additional measures to which he has made reference?

Mr. KEFAUVER. I appreciate the question by the distinguished junior Senator from Tennessee. There can be no doubt that the Senators who are asking for the return to the States of the public domain, including the forests and mineral rights, have quite as good claim, if not a better claim, than do the States to the land under the coastal waters. No one questions that very seriously. As a matter of fact, not only did the Senator from Utah [Mr. WATKINS], the Senator from Nebraska [Mr. BUTLER], and the Senator from Wyoming [Mr. HUNT], participate in the discussions in the Committee on Interior and Insular Affairs when this particular measure was being considered, at the time I was present, but also the distinguished junior Senator from Nevada [Mr. MALONE], who made very lengthy statements about how he felt. He suggested that if the pending measure should become law, the very next step should be to return to the States all the public lands and national forests, which we all prize so highly.

I think in the Committee on Interior and Insular Affairs the Senator from Nevada submitted such an amendment to the joint resolution now before the Senate. I am not certain, but I think he did, and that it was voted down, as I recall, 7 to 6. Anyway, there was support for the amendment, showing that the Committee on Interior and Insular Affairs itself is almost convinced even at the present time that we should begin now to give away the national parks, national forests, and the Nation's mineral rights under the public domain. I understand the distinguished Senator from Nevada intends to submit an amendment to the pending joint resolution on the floor of the Senate, proposing that the properties I have mentioned be given away.

I want to say to my colleague, the junior Senator from Tennessee, that our great national forests and parks are not distinctly either Democratic or Republican in origin. He has made a deep study of the history of these matters. I believe I am correct in saying that probably our first and greatest conservationist was a former Republican President, the late Theodore Roosevelt, and another former President, William Howard Taft, father of the majority leader, did a great deal to add to this wealth, as have other Presidents ever since.

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

Mr. KEFAUVER. I yield, for a question only.

Mr. MURRAY. I should like to ask the able Senator from Tennessee whether it is not a fact that many years ago land granting was a pastime indulged in almost to the extent of wrecking the country. Vast assets were given to individuals and small groups, so that when immigrants began to arrive, they found that the land had already been pretty well taken up, and there was little desirable land around the communities which had been settled which they could lease or buy? That situation created great consternation. In the early history of the Supreme Court, most of the Court's time was devoted to hearing such matters, in an endeavor to rectify injustices that had been done. It seems to me that we are starting again on the very same program. I wonder whether the Senator agrees with me?

The PRESIDING OFFICER. The Chair understands that the Senator from Tennessee yielded to the Senator from Montana for a question.

Mr. MURRAY. Mr. President, I have propounded a question.

Mr. KEFAUVER. Yes, Mr. President. I yielded for a question, and the Senator from Montana has asked me whether I agreed with him. I answered by saying that I do agree absolutely with the distinguished Senator.

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

Mr. KEFAUVER. I will yield in a moment. Mr. President, I may say that is one reason for my saying that this is such an important controversy. Powerful vested interests, great monopolistic forces within the United States, are trying very hard to use any front they can, and to interest anyone they can, in their effort to have turned over to private exploitation the beautiful forests, for example, of Olympic Park, and of Mount Rainier, and even Yellowstone Park itself, so that they can cut the timber and use the minerals.

Mr. President, if we permit them to get their hands on these minerals it will be an entering wedge for other giveaway proposals. That is so obvious that it needs no elaboration. It would be just the beginning of the biggest giveaway program in connection with the national wealth of this Nation. It is horrible to contemplate what would happen as a result of such an effort. It would affect minerals in Colorado which are being developed and valuable minerals in Idaho in various and sundry mines on which the monopolistic special interests are trying to get their hands. That is the reason why some people are so much interested in this proposed legislation. It is not only the great electric power trust that is interested in stopping the development of our Federal power projects; there are other interests which want to cut lumber from our forests and destroy that which the Federal Government has established.

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

Mr. KEFAUVER. I yield for a question.

Mr. HILL. Is it not true that if we pass this proposed legislation we shall open the door to many different kinds of claims?

Mr. KEFAUVER. Of course. We shall open the door to many, many different kinds of claims.

Mr. HILL. I wonder if the Senator would read to the Senate a letter which was addressed to me by a member of the Legislature of the State of Wyoming.

Mr. KEFAUVER. I shall be very happy to read the letter. It is from a member of the House of Representatives of the State of Wyoming, dated at Rawlings, Wyo., and reads as follows:

> DEAR SENATOR HILL: I have been following your efforts toward retaining Federal ownership of the so-called tidelands oil lands in our newspapers. However, it appears to me that in light of the campaign promises of the Eisenhower administration, those lands or at least part of them will eventually go to the coastal States.
>
> Therefore, I wish to serve notice at this time that Carbon County, Wyo., makes its claim to its proportionate part of all oil royalties and other moneys received by the State of Texas from this source.
>
> We lay our claim by virtue of our territory's inherent historical rights. We were a part of the Republic of Texas and of the original Spanish grant. Moreover, not only was there the historical claim by those governments to our soil but there was actual possession, according to the best facts we can determine at this time: we have old, abandoned operations here which I am reliably advised are the workings of the Spanish conquistadors.
>
> Certainly, if the basis of the present legislation is the extension of the borders of Texas seaward to their existing location when it was taken in as a State, it is only logical that the borders must likewise extend northward with the respect to the benefits to be derived from the reestablishment of the old borders. With the acceptance of the benefits from the Federal Government go also the burdens of distribution and sharing proportionately with us.
>
> Your advice will be greatly appreciated.
>
> Sincerely yours,
>
> ROBERT S. LOWE.

Mr. President, the Senator from Alabama is exactly right.

Mr. DANIEL. Mr. President, will the Senator from Tennessee yield to me?

Mr. KEFAUVER. I yield for a question.

Mr. DANIEL. Did the gentleman who wrote the letter say anything about giving Texas a part of the silver mines which are located in Wyoming and referred to in his letter?

Mr. KEFAUVER. I will say to the Senator that I do not know the difference between Wyoming and Texas relative to silver mines, but I can say that by the passage of the proposed legislation the cooperation, the beneficial practices we have worked out under our constitutional process, and the arrangements between the States and the Federal Government, are going to be substantially torn asunder. There will be an increasing number of disputes between States, and between States and the Federal Government, between States and foreign powers, and between the United States and foreign powers. There will be claims, controversies, and lawsuits slowing down the development of our Nation, in such matters as extracting potable water from sea water, and other programs, including producing magnesium from sea water.

The resolution is not calculated to bring about friendly relations. We already know that there is going to be a lawsuit. Perhaps, when the Hunt bill comes before the Senate providing for turning over to the States the mineral rights in the public lands, or, perhaps, when the Malone bill to modify the Mineral Leasing Act and to give the States ownership of minerals in public lands, or perhaps when the Butler and Watkins proposals come up, the Senate will turn them down. But the principle will be established by Senate Joint Resolution 13.

Perhaps the Congress would deny those claims, although it is difficult to see how in all honesty it could do so. But the principle would have been established, great values would be at stake, and sooner or later the demands by the have-not States would have to be met.

Important and influential groups which wish to see this come about are already busy spreading propaganda to make this a fact. If we establish the principle that the national heritage can be given away today, there will be precious little of it left by the time our children have grown to responsible citizenship. Perhaps the public domain would not go all at once, but little by little it would reach the hands of those who think more of an immediate profit than of the eventual welfare of the Nation their children and grandchildren will inherit.

The establishment of such a principle will require the abandonment of an earlier and sound principle which has guided both of our great national political parties. The Republicans have always taken pride in the enormous forward steps which were taken by our Nation under the leadership of Theodore Roosevelt and Gifford Pinchot in the field of conservation. The Democratic Party has always prided itself on the further steps in conservation which were taken under Woodrow Wilson, in whose administration the National Park Service was created, and in the administration of Franklin D. Roosevelt and Harry S. Truman.

It will be a black page in our history if one of the first acts of the new administration of President Dwight D. Eisenhower is the negation of the principle under which we have protected and conserved the resources of that great portion of our national heritage which is the public domain.

There are those who declare that only grazing privileges and mineral rights on public lands are desired. We are told that the national forests and the national parks and the game refuges of the United States Fish and Wildlife Service will continue to be safe.

Why, if we change the principle should they remain safe. No one bothered about the ownership of the submerged coastal areas until it was discovered that they contained oil and that such oil could be brought to the surface as a practical matter.

Once we establish a new principle, what is going to protect such a park as the Olympic National Park, or the Great Smoky National Park? The Olympic park was authorized to protect the last great remaining northwestern rain forest. It represents a tremendous value. Who is going to save it from a little selective cutting here and there? Who is going to stand in the way of its eventual destruction?

Other national parks contain power sites which are much desired. Others contain minerals which are sought after by exploiters—probably there is oil on some of them. There is not a park without a commercial value. Once we begin the process of the disintegration of our national heritage where can we call a halt?

We are asked to pass legislation quitclaiming the national interest in the submerged coastal lands, and if the President should give his assent to such legislation we would be giving the plunderers and exploiters a blueprint showing them just how to go about getting what they want out of the National Government. We would have provided a perfect demonstration.

I have heard it argued by the citizens of some States which contain large acreages of public lands that if Congress would enact a law granting their States the mineral rights on the public lands within the boundaries of those States, the result would be that the States would have enough income to pay for the costs of all their schools and the building of their roads, and for all practical purposes, to abolish State taxes. We can well imagine that the thought of such an eventuality would be most persuasive to the citizens of such States.

If Congress should give away such rights, it would have violated the spirit and the intention that led to the founding of this Nation. By such an act Congress would have created a group of citizens far more privileged than others. I can well imagine that citizens of the State of New York, who must pay heavy State taxes, would look with envy, and possibly with a feeling of inferiority, on the citizens of another State who were privileged, due to the generosity of Congress with the basic national heritage, not to pay State taxes.

The handing over of the public domain to the States would not add one iota to the wealth or the eventual utility of that domain. Perhaps the "take" of minerals from these lands might come faster if Federal conservation practices did not apply. Perhaps some exploiters would be allowed to exploit greater portions of the domain if Federal conservation rules and regulations did not apply, but to the total value not one cent would be added by such a change of ownership. As a matter of fact, it is possible that overexploitation might reduce the values of the public domain.

As it is, the public domain belongs to all Americans as a birthright; and all Americans, whether they live in Vermont or in Arizona, in Michigan or Montana, have rights to share therein as a common property and a common heritage.

No one knows the value of the public domain. I have seen it set at a figure of $3 trillion. It is doubtful that even the gentlemen at the Treasury know how much $3 trillion is. We need not name a figure. It will suffice to say that the public domain is incomparably the most valuable possession of the Nation, and that by passing a quitclaim measure which would mark a great and grave deduction to the National heritage, we would be creating a principle which would sooner or later lead to demands for every last acre of the public land which has any value. The Nation—that is, the sum of all of us—could be left with bald desert and nothing more. Nothing would be sacred.

The Honorable Oscar L. Chapman, former Secretary of the Interior, in his testimony on March 2, before the Senate Interior and Insular Affairs Committee, suggested that if Congress passed a quitclaim measure with respect to submerged lands, Congress might as well get ready for bank night. I agree with Mr. Chapman.

The figures on Federal land holdings which I am about to state were taken from a tabulation made in 1950. Not all the lands which I shall list belong properly under the heading of the public domain, which should consist of lands originally belonging to the Nation and still in that category. Nevertheless, this reasonably complete list of land holdings belonging to the Nation is important, in that it shows what we may be placing at stake in actions taken on the submerged lands question.

Under control of the United States Forest Service is one of the greatest properties of the Nation, the vast areas of forests which were placed under special protection in order to prevent the wholesale deforestation of the Nation, which was threatened at the turn of the century. It might be well to remind Senators that the Forest Service was the creation of a Republican administration. The Forest Service has under its jurisdiction a total of 160,582,000 acres.

Conservation means conservation for use. Proper conservation does not mean the locking up of resources beyond the reach of human need. It means the

wise management of the conserved resources, so that the Nation may receive the maximum benefit—a benefit far greater in the long run than would have been the case had the Government allowed these resources to be used up at once.

The Forest Service not only protects and develops an important renewable resource of tremendous value; it makes money for the Nation in so doing. The return to the Treasury from its efforts is about $70 million a year.

The National Park Service protects and preserves the magnificent natural wonders of our country, along with sites of special significance in our growth and history. Nearly 37 million people a year enjoy our national parks. The State of Tennessee is proud to have one of the most beautiful national parks partly within its boundaries, the Great Smokies National Park. The areas under the jurisdiction of the National Park Service are nearly 14 million acres in extent.

The Soil Conservation Service which seeks to rebuild worn and eroded soil into new usefulness has 7,415,000 acres under its jurisdiction.

The Bureau of Land Management, which has the largest portion of the public domain in its jurisdiction, is currently returning to the Treasury about $64,500,000 a year, principally from royalties on mineral rights and in small part from grazing fees.

The Bureau of Indian Affairs is trustee for 57,280,000 acres of land belonging to Indians.

The United States Fish and Wildlife Service includes in its refuges a total of 4,129,000 acres.

The Reclamation Service has under its jurisdiction 9,928,000 acres of land. As revenues based on the power activities of the Reclamation Service incidental to its irrigation and reclamation activities, some $80 million a year are returned to the Federal Treasury.

TVA, largely in my own State of Tennessee, owns 459,000 acres.

The Army and Air Force control 19,332,000 acres and the Navy an additional 2,126,000. Other agencies of the Federal Government had 1,333,000 acres under their jurisdiction.

The total of this acreage in the United States proper is 455,632,000 acres.

In addition, almost the whole of Alaska is in the public domain and sooner or later such principles as we may apply to the disposition of public lands in the continental United States will apply in Alaska. Thus the fate of another 365 million acres in Alaska is at stake in what we do here.

I have referred previously to the testimony before the Interior and Insular Affairs Committee by the Honorable Oscar L. Chapman. In my view he set forth the problems and dangers involved in some of the proposals for quitclaiming the national interest in the submerged coastal lands with admirable clarity. As Secretary or a member of the secretariat of the Interior Department for 20 years, Mr. Chapman has given deep study to problems of conservation in general and to this particular problem which we are now discussing. He is an expert among experts.

Mr. President, rather than read Mr. Chapman's statement in full, I ask unanimous consent that the excerpts which I have marked be printed in the RECORD at this point as a part of my remarks.

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

The Federal Government is a trustee of the national assets of the people. It has a duty to develop and utilize these assets for the maximum benefit of all the people. Adherence to these principles has made possible the development of our national forests, our national parks, our vast areas dedicated to the protection of watersheds and river systems and our great reclamation and hydroelectric projects.

These public enterprises are not the exclusive accomplishments of the New Deal and Fair Deal administrations. As a matter of fact, they received their initial impetus from a great Republican, Theodore Roosevelt, whose policies on natural resources were cited as a model by President Eisenhower in his recent message on the state of the Union.

Unfortunately, we seem to be confronted today with a powerful and concerted effort to wrest control of the Nation's great wealth in natural resources from its constitutional trustee. The bills before this committee to give away our national rights in the submerged-oil lands of the Continental Shelf, in the face of three decisions of the Supreme Court declaring those rights to be vested in the National Government as the representative of all the people, are but one example. I am deeply concerned that if these measures are enacted they will establish the pattern for the greatest giveaway program in the history of the world. Once we give away our birthrights, we can never get them back.

This is no idle fear. For years, powerful pressure groups have been attempting to raid various parts of the public domain. They are now redoubling their efforts because they see in the inexperience of the new administration an opportunity to put over some of their giveaway legislation. We can expect a rash of legislative proposals. Right now, for example, the Chamber of Commerce of the United States is carrying on a vigorous campaign for the sale of public lands to private owners and for the prevention of any further extension of national parks or national forests.

I was sorry to note that the distinguished chairman of the Senate Interior and Insular Affairs Committee has been quoted as saying that after disposing of the submerged oil lands bills, the committee would go forward with bills which would turn over a substantial part of the public lands to the States and then would proceed to legislation which would turn over public power projects to the States. Another distinguished majority Member of the Senate stated recently in a public address that he favors the sale of the Tennessee Valley Authority to private interests.

I should like to urge these gentlemen to examine such proposals very critically. I shall not take the time to go into further detail. May I recommend, however, examination of an article by Bernard DeVoto, on page 53 of Harper's Magazine for February 1953. The article is entitled "Billion Dollar Jackpot" and provides much food for thought for every citizen interested in the natural resources problems of our country.

I often wonder whether the people of our Nation realize what their stake is in our nationally held natural resources. I should like to put into the record some figures prepared by the Bureau of Land Management of the Interior Department during my tenure as Secretary. I shall not take the time to read all of the figures now but would like simply to point out that they show approximately 693 million acres made up of unappropriated public domain lands, national forests, national parks, and national wildlife refuges:

	Continental United States	Alaska	Total acreage
Unappropriated public domain lands	180, 802, 882	290, 164, 762	470, 967, 644
National forests	159, 838, 865	20, 742, 762	180, 581, 627
National parks	16, 774, 674	6, 936, 695	23, 711, 369
National wildlife refuges	9, 436, 549	7, 976, 697	17, 413, 246
Total	366, 852, 970	325, 820, 916	692, 673, 886

These public lands contain an estimated 4 billion barrels of oil, enough oil shale to produce 130 billion barrels of crude oil, 111 trillion cubic feet of gas and 324 billion tons of coal, to mention only a few of the natural resources involved.

It has been roughly estimated that the value of the public domain in the continental United States amounts to well over a trillion dollars and in Alaska to $551 billion. Actually, however, no accurate estimate can be made until the lands are thoroughly surveyed and carefully appraised.

It may be that the citizens of the United States really wish to give away this treasure to a few States, but I doubt it. At the very least, however, it would seem to be the part of wisdom, before this Government adopts a policy of distributing national resources to small groups of States, that a careful inventory and appraisal be made. In other words, if this administration is intent upon following a giveaway policy, the people are at least entitled to know what and how much is being given away. I would urge therefore that a Commission be established to inventory and appraise all of the nationally held natural resources. I have the feeling that when such a study is completed our individual citizens, the Congress and the administration may look upon some of the legislative proposals which are beginning to appear with a more critical eye.

Serious as this aspect of the problem is, there are today even more vital considerations relating to our national security. If ever in our history it has been important to make wise and judicious use of our nationally owned natural resources, it is crucially important now. As in many other areas, the United States today must approach its resource problems in global terms.

What I have said relates with particular force to oil—the most strategic substance in the political economy of our times. Vast quantities of oil are required for the military and economic buildup of the free world, and in case of all-out war, of course, oil can spell the difference between victory and defeat. In short, in these perilous days, oil is essential for survival.

These considerations make the world distribution of known oil deposits a key factor in our national as well as our international planning. The most important of these deposits are in the United States and the Caribbean-Gulf of Mexico area, the Persian Gulf, and around the Black and Caspian Seas. Roughly, 58 percent of the world's known oil reserves lie in the Eastern Hemisphere, and of this amount approximately 86 percent is in the Middle East and 11 percent in the U. S. S. R. and its satellites.

Only the United States and the U. S. S. R. are even close to being able to supply their own needs, and the United States has now become an oil-importing nation to the tune of a million barrels a day. Western Europe is utterly dependent on Middle East oil and its requirements are rising every day as economic reconstruction progresses.

Even this briefest of thumbnail sketches of the world oil situation speaks for itself. If Middle East oil were cut off from our allies

tomorrow, we could not now fill the gap without crippling our own economy. With much of the free world oil supply under the shadow of the Soviet Union, it is imperative that we have emergency oil reserves quickly expansible into actual production.

The facts of life are that our only practical potential source of such a reserve in the short run is in the submerged lands of the Continental Shelf. What is plainly required is a planned program for the development of these lands, which will encourage the necessary investment and risk on the part of private companies and at the same time control drilling and withdrawals in line with a coordinated plan for conservation and security.

President Truman, in recognition of these facts, tried for years to get the Congress to enact legislation providing for the development of the submerged oil lands of the Continental Shelf. The President was deeply concerned over the failure of the Congress to authorize such development under the supervision of the Interior Department and over the danger that these national resources would be given away. These were the factors which led him to issue his order of January 16, 1953, setting aside the submerged lands of the Continental Shelf to be administered by the Secretary of the Navy.

Much heat and little light has attended the discussion of this order. Unfortunately there are some who have attempted to confuse the issue by creating the false impression that the President's action was somehow invalid. Careful scrutiny of Attorney General Brownell's letter on the subject of the order shows that he nowhere asserted or implied that the order was invalid in whole or in part. The President merely did everything within his power to bring home to the people the tremendous importance of conserving and utilizing the oil deposits of the Continental Shelf for the national security and to establish the framework for such conservation and utilization under the supervision of the Secretary of the Navy and pursuant to future congressional action.

It is not my purpose to suggest that it will be an easy task to accomplish a full-scale planned development of oil reserves of the Continental Shelf if the lands are permitted to remain under Federal control. Nor do I wish to imply that State ownership would make such development impossible. As in all controversial matters, there are persuasive arguments on both sides. It is my deep conviction, however, that on a comparative basis the Central Government is better equipped than individual States to administer an overall plan for optimum utilization of these resources and to do equity to all interested parties. Time is short and the need is great. As a matter of public policy, it appears to me to be foolhardy for the Federal Government at this time in history to divest itself of control over emergency sources of strength.

Successful production of offshore oil is a costly, technically difficult and time-consuming venture. While foreign sources are available at relatively low production costs, it is reasonable to assume that private investors may tend to defer development of domestic areas until the market price for petroleum reaches a level which would make it more advantageous economically. For this reason there must be a program for the encouragement of immediate development of these lands so that readily expansible pro- It seems clear to me that the most practical duction will be on hand for emergency use. way of approaching this task is to establish a program under central management, which would encourage investment and, at the same time, control withdrawals and drilling practices through judicious leasing provisions.

Senate bill 107 (Anderson bill) would establish the framework for such a uniform program of development and administration. Senate Joint Resolution 13 (Holland bill), on the other hand, sets forth no plan whatsoever for development, conservation, or defense. And Senate bill 294 (Daniels bill), while it purports to provide for supervision and control of the development of the lands, would largely decentralize such supervision and control to the individual coastal States without definitive standards of performance or effective sanctions against noncompliance.

It seems abundantly clear that it would be very difficult to effectuate a coordinated program for development and conservation of the submerged oil lands of the Continental Shelf if each State were free to negotiate its own terms and conditions with individual lessees.

In short, we cannot expect to give away national assets to a few individual States and still control them for national purposes as though we had not given them away.

Moreover, there are other difficulties inherent in Senate Joint Resolution 13 and Senate bill 294 which might well impede rather than assist the development so urgently required. It is significant, for example, that the Supreme Court in its decisions relating to the Continental Shelf held that the United States acquired such lands and has paramount rights and dominion over them as an incident of national external sovereignty and in furtherance of the international interests and responsibilities of the Nation. Accordingly, it may be argued that since dominion and control of Continental Shelf lands under the ocean are a matter of national external sovereignty relating to the international domain, such dominion and control cannot be transferred to a State.

I will not presume to dispose of these constitutional questions. This committee has heard testimony from eminent legal counsel. It is simply my purpose to caution the committee that the proposed measures referred to contain an open invitation to litigation which could tie up development of the oil resources of the Continental Shelf for many years.

A closely related problem arises from the fact that Senate Joint Resolution 13 and S. 294 would involve an extension of the territorial waters of the United States. Such extension has consistently been opposed by our Departments of State, Defense, Commerce, and Interior as contrary to the national interest. Such action might well encourage similar extensions by other nations with consequent threat to our shipping and our fishing industry. All of this promises to involve us in international boundary disputes for many years and to make it more difficult for this Government to maintain favorable external relations.

The Anderson bill, S. 107, avoids the legal and international complications I have mentioned. It is consistent with our conservation tradition from the time of Teddy Roosevelt to that of Harry Truman. At the same time it provides the basis for expeditious development of the Continental Shelf oil reserves for defense purposes, with due regard for the equities of States and individuals. The Hill amendment would ensure the utilization of revenues accruing to the United States as a result of this development in consonance with sound public policy.

Mr. KEFAUVER. Mr. President, I wish to point out that Mr. Chapman says that the forests, the parks, and the public domain constitute a National Treasury which has been built up by both Democratic and Republican Presidents and administrations.

Mr. Chapman says:

Unfortunately, we seem to be confronted today with a powerful and concerted effort to wrest control of the Nation's great wealth in natural resources from its constitutional trustee. The bills before this committee to give away our national rights in the submerged oil lands of the Continental Shelf, in the face of three decisions of the Supreme Court declaring those rights to be vested in the National Government as the representative of all the people, are but one example. I am deeply concerned that if these measures are enacted they will establish the pattern for the greatest giveaway program in the history of the world. Once we give away our birthrights, we can never get them back.

This is the former Secretary of the Interior speaking. He knows this problem. He knows the pressures from those who are seeking to get the Congress to give away our birthright. He says that once we give it away, we shall never be able to get it back.

Mr. Chapman further says:

It seems abundantly clear that it would be very difficult to effectuate a coordinated program for development and conservation of the submerged oil lands of the Continental Shelf if each State were free to negotiate its own terms and conditions with individual lessees.

In short, we cannot expect to give away national assets to a few individual States and still control them for national purposes as though we had not given them away.

I hope Senators and others interested will read Mr. Chapman's very excellent statement. I think Senators must also know that, probably more than any other man in the United States today, Mr. Chapman is familiar with the value of this great domain and the difficulty we have had in trying to keep it intact.

Mr. President, this administration is certainly not going to be appreciated by the American people if it inaugurates the biggest giveaway program in the history of our Nation. It is proposed to give away the oil and the minerals in the sea and the lands under the sea. Already bills are prepared and efforts are to be made to take the rest of the public lands, denying the United States access to the waters of the sea. The evidence is mounting that this is the beginning of the biggest giveaway program that has ever been known.

I noticed the other day that part of the general pattern to effectuate an all-out giveaway program is evidenced in the announcement of the Secretary of the Interior that the synthetic fuel plant at Louisiana, Mo., is to be shut down. This means, in its simplest terms and devoid of circumlocutions, that this administration proposes to stop one of the major efforts which the Congress created in 1947 for advancing experiments in producing oil and gas from coal.

It means that $75 million of Government investment is thrown away blithely in order to "save" $2 million this year.

It means that the possibilities of creating employment opportunities for coal miners in the face of a gradually diminishing demand for coal have been set back for an unpredictable time.

It means that the plant, which cost so much and which has so much to offer all the people, will be disposed of as surplus probably at a fraction of its true worth.

I should like to ask whether, in so lightly overturning a program of the Congress, the Secretary of the Interior consulted the Defense Department as to the effect of this action on our security.

Even as we debate this subject here it is my understanding that various private corporations are beginning to recruit the specialized and highly trained manpower at the Louisiana synthetic fuel plant. There are some five hundred workers there. Thus, even if this body should decide it wants the work to proceed, the able men whom the Government trained at taxpayers' expense will no longer be available.

The meager sum which the Bureau of Mines is expending to operate small laboratories at Bruceton, Pa.; Morgantown, W. Va.; Rifle, Colo.; Laramie, Wyo.; and Gorgas, Ala., for experimentation in both coal and oil shale is not enough in this important security effort.

The spirit of Santa Claus is being breathed quickly and early into the actions of the new Secretary of the Interior by the administration. This all fits into the same pattern. The plant at Louisiana, Mo., was originally an ammonia plant. The Federal Government has $75 million invested in it for the purpose of seeing if oil cannot be made from coal. It has been a tremendous success. The oil companies tried for a long time to get former Secretary of the Interior Chapman to close down this plant because they do not want the competition of oil from coal. It now appears that the big interests have at last prevailed. The Department of the Interior was told to economize to the extent of $2 million. How did it economize? It took the $2 million from the operation of the plant in Louisiana, Mo.

Mr. President, the process of getting oil from coal has reached the point where it might be possible to compete with oil taken from the ground, and, therefore, with our diminishing oil supply, that may become a very valuable national asset.

Mr. President, this is all part of a pattern in the giveaway program. It is giving away our national heritage and our national assets for exploitation by special interests.

With the Louisiana, Mo., plant put out of business it is likely that other programs to develop scientific processes that have been worked out, many of which are patentable, many of which have tremendous values, will no longer remain in the hands of the Government.

Mr. President, there are some indications that the administration is beginning to realize some of the implications which lie in the proposal to quitclaim the national interest in the submerged coastal lands. We may hope, for the sake of our country's future, that this is true. This growing awareness is discussed by Thomas L. Stokes in a recent column in the Washington Star, entitled "Administration Sees the Light."

For the information of Senators who may not have read the important column at the time of its appearance, I should like to read one or two paragraphs from the article. I shall not read all of it. Mr. Stokes is a very thoughtful and courageous gentleman of the press in Washington. He writes a widely distributed and read column for many newspapers. I quote from Mr. Stokes' article:

> The Eisenhower administration is indicating growing alarm that what some private interests are seeking, with considerable support in Congress, is not at all the conservation of natural resources envisioned by Theodore Roosevelt, whom the President has made a model for his conservation policy.
>
> The administration belatedly seems to be waking up to the very clear fact, emphasized in this column before it assumed office, that the drive to quitclaim offshore oil lands to the States is the opening of a Pandora's box for a really big grab of our natural resources. In short, to establish a precedent for turning back all the public lands within the States. That would mean easier exploitation of minerals and metals, forest resources, grazing lands, and development of rivers for private profit rather than in the general public interest. That is directly contrary to the Theodore Roosevelt policy of preserving our natural resources by integrated national management in behalf of all the people, which is not possible if every State where there are public lands is left to its own whims in bargaining off the natural resources in what now is the public domain.
>
> Qualms of the administration were revealed by Attorney General Herbert Brownell when he appeared before the Senate Interior and Insular Affairs Committee. To its surprise, he recommended that Congress grant to the coastal States only the authority to administer and develop oil and other natural resources in the marginal seas within their "historic boundaries" and not grant "a blanket quitclaim title to the land" which is what President Eisenhower so blithely promised during the campaign.
>
> This would still give the coastal States the revenues from these lands, and thus would deprive all other States of the benefits from them, such as Federal control would provide, but ostensibly would leave title to the offshore lands still in the Federal Government, where the Supreme Court said it belonged. That would avoid a challenge of constitutionality from the Supreme Court if the issue were raised there again, as it could very well be if Congress granted title to the States. The Court said the States had no title to these lands nor any property interest therein.
>
> Though citing the constitutional question as the reason why he opposed a blanket quitclaim for the States, it was manifest that Attorney General Brownell also was aware of the inherent dangers to our whole natural resource conservation policy should the granting of title in the coastal lands be taken as a precedent for taking title by the States of all other public lands.
>
> For, when he was asked by Senator BARRETT, Republican, of Wyoming, why the public lands within the so-called public lands States, of which Wyoming is 1 of 14, should not also be given to the States, Mr. Brownell said that was an entirely separate question and had no relation to the issue involved in the offshore lands. However, a connection has been argued by Senator BARRETT and other public-land-States members of the committee at every opportunity since the hearings began.

Then Mr. Stokes goes on to say that the Senator from Maryland [Mr. BUTLER] and other Senators have stated that they are waiting to get the Federal rights in their States transferred to the States.

Mr. ANDERSON. Mr. President, will the Senator from Tennessee yield for a question?

Mr. KEFAUVER. I yield for a question.

Mr. ANDERSON. Does the Senator from Tennessee see any reason why the Western States, such as Wyoming, which is represented in part by the junior Senator from Wyoming [Mr. BARRETT], should not ask to have oil rights and mineral rights completely transferred to them, when those rights are in ground obviously within their boundaries, if there is to be transferred to a State oil that lies 10 miles outside its seacoast? It may claim a boundary out that far, but the Federal Government has not recognized it. However, if a State claims rights 10 miles out from its seacoast, is there any fair reason why the people of Wyoming, Colorado, and other public-land States should not at least be expressing an interest in the reserves which lie below their areas? Is it not true, therefore, that probably the very thing the Senator from Tennessee is talking about is certain to follow?

Mr. KEFAUVER. I thank the Senator from New Mexico very much. I agree with him fully. As I said before, I believe the people of Wyoming really have a stronger claim to the Yellowstone National Park, a public domain, than the people of the coastal States have to the land and the natural resources under the sea off their shores.

A further timely discussion of the subject appeared in the Washington Post of March 10, 1953, in an article written by Marquis Childs, another very thoughtful and analytical columnist, who also writes and states his position exactly as he sees it. The article is entitled "Oil Again Is Big Issue in Politics." In the article Mr. Childs discusses implications arising from the recent testimony before the Committee on Interior and Insular Affairs by the Attorney General, Mr. Herbert Brownell, and by Mr. Oscar L. Chapman, the former Secretary of the Interior. I referred to Mr. Chapman's testimony a short time ago, and it has been put in the RECORD.

I merely wish to invite attention to what Mr. Childs says about Mr. Brownell's position:

> But now Attorney General Herbert Brownell has discovered that it is not so easy. An able lawyer with a thorough knowledge of constitutional issues, Brownell in his testimony before the Senate Interior and Insular Affairs Committee recognized that an outright grant of the bottom of the sea beyond the 3-mile limit might be unconstitutional. He suggested that the States be given the right by the Federal Government to exploit the oil without getting title to the land.

Then Mr. Childs goes on to say that naturally this did not satisfy some of the Senators.

Mr. President, I read further from the article by Mr. Childs:

> But Brownell, having looked at the facts, knew that the simple way out was not simple at all. The truth is that the quitclaim bill backed by the State-rights Senators, with a large assist from the oil lobby, may be the way into a legal morass of endless complications.
>
> A hint of this was contained in the testimony given before the Senate committee by former Secretary of Interior Oscar Chapman. He suggested that the quitclaim proposals sponsored by Senator DANIEL and Senator SPESSARD L. HOLLAND, of Florida, contained an "open invitation to litigation which could tie up development of the oil resources of the Continental Shelf for many years."

Although the Senators who heard the testimony were unaware of it, the legal steps have already been worked out to take a challenge to the courts if Congress approves giving the oil to the claimant States.

I believe that has reference to action by the State of Rhode Island, in stating that a suit would be brought.

I do not know which qualification arose first in Bernard De Voto—that of the historian or that of the conservationist. He is eminent as both. Blessed with a brilliant mind, a facile pen, vigor, and courage, he has come to the fore in the effort to protect the natural resources of our Nation whenever and wherever those resources have been under attack by those seeking short-term profits against the long-term needs and rights of the Nation.

In Harper's magazine for February 1953 Mr. De Voto once again comes to the defense of our national heritage. For the information of my colleagues, I should like to read parts of Mr. De Voto's challenging article. I hope many of my colleagues will read the article. If they will, I am sure they will have a more complete understanding of what is involved in the present effort to stage a great raid on the national treasure of the United States, as outlined by Mr. De Voto in his analysis and diagnosis of the plan and program to attempt to take those natural resources away from the Government of the United States.

In the article, reference is made to measure similar to the one before us and to other methods by which an attempt is made to place control of those resources in the hands of vested special interests. When my colleagues come to understand fully the scope of that plan and program, as set forth in the article by Mr. De Voto, they will be very much alarmed about the pending joint resolution.

Mr. President, Mr. De Voto's article is a very revealing one. I merely refer to it now. The title of the article is Billion Dollar Jackpot. As I have stated, the article appears in Harper's magazine for February 1953.

A further useful and enlightening discussion of the threats to the public domain is to be found in an article entitled "Season for Plunder: The Public Domain," written by Jean Begeman, and published in the New Republic magazine.

I now ask unanimous consent that a few paragraphs of the article be printed at this point in the RECORD.

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

SEASON FOR PLUNDER—(1) THE PUBLIC DOMAIN

(By Jean Begeman)

Soon after Eisenhower's election, Laurence F. Lee, president of the United States Chamber of Commerce, began the current crusade for land freedom, i. e., the gradual transfer of all Federal lands to private owners. He told the National Lumber Manufacturers' Association to join such groups as "the pulp and paper industry, several State cattle and sheep growers organizations, the Council of State Governors, the taxpayers' associations," and State chambers of commerce to help Congress draft corrective legislation." Last December, Lee declared that 46,000 acres of public land about to become part of the Olympic National Park should be sold to private interests and added a recommendation that the Government should be seeking ways to dispose of public lands and return the land to private ownership.

Wilson and Lee were the advance guard of the administration's attack on the public domain. More recently Senate Interior Committee Chairman HUGH BUTLER, Republican, Nebraska, in his enthusiasm over the conservative views of Secretary McKay who was appearing before the committee, interrupted to announce prematurely that after the tidelands are handed back to the States there are plans underfoot for "the introduction of a bill that will make the same theory applicable to public lands now held by the Federal Government."

This pronouncement on the part of a key Senate committee chairman sounds like the beginning of another "wild west show," as the Denver Post called the attempted land grab of 1946 and 1947. That was the time a group of wealthy livestock lobbyists, working closely with a handful of Senators and Representatives, tried to get control and ownership of all the grazing lands, the national forests and the unappropriated public domain. At the public hearings, the group only permitted witnesses to appear who would attack the Forest Service and other Federal agencies; conservationists and the small livestockmen who benefit from the present grazing system were prevented from testifying in rebuttal. In the National Parks magazine, current issue, the editor recalls that the scheme in 1947 was to transfer all grazable Federal lands to the States, for sale only to the select 22,000 stockmen who already held permits to graze their livestock on them.

Today, the editorial points out, "the broad objectives of the exploiters have not changed, but tactics have been refined. Now the hope is that lumber companies will join forces, to gain control and ownership of the forest lands as well."

* * * * *

However, a survey in McKay's home State by a local chamber of commerce in Douglas County, Oreg., that same year showed that in an area where the annual allowable cut was estimated at 475 million board-feet for sustained yield, private lumber interests were cutting 750 million board-feet. The survey uncovered the fact that 41 percent of the logging operations on private land during 1950 removed all trees so the lands could be converted to agriculture and stock raising, thus increasing the difficulty of growing sufficient timber to maintain the 245 sawmills in the area. A little push-button forestry might have proved more efficient. The Interior Department manages 2.5 million acres of the Nation's greatest timberland in western Oregon.

* * * * *

Our vast public power and reclamation projects are to be in the hands of former Gov. Fred G. Aandahl, of North Dakota, now Assistant Secretary of the Interior. The private utilities have long attempted to stop the Government's progress in this field. Shortly after McKay's nomination, Dr. Paul Raver, Bonneville Power Administrator, forecast that the new administration may take the Federal Government entirely out of the power business in the Pacific Northwest and make the Columbia River development a regional responsibility.

* * * * *

The mineral and livestock lobbies have staked their claims for the public domain too. Senator LESTER C. HUNT, Democrat, Wyoming, has introduced S. 807 which would turn the valuable mineral rights over to the States. The cattle and sheep lobby has drafted a bill, not yet introduced, along the lines of the GOP platform that would give stockmen increased grazing rights in the national forest.

Bernard De Voto, who has hammered away at such pressure groups since 1947, points out in the February issue of Harper's that the recent resolution by the Wyoming Farm Bureau Federation; "that all public lands and all minerals on or under said lands (oil, oil shale, phosphates) claimed by the Federal Government should become the property of the State of Wyoming" is just one version of a proposal that is going to be made in various forms, as groups experiment to see how far they can get the new Congress to go. DeVoto warns: "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."

In the recent hearings on the offshore oil measure, Senator ARTHUR V. WATKINS, Republican, Utah, furthered the cause of the plunderers by stating that so far as he was concerned the States could handle the public lands in their boundaries in a more efficient manner than the Federal Government. Senator LISTER HILL warned his colleagues that if the coastal States should get title to the submerged lands, the next logical step is for the Western States to claim the public domain in their boundaries.

Mr. KEFAUVER. Mr. President, I wish to read a portion of the article by Jean Begeman:

The resources beneath the lands include an estimated 4 billion barrels of oil, enough oil shale to produce 130 billion barrels of crude oil, and 111 trillion cubic feet of gas and 324 billion tons of coal. This is the wealth that for years powerful pressure groups have attempted to raid.

He is speaking of the public domain, Mr. President.

I read further from the article:

The pressure groups represent the private interests who lease the public lands—oil companies who lease public lands for petroleum development, cattle and sheep owners who lease land for grazing, mining companies for mineral extraction and private utilities eager to obtain power generated at Government dams for resale to the public.

The leasing of public lands brings back to the Government over $300 million in revenue annually: oil and gas leases, $48 million; grazing and timber, $80 million; sale of public power, $210 million (of which $130 million is from the sale of TVA power during 1952). And, according to the Supreme Court, the Government is the rightful owner of that vast oil and natural gas resources under the marginal sea and the Continental Shelf.

Mr. President, those are the public lands which would be given away if the pending joint resolution were ever enacted into law.

Already just a little exploitation of the oil lying in the lands under the marginal sea has brought in revenues of $60 million, which I believe now is impounded in the Treasury of the United States, and would be given to the States if the pending joint resolution were enacted into law.

I read further from the article:

Whether the Government will continue to protect the public domain for the benefit of all the people or give it over for the benefit of a few special interests rests with General Eisenhower, Secretary of the Interior Douglas McKay, and the 83d Congress.

Spokesmen for the National Association of Manufacturers, the United States Chamber of Commerce, the big private-utility companies have revealed the strategy of the new "grab" for public land and public power. In a speech before the Commerce and Industry Association of New York, Inc., last

September, Charles E. Wilson (General Electric) sent up this trial balloon:

"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. Under this plan, bonds could be exchanged for shares of stock in the new companies to spring from the presently Government-owned plants. It would be deflationary to the extent that the debt is reduced. * * * Millions would own a tangible part of American business enterprise * * *."

Millions would also pay higher rates for public power. Federal public power and water projects are "book valued" at $27 billion and while Wilson's scheme might decrease the public debt by 10 percent, it does not take into account the annual returns to the United States Treasury from our self-liquidating projects. It would, indeed, be a bonanza for the private utilities.

Soon after Eisenhower's election, Laurence F. Lee, president of the United States Chamber of Commerce, began the current crusade for "land freedom," i. e., the gradual transfer of all Federal lands to private owners. He told the National Lumber Manufacturers Association to join such groups as "the pulp and paper industry, several cattle and sheep growers organizations, the Council of State Governors, the taxpayers' associations," State chambers of commerce to help Congress draft "corrective legislation."

Of course, Mr. President, so-called "corrective legislation" is before us now; it would "correct" the situation by making a tremendous raid on the Public Treasury and the public heritage; it would transfer from the Federal Government and the people to a few selfish interests the benefits to be derived from extremely valuable natural resources.

I read further from the article:

Last December, Lee declared that 46,000 acres of public lands about to become part of the Olympic National Park should be sold to private interests and added a recommendation that the Government should be seeking ways to dispose of public lands and return the land to private ownership.

Wilson and Lee were the advance guard of the administration's attack on the public domain. More recently Senate Interior Committee Chairman HUGH BUTLER (Republican, Nebraska) in his enthusiasm over the conservative views of Secretary McKay who was appearing before the committee, interrupted to announce prematurely that after the tidelands are handed back to the States, there are plans underfoot for the introduction of a bill that will make the same theory applicable to public lands now held by the Federal Government.

This pronouncement on the part of a key Senate committee chairman sounds like the beginning of another "wild west show," as the Denver Post called the attempted land grab of 1946 and 1947. That was the time a group of wealthy livestock lobbyists, working closely with a handful of Senators and Representatives, tried to get control and ownership of all the grazing lands.

It then proceeds to show how the plot has thickened, what the plan is, what is going to happen; what Senators who are pushing the pending measure are trying to palm off on the people of the United States, that is, an entering wedge to the biggest giveaway program the Nation has ever known, giving away our resources at a time when we are in dire need of all the assets we have.

Mr. President, there have been frequent, long, and expensive efforts to obtain title to the submerged lands of the Continental Shelf off the coasts of California, Texas, and Louisiana. Some of the Senators are interested in this on the ground of States' rights, and what not. There is a National Association of Attorneys General, which is pushing the matter. Some of the Senators may not realize the sinister effort of certain persons who are behind the proposal now before the Senate. This is a legislative measure of the big, vested, selfish oil companies. It has always been the proposal of the big, selfish, vested oil companies. On various other occasions when this proposal has been before the Congress, as, for example, when I served in the House of Representatives and was a member of the Judiciary Committee, it was the big, vested, monopoly oil companies, who, having no concern for the welfare of the Nation, always pushed legislation of this sort. It is a mystery to me how they should be able to get such thoughtful and distinguished Senators to join in support of the pending joint resolution. One thing they were able to do was in some way or other to convince the Association of Attorneys General they should become interested. Some of the attorneys general have seen the light and have kicked over the traces.

The backers of the proposal have been spreading the bogey idea that in some way or other river bottoms and lake bottoms and the bottoms of inland waters are involved. The Federal Government never claimed ownership over them. If there has even been any question about it, it is made absolutely clear by the Anderson bill that State ownership of river bottoms, lake bottoms, jetties, and piers is absolutely undisturbed.

Ah, Mr. President, those who are interested in seeing that there is no question raised about the lake bottoms, the river bottoms, and inland waterways, would be a great deal safer with the Anderson bill than they would be with the unconstitutional grab which is proposed to be brought about by Senate Joint Resolution 13, which would result in lawsuits, constitutional tests, and all manner of complications.

There can be no doubt about the Anderson bill. Nobody has raised a constitutional question regarding it. It would merely confirm what has always been the law; that the States own the river bottoms.

That is why it is necessary that a commission be created to study this whole problem. It would be well to have a commission go into the matter, so that the public would be able to understand exactly what issues were involved. Sometimes the word "tidelands" is used in describing the joint resolution. Actually it is not a tidelands measure at all, because the tidelands are not involved. It is a measure originally fostered, and backed today, by the big oil companies, in ruthless disregard of the best interests of the Nation.

I have here several pages from an article entitled "The Battle for Tideland Oil," a news report comprising special articles, editorials, and cartoons, from the St. Louis Post-Dispatch of July 5 and of November 26, 1945. The battle was going on at that time, too. The special interests never give up. The big oil lobby will use first one method and then another. They first employed attorneys of their own to present the case, and subsidized or helped the attorney general of California. There was a parade of witnesses before the committees of Congress during past years and great sums of money were spent. It is shocking to contemplate what the oil companies themselves were trying to do. If anyone has any doubt about it, let him read what Mr. Ickes said about it, and note the money that was paid in order to present the matter to the committees of Congress, and to fight the cases in the Supreme Court. It is in this article.

We do not hear very much about the oil companies nowadays. They learned, back in 1945 and 1947 through their experience at that time, that it would be better for them to remain in the background. But they have come out in front for the purpose of pressing the pending joint resolution. It is the big oil companies that want to get their hands on the oil that are the bottom of this effort today. They are joined by certain other big special interests who want to exploit the timber of our national forests, the public domain, the mineral rights under our land, and by special private power interests, who want to kill the public power program of the Federal Government. What a collection of proponents.

Mr. President, it is time that the people took note of what is contained in the pending legislative proposal.

Although this matter was under adjudication in the Supreme Court of the United States at the time, the Congress in 1946 passed a quitclaim bill to these areas in favor of the States involved and this act was vetoed by the President of the United States as not being in the national interest.

Subsequently, in three decisions involving original actions by the States of California, Louisiana, and Texas, the Supreme Court of the United States upheld the paramountcy of the Nation in these submerged areas.

It was the decision of the Supreme Court that rights and title to these submerged lands belonged to the Nation and that such rights and title had always belonged to the United States, that is, to the people as a whole. There was and is, therefore, no question of returning something to the people of these States which had once been in their possession and which had been taken from them wrongfully or otherwise by the Nation as a whole.

Bills to quitclaim the national interest in these areas are now before us again. They have been brought before us here in the hope and expectation that through a change in the political complexion of the Congress and of the Executive authority that a different attitude toward the maintenance of the national interests now obtains. They have been brought forward again in the hope and expectation that political changes have brought about a change in attitude toward the protection and husbanding of the natural resources and of the public domain as a whole.

To my mind, this question should lie far above the strata of politics. It involves the basic philosophy on which our Nation was established, out of which our

Constitution was created, and the machinery of government formed.

Mr. President, in our national tendency to overstatement, we sometimes misuse the word "vital," but we now have before us a truly vital measure which goes straight to the heart of our national well-being. It should not be settled in an atmosphere of partisan politics. There should be no votes cast here on the basis of a payoff for political favors which in the past may have been granted. It was to achieve a solution in an atmosphere in which a suitable settlement of the issue, fair to all parties, could be attained that I sponsored a joint resolution, which, if passed, would create a commission which would study this problem expertly and report to the Congress at an appropriate time for action. I urge this body to consider my resolution as a method of adjusting any special claims which any State or municipality or group may have.

Some of the persons interested in the submerged lands of the Continental Shelf have sought either to ride roughshod over the Supreme Court of the United States or to ignore the decisions of the highest and most venerable Court of our land.

In coming to a judgment on the proposed legislation now pending, it is essential, in my opinion, to have fresh in our minds the issues as they are set forth by the essential documents showing the history of the efforts to obtain title for the seaboard States principally involved.

One of the documents, which I shall not read, but to which I desire to refer, is a veto message of the President of the United States of the first of the quitclaim bills passed by the 79th Congress in 1946. It was before the Supreme Court had acted in the California case.

Next, Mr. President, I wish to invite attention to the brief of the United States in the California case before the Supreme Court. This brief, which set forth at great length the history of the Government's position, together with the fact that no question had ever been raised about the State ownership of river bottoms, lake bottoms, and inland waters, was prepared by Mr. Philip B. Perlman, then Solicitor General of the United States, and one of the most eminent of the occupants of that high office. It is an excellent brief. It is too long to read here, but I want to identify it as being number 12 filed in the case of United States against State of California, October term, 1946, in the Supreme Court of the United States.

The President's veto message in 1946 was House Document No. 765 of the 79th Congress, 2d session. That is the one to which I referred a little while ago.

Mr. President, we could discuss for a long time the three principal cases and the decisions by the Supreme Court in the California case, the Louisiana case, and the Texas case. Not only were those cases decided against the States involved, but petitions for rehearing were filed and were denied, so that there are 6 decisions in those cases by the Supreme Court; and there has been 1 since that time.

Mr. President, I desire to pay tribute to the governors and attorneys general of those three States for having had the best legal talent available anywhere for presenting the cases to the Supreme Court. Every argument that could possibly be made was made, and the Supreme Court, after all the sparring and discussions, decided they had no title to the property in question. They claimed the property for a long, long time. The Supreme Court, in some of its notes, referred to the fact that in 1938, when oil was first discovered off the coast of California, a resolution was passed unanimously by the Senate, with the distinguished Senators from California, from Florida, from Louisiana, and from Texas being present, asserting that land out to sea was Federal property and that the Federal Government ought to issue licenses for the exploitation of the property and for its protection. There was no cry at that time that it belonged to the States.

Mr. ANDERSON. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield for a question.

Mr. ANDERSON. I wonder if the Senator is familiar with the fact that in the hearings in the House of Representatives in 1938 there was evidence introduced in which someone said the State of California was collecting the money only because the oil companies did not know what else to do with it. Of course, taking money is habit forming, and after they had been taking the money for quite a while, of course, they knew it was their money. I wondered if that matter had been called to the attention of the Senator from Tennessee.

Mr. KEFAUVER. I read that testimony in the House of Representatives. In fairness, let me say that I think the State of Texas had a little better claim than did some of the other States. There actually was no interest in it of a substantial nature on the part of some other States until after it was found that there was oil in the submerged lands that could be exploited.

In view of the present situation, it is almost inconceivable that the resolution in 1938, which was reported by the committee and passed by the Senate, asserted that the title to the submerged areas belonged to the Federal Government and asked the Federal Government to conserve the oil and to issue leases so it could be exploited. There was not one voice raised in opposition in 1938 to that resolution which was in exact contradiction to what we have before us today.

Mr. President, after all the sparring has ceased, there is not any way to settle disputes between the Federal Government and the States except by a decision of the Supreme Court. We in the Congress of the United States are proud of our judiciary. We have confidence in the Supreme Court. We want to abide by its decisions. It is a very strange thing that when the Supreme Court decides a question in a way with which some persons do not agree, they want Congress to take over the province of the Supreme Court and overrule it, even though the Court says it is protecting the interests of the people.

There has been something said to the effect that the decision of the Supreme Court is not very strong. I say it is strong in all three cases when it says that the property belongs to the Federal Government and not to the States. I always go by the decree of the Court when I want to know just what the Court means. I have here a copy of the entire decree of the Supreme Court in the California case (332 U. S. 805) from which I desire to read an excerpt:

> And for the purpose of carrying into effect the conclusions of this Court, as stated in its opinion announced June 23, 1947, it is ordered, adjudged and decreed as follows:
>
> 1. The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominium and power over, the lands, minerals and other things underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California, and outside of the inland waters, extending seaward 3 nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California. The State of California has no title thereto or property interest therein.

Mr. President, after all the arguments before the Supreme Court, the Court finally said that the United States had title, and that the State of California had no title thereto or property interest therein.

How can we, representing the Federal Government, in good conscience allow the Federal Government, which is the trustee for all the people, to take away something which belongs to all the people, and give it exclusively to the people of States which have no title thereto or property interest therein?

The same types of decrees were entered in the Louisiana and Texas cases, and provided that the States had no title or interest, but that the Federal Government had full title and interest herein.

In an effort to justify an attempt to overrule the Supreme Court, proponents of the Holland joint resolution have argued that Congress would be justified in overruling the Supreme Court because the States had made claim to the submerged lands beneath the ocean. In the hearings I had an extensive colloquy with the junior Senator from Colorado [Mr. MILLIKIN], and that was the only basis he saw for passing such a measure as is here proposed. The colloquy appears on page 838 of the hearings, and I shall quote from it:

> Senator MILLIKIN. May I suggest that the big distinction, Senator, is the contention of the States that they own these offshore lands, which is vastly different from your situation in Tennessee where the State of Tennessee does not claim it owns those lands. The same applies to all these public-domain questions. The States out in the West are not claiming that they own the public domain. There would be a vast difference between the Congress giving property which the States do not claim they own and giving property which the Congress might conclude belongs to the States.
>
> Senator KEFAUVER. I would say in answer to that that I do not see on a legal basis where there is any difference whatsoever.

I had been arguing with the Senator from Colorado that the people of Tennessee would have just as much right to the Great Smokies National Park as would California and Texas to the lands and the natural resources out in the sea. The Senator from Colorado stated

that the difference was that the people of the seacoast had been claiming some interest out in the sea, whereas the people of Tennessee had not been claiming any interest in the Great Smokies National Park. Of course his statement was incorrect, because the people of inland States are already claiming an interest. The senior Senator from Wyoming [Mr. HUNT] in his bill is claiming mineral resources. I believe the National Association of Manufacturers is claiming that the States ought to have certain parts of the national parks. The senior Senator from Nebraska [Mr. BUTLER] is about to introduce a similar bill. The junior Senator from Nevada [Mr. MALONE] is about to offer an amendment to provide for the transfer of the minerals under the public domain to the States. So there are many claims.

Admittedly the decisions of the Supreme Court are against the States. Does the fact that a claim was made in the past alter the situation? There never would have been a case in the Supreme Court unless there had been a contention, unless there had been a claim. If there had not been a conflict of claims, the cases never would have reached the Supreme Court. A controversy exists in every case that finally reaches the Supreme Court. Merely because a controversy exists, Congress is not justified in overruling the Supreme Court.

The Senator from Colorado [Mr. MILLIKIN] said that because certain States had made claims in the past, Congress was justified in reversing the Supreme Court and in passing legislation to give the property to the States, although apparently they were not making any claims in 1938. At that time they were calling upon the Federal Government to lease and develop the property.

There would be nothing to prevent the State of Maryland and the State of Virginia from making claims to the District of Columbia. If those States should make such a claim, is there any compelling reason why Congress should pass a law giving back to the States of Virginia and Maryland all the property in the District of Columbia? There would be more reason for doing that than there would be for giving submerged lands to the States, because the District of Columbia was once within the boundaries of the States of Virginia and Maryland.

There are innumerable claims made by States to minerals. If Congress were to overrule every Supreme Court decision because somebody made a claim, then no case in the Supreme Court would ever stand up, because if there had not been a contention or a claim, the case would never have reached the Supreme Court in the first instance.

Let us examine further into the matter of claims. According to the Senator from Colorado, the basis of congressional action is that the States have made claim to something in the ocean. Other States have made claims previously.

The original charters of six of the Thirteen Colonies made the Pacific Ocean their western boundary. If we continue to talk about claims and pass laws merely because States claim certain things, then there would not be anything to this Nation beyond what was comprised in 6 or 7 colonies, because all of them claimed boundaries out to the Pacific Ocean. They had something with which to back up their contentions.

The Virginia charter of 1609 granted territory extending from sea to sea, west and northwest. That was a claim backed up by a charter giving Virginia practically the whole Nation. I hope it is not felt that such a claim would justify Congress in passing a law repudiating everything that has been done, and turning back to the State of Virginia the land of all the States which have been carved from its original territory.

Massachusetts, by a grant of 1629, extended from the Atlantic to the South Seas. So Massachusetts claimed almost the entire Nation.

In the Connecticut charter of 1662, the form of grant was to the South Seas on the west.

In the North Carolina and South Carolina charter of 1663, the grant was to the west as far as the South Seas.

In the Georgia charter of 1732, the grant was westwardly in direct lines to the South Seas.

New York, by the terms of the treaty with the Indians of the Six Nations, asserted claim to Ohio and part of Kentucky. Fortunately, the six Colonies used good judgment by allowing their territory to be broken up so that other States could be formed. Certain litigation growing out of the claims of the States went to the Supreme Court. However, nowhere have I ever before seen such a fantastic argument made as is made in this case—that because a State vaguely claims something, that is a perfect justification for overriding the Supreme Court and for overruling the conservation policy of this Nation and opening up the biggest grab bag this Nation has ever known. That is what is done on the basis that perhaps there was a claim.

There has been in this whole matter involving the submerged lands of the Continental Shelf a vast amount of misinformation, much of it misleading, spread abroad. At least some of this misinformation has been intentional, although I am sure that much of it has been generated by perfectly sincere intentions. The complexity of the issues and the very vastness of the subject and the values which are directly and indirectly involved have in themselves tended to add to the confusion.

If anything is clear, it is that millions of our fellow citizens have quite unclear ideas of what is involved in this legislation. It would be folly indeed if the Congress were to enact this proposal now to quitclaim the national interest in these areas, only to have the country wake up at some later time to a realization of the true values involved in what we are asked to give away.

This question has come before us as a dispute over oil. But the values involved are far greater than any oil which may or may not lie within the confines of the submerged coastal lands. The principles at stake, as they go to the very heart of our nationhood, are vastly greater than any monetary values which could be imagined. This is a matter far beyond politics. Basically, it is a matter of conscience. It is a matter on which the Nation should meditate and over which it should pray.

I have talked about some of the matters which I should like to see the proposed commission, which would be established under my resolution, study. A study would be justified if for no other reason than that the heads of the three Government departments involved are themselves confused about what they want. This measure does not follow any of their recommendations.

A study would be justified if for no other reason than to look into the question raised by Members who signed the minority report, to the effect that this measure would change our whole national policy with reference to our national resources.

There are many hundreds of things that should be studied by the commission, in addition to the settlement of local equities and claims by local towns and communities.

What I should like to see done would be to see the Anderson bill passed, with the Hill amendment, which would enable us immediately to start the exploitation of this oil and to use it for the defense of the United States and for education. Along with the Anderson bill and the Hill amendment, in order to give us time to make any adjustments that should be made, and in order to treat everyone fairly, I should like to see adopted the resolution which I have sponsored, to establish a commission to study the entire problem and the equities of it. That is the way this question ought to be settled, and I hope that is the way it will be settled.

I have before me a list of additional questions which I think such a commission should study. I have alluded to some of them only briefly. Others I have not discussed at all. In order to conserve time, and because I see several of my colleagues are anxious to get on with their speeches, I ask unanimous consent that a list of some of the subjects which I think such a commission should study be printed in the RECORD at this point as a part of my remarks.

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

RE COMMISSION TO STUDY PROBLEM

Among the questions which are raised by the quitclaim bill and which should be thoroughly explored by a commission such as I have proposed, are these:

1. The disposition of funds derived from submerged lands. I support the Hill amendment proposing to use these funds for purposes of national defense during the present emergency and then for education. However, we can only guess at the fabulous resources involved. The estimated value of this oil alone has been placed at $50 billion. We don't know whether this estimate is too conservative or not. In addition, the sea is a great storehouse of wealth—minerals of various kinds, including gold, salts, etc. We are dealing with an unknown quantity as to the value of these lands, which it is proposed that the United States give away.

2. Another subject of study should be alternate uses of the funds in addition to education. For instance, the application of these funds to a reduction of the national debt. We may have within this area the

means of completely wiping out the national debt.

3. Another subject of study is the effect of this legislation upon our international relations. Traditionally, we have held the three-mile limit under international law to be the extent which any nation could exercise its jurisdiction. Beyond that point the United States has traditionally held its policy to be one of freedom of the seas. What effect will this legislation have upon our traditional policy of freedom of the seas?

4. What effect will this legislation have upon our whole policy of conserving our natural resources? If we say under this bill that a State is entitled to these lands beneath the sea because they are within the borders claimed by that State, then what is the difference in saying that any inland State is entitled to the public lands, national forests, national parks, or any other national monument or Government property which happens to be within the borders of the State? Already there has been an indication that there will be efforts, if this bill is passed, to obtain other public lands within the States and minerals beneath the public lands.

In hearings before the Interior Committee, Senators BUTLER and WATKINS indicated as much. Senator HUNT has introduced a bill to convey mineral resources in the public lands to the States. When I brought this same question up before the Interior Committee, Senator MILLIKIN insisted that the difference was that the States of Texas, California, and Louisiana had claimed these lands while the other States had not. I can see no difference, but it is true that many of the Thirteen Original Colonies located on the east coast claimed land all the way across the country to the Pacific Ocean, and beyond. What happens to their claims if this legislation is passed?

5. We have had much discussion about boundaries but this is a subject which should be studied by a commission such as I have proposed. We don't actually know what we are talking about when we discuss boundaries. Before the Interior Committee the attorney general of Louisiana claimed boundaries 3 miles out. There is, however, much conflict over where the low- and high-water mark is in Louisiana; and when he was asked "Three miles from what?" he said that he did not know.

We have in this bill an opening wedge for further extension of boundaries. The Supreme Court has had a special master trying to establish boundaries. Would it not be well to at least get the master's report before passing such legislation?

California claims their boundaries between the outermost islands, 20 or 30 miles to sea.

6. What effect does this have upon the fisheries off the coast of the United States? This bill gives outright control to the States of the free swimming fish within the 3-mile limit, or the historical boundary. Presumably, there will be taxes levied upon fish taken from these waters by the States. What kind of problems will this create in the way of enforcement, for instance. Will there be a tax representative following every fishing boat to see where the fisherman takes his catch? If a fish is hooked on one side of the line and pulled in on the other side of the line does that make any difference?

Seriously, this matter of State regulations of fisheries has already created some serious legal problems. For instance, the case of *Toomer* v. *Whitsel*, reported in 334th United States Reports, gives the instance of the citizens of Georgia complaining about discriminatory regulations enforced by the State of South Carolina. South Carolina required nonresidents to pay a $2,500 license fee for each shrimp boat operating in the marginal seas of the State of South Carolina. The fee charged residents of South Carolina was only $25 per shrimp boat. The Supreme Court held this unreasonable fee a violation of the privileges and immunities clause of the Constitution. If this bill is passed, however, I should think that it would certainly be brought before the Supreme Court again. Other discriminatory portions cited in the case were such things as the requirement that the shrimp boats fishing off South Carolina had to dock at a South Carolina port and unload, pack, and stamp their catch before transporting it to another State. Are we going to establish a system of border guards and State patrol boats in these waters?

7. Mr. Judson King, whom we will all remember as one of the leaders in public power movement, along with the late Senator George Norris, points out that the wording of this bill in section 6 is a threat to the future development of multipurpose dams:

"SEC. 6. Powers retained by the United States: (a) The United States retains all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to but shall not be deemed to include proprietary rights of ownership, or the rights of management, leasing, use and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this joint resolution."

THE CONTRADICTION WHICH IS THE JOKER

Mr. King states:

"Reading carefully all goes well to the middle of the paragraph when we encounter a surprising, unnamed proviso which I have underscored. I entreat your patience with quoting so much legal language. You will not believe me if I do not. Anyhow, this is not a mystery or a detective story—but perhaps it is, of a sort. Keen attorneys familiar with water laws and court decisions have spotted in this verbiage the words 'but' and 'use.' They hold that this proviso denies to Uncle Sam in the text what is given him in the title. His powers are retained but he cannot build a dam without the permission of the States, and he cannot have flood control, navigation, and power without building dams."

These are just a few of the problems that we are creating by passage of this legislation which we do not understand.

It is absolutely essential that we consider thoroughly all the many important implications of such legislation as is proposed quitclaiming these submerged lands to the three States.

8. A commission such as I have proposed should also take into consideration a study of the many local issues involved and an adjudication of the rights of the localities such as the Long Beach, Calif., situation where they have been depending upon oil revenues in harbor development, and the special Texas boundary situation.

9. How are we going to lease these lands?

Mr. KEFAUVER. Mr. President, in surrendering the floor I wish to make it very clear that I have talked about this problem only because I feel that it is of great importance. It does not mean anything to me personally, or to any other Member of the Senate personally. I think it is a matter of tremendous concern to our Government, and to our Nation, in its relations with other nations. We should know what kind of United States we are to have. I think it is a matter of great concern in connection with the payment of our national debt. I think it involves education; and I think our whole conservation and development program and policy are intimately and inexorably involved in this legislation.

I have spoken at length, not because I think I have any particular contribution to make, but because I believe the people of the Nation ought to be thinking about and studying this measure. I have not talked for the purpose of joining in a filibuster. I feel better now than I did when I started about 12 o'clock, or 6 hours ago. If I had any intention of engaging in a filibuster I could continue for quite a number of additional hours. There were certain points which I wished to bring out. I know that other Senators wish to bring out certain points. I hope that in trying to protect the public interest as they see it, Senators will not be accused of filibustering, as they have been accused on several previous occasions.

I thank some of my colleagues for staying with me during the day and asking me such enlightening questions.

I yield the floor.

EXHIBIT 1

[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.

THE WORK OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD

During the delivery of Mr. KEFAUVER'S address,

Mr. FERGUSON. Mr. President, it was my intention to speak on the work of the Subversive Activities Control Board. However, in view of the discussion on the pending joint resolution, I do not wish to take time to do so. I ask unanimous consent that remarks prepared by me be printed in the body of the RECORD, to follow the remarks of the Senator from Tennessee.

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

STATEMENT BY SENATOR FERGUSON

From one of the smallest and least known of our independent civilian agencies, there issued this morning a legal finding and order, the results of which may affect the balance in the cold war no less significantly than the funds we have been voting for military defense.

The agency in question is the Subversive Activities Control Board, and the target of its order is—as the board's name might suggest—that most sinister of all subversive movements known to history, the Communist conspiracy.

Based on many months of hearings which, though public, were too little publicized, the Control Board found the Communist Party of the United States to be the willing instrument of the world Communist organization, dominated from its founding by Soviet Russia, operated under Soviet disciplines, and dedicated to our constitutional Government's overthrow.

Of the truth of that finding, there can be no question. The testimony of the party's repentant former leaders, the evidence of its own publications, and the record of sabotage, espionage, and sedition it made in the service of the Soviet Union, revealed in stark detail the nature and the measure of the party's threat to our safety.

As the board declared in its finding: "From its induction in 1919 it [the Communist Party] has been a subsidiary and puppet of the Soviet Union."

Logically, the finding was accompanied by an order providing for the party's control.

The order, when enforced, should put an end to the operations carried on incessantly for 30 years by the party as a Soviet fifth column in our Nation. The Soviet Union has a new Premier, Georgi Malenkov. Whether in the titanic struggle between the totalitarian conspiracy which he directs and the free system which we defend, Malenkov will play his hand more moderately than did his predecessor, Josef Stalin, we cannot yet clearly foretell.

Of one thing we can be sure.

We shall gain little from developing radar warning networks against atomic bombing attacks, in maintaining and strengthening a strategic air force for counterblows, and in speeding development of the decisive weapon contained in hydrogen energy if, God forbid, Malenkov's minions in our midst should break in upon these defensive efforts and destroy us.

That danger the controls are designed to avert. If and when the courts affirm their constitutionality the danger will be averted and our homefront made immeasurably more secure.

Notwithstanding their vital need, the controls, as written into the Internal Security Act at the onset of the Korean war in 1950, were enacted only over the heaviest opposition. Ranged against them were not only the Communist Party and its affiliates but spokesmen for non-Communist groups and the highest officials of the Federal administration then in office.

The Communist Party contended that the act was an unconstitutional bill of attainder, directed specifically at it—and that claim was false. The party's leaders said that the procedure by which controls could be imposed would deny its members due process of law—and that claim was false.

They said that the controls would abridge the party's right to exercise freedom of speech, press, and assembly, and here, too, they lied.

Undoubtedly the false furor over controls voiced in party circles accounted for most of the unwarranted concern expressed elsewhere as to the purpose and scope of the controls.

It is true that the Internal Security Act marked a constitutional innovation, in that it subjects persons, nominally members of a political party, to control, and true also that the controls apply to Communist fronts as well. But the test as to applicability of controls is membership in the Communist conspiracy, and that only. Hence, the non-Communist groups which opposed controls in fear that they might some day also be controlled were frightened by a bogey.

When the control bill went to the President of the United States for his signature he interposed a veto, and the veto message, unfortunately, added to the bogey's trappings some which the Communists had overlooked.

Seldom has a simple purpose, addressed to a pressing need, evoked such a chorus of misrepresentations and lies as was aroused by the straightforward anti-Communist provisions of the Internal Security Act.

It was understandable that the Communist revolutionaries, masked as mere political radicals and shrewdly exploiting the constitutional protections thus accorded them, should resist exposure and control. Less easy to explain was the contention set forth in the veto message that the controls the Communists were bitterly opposing would help, not hurt, the Communist Party.

Of the reasons for opposition to controls set forth in the veto message, not one was factually supportable. The message contended that because the control procedure might elicit testimony in public from confidential agents of the FBI, that agency's system of Communist surveillance would be "destroyed." The message contended that security measures already in force were adequate. It claimed that the controls, if and when upheld by the courts, would boomerang because, so the message argued, the Communist Party would need only change its officers and ostensible program to elude them.

The crowning irony of this ill-considered, thoughtless message was the argument that the act would put the Government in the business of "thought control." How this smear word, "thought control," snatched from the grab bag of the Communist sloganeers, got into the veto message I do not know. But its appearance there warrants the conclusion that the thoughts of someone on the staff then producing the White House messages certainly needed control.

Having labored long and conscientiously on the drafting of a control measure which would meet security needs and conform with the Constitution, members of the Senate Committee on the Judiciary of the 81st Congress knew precisely what the controls would do. Most emphatically they did not entail "thought control." The two-thirds majority necessary to override the veto was easily mustered; a great and necessary experiment in constitutional law went into effect, with an impartial, quasi-judicial board to administer it.

The board has been badgered by Communist lawsuits, and its chairmanship has several times been upset, but the board has nevertheless now produced the finding and order on the Communist Party, marking the first milestone toward control.

Since the act subjects board findings to judicial review and the Communist Party has indicated it will take an appeal, the ultimate security goal lines in the future. The controls become operative only when a respondent organization has exhausted the avenues of judicial recourse.

Lately, to be sure, there has been an abatement of the clamor against controls. Alerted, perhaps, by the tactics through which Communist defendants in other jurisdictions made those proceedings a propaganda marathon, the Board Chairman, Peter Campbell Brown, and his panel colleague, Dr. Kathryn McHale, permitted no circus play at the hearing. The Attorney General, as petitioner, and the Communist Party, as respondent, stood equal before the Board. The record in the hearing indicates that Chairman Brown required the party to remember that and to behave itself.

With the finding entered and the Attorney General reported ready to petition for the control of a score or so of alleged "front" organizations, the outcry against controls will now undoubtedly be renewed. I am informed that a new barrage of misrepresentations and distortions is in the making. Appropriate at this juncture, with the first finding in, is a calm review of the act, sifting truth from falsehood, and measuring the record of the act in its administration against the false prophecies it inspired.

It is important that the review be made and the lies and misrepresentations be exposed, for otherwise, the Communists, whose purpose is to destroy constitutional government, may succeed in making themselves appear as martyrs to the cause of constitutionalism. The lies are too many and varied for me to deal with all of them, but five loom up enormously.

The five flagrant falsehoods, to which I shall confine this refutation, are these:

First, that the act is an unconstitutional bill of attainder, directed at the Communist Party; that the hearing procedure withholds due process of law; and that the controls abridge the freedoms of speech, press, and assembly;

Secondly, that the basis for controls was defined so loosely and the control provisions were drawn so poorly that, as the veto message claimed, even advocates of low-cost housing stand in jeopardy of being classified as Communist fronts and of being controlled;

matters of reappraisement and classification of imported goods. This officer is known as the Assistant Attorney General in charge of customs matters.

By Reorganization Plan No. 2 of 1950 all functions of all subordinate officers, and of all agencies, of the Department of Justice were transferred to the Attorney General. Accordingly, the Assistant Attorney General in charge of customs matters would now perform only such functions as may be delegated to him by the Attorney General. However, the effect of the present statute may well be to require the appointment of the Assistant Attorney General in charge of customs matters, whereas this official should be appointed simply as an Assistant Attorney General, as are other Assistant Attorneys General. All doubt in this regard should be resolved.

To accomplish this end, the accompanying reorganization plan would abolish the now-existing office of Assistant Attorney General in charge of customs matters and establish in lieu thereof a new office of Assistant Attorney General. Appointment thereto would be by the President, by and with the advice and consent of the Senate.

After investigation I have found and hereby declare that each reorganization included in Reorganization Plan No. 4 of 1953 is necessary to accomplish one or more of the purposes set forth in section 2 (a) of the Reorganization Act of 1949, as amended. I have also found and hereby declare that it is necessary to include in the accompanying reorganization plan, by reason of reorganization made thereby, provisions for the appointment and compensation of an Assistant Attorney General. The rate of compensation fixed for this officer is that which I have found to prevail in respect of comparable officers in the executive branch of the Government.

Reorganization Plan No. 4 of 1953 neither increases nor decreases the number of officials or employees, or the functions, of the Department of Justice. Accordingly, it is not probable that reductions in expenditures will be brought about by the taking effect of the reorganizations included in the reorganization plan. I am persuaded, however, that the reorganization plan will promote the best utilization of the top officers of the Department of Justice and the most effective conduct of the affairs of the Department.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *April 20, 1953.*

LEAVE OF ABSENCE

On his own request, and by unanimous consent, Mr. MCCLELLAN was excused from attendance on the sessions of the Senate until Friday.

ORDER FOR RECESS UNTIL 11 A. M. TOMORROW

Mr. TAFT. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it recess until 11 o'clock tomorrow morning.

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

TITLE TO CERTAIN SUBMERGED LANDS

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

Mr. KENNEDY. Mr. President, I wish only to make a very few remarks to clarify the issues as pertain to the Commonwealth of Massachusetts.

The real issue which faces the Senate today is one of choosing between two different approaches to this question—that contained in the Holland resolution, and that contained in the Anderson bill. In short, we are not comparing the results of the Holland resolution with the results of no bill at all, but with the results of the Anderson bill and we should measure the consequences to our individual States in that light.

As far as the interests of Massachusetts are concerned, there can be no doubt in my opinion that the Anderson bill is far more beneficial than the Holland resolution. I make that statement for several reasons.

First, it has been alleged that the Supreme Court decisions in the California and Texas cases have created a cloud on the title to the filled-in lands and bays of Boston and Massachusetts. Such fears have been grossly exaggerated, I believe, upon requesting an opinion on the subject from a leading Boston attorney, Prof. Joseph Healey, of the Boston College Law School. He wrote me that—

> The land court of the Commonwealth has registered titles to filled-in land without question * * * the fact is that land in Boston is bought and sold and mortgaged every day without question of potential Federal rights and title opinions are given without ever mentioning the problem.

Mr. President, I have here a map based on the decision of the master in the case of United States against California, which shows that the title to the State of Massachusetts goes, without any question, from Nahant to Nantasket, and that all of the area inland to the west belongs to the State of Massachusetts. Therefore, the filled-in lands, so-called, about which some question has been raised on the floor of the Senate, are not involved. Nevertheless, in order to clarify the situation, the Anderson bill, I think, would completely protect the right of Boston and of Massachusetts in these areas, both for the present and the future, by vesting in the States or their grantees title to all filled-in or reclaimed land within such areas.

Since I have been informed by Mayor Hynes, of Boston, and by the Boston Chamber of Commerce as well as others, that their concern was primarily with respect to that question, I am able to assure them that the Anderson bill, in my opinion, fully meets their concern. I quote from the Anderson bill:

> 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.

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

Mr. KENNEDY. I yield.

Mr. HOLLAND. I noticed with interest that the Senator from Massachusetts relies on section 11 (a) of the Anderson bill to clear up title to lands already filled.

Mr. KENNEDY. I expressed an opinion that there really was no question, but that if there were those who were concerned, I felt the Anderson bill would clarify it.

Mr. HOLLAND. But, if I heard the Senator correctly, he stated he was relying on that bill, not only to clear up titles to date, but also for the future.

Mr. KENNEDY. That is correct.

Mr. HOLLAND. I was wondering what part of the Anderson bill the Senator was relying upon to clear up in the future the title to lands in the Commonwealth of Massachusetts which may be filled into the 3-mile submerged coastal belt.

Mr. KENNEDY. I quote from section 11 (b) of the Anderson bill:

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

Mr. KENNEDY. I yield.

Mr. HOLLAND. Does not the Senator recognize that section 11 (b) relates only to public fills and public construction, and that no provision appears in that bill, insofar as private fills or private industry or private enterprise or private construction is concerned?

Mr. KENNEDY. I will discuss the point at the conclusion of my statement. Secondly, it has been alleged that there is a doubt concerning the Federal Government's possible claim to clams, quahaugs, oysters and lobsters, mackerel, tuna and other fish taken from our coastal waters which bring annual revenues to Massachusetts in excess of $10 million.

Again, the Anderson bill provides 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.

The Anderson bill completely respects the rights and interests of Massachusetts in this respect.

Third, the Anderson bill, with the Hill amendment, would provide for the schools of Massachusetts an income of from $167 million to more than $1 billion, according to some estimates made of the reserves of oil, natural gas, and sulfur in the tidelands of the Continental Shelf.

In these ways, the Anderson bill with the Hill amendment is the most beneficial approach in terms of the interest of Massachusetts.

Next, I would like to consider the effects of the Holland resolution upon the rights and interests of Massachusetts.

First, the Holland resolution seeks to give to a few States for exploitation by a few oil companies the offshore oil, gas, sulfur, and other resources in which all the people of the United States now have, according to successive decisions of the Supreme Court, paramount rights, worth more than $50 billion. According to responsible estimates, this amounts to a sum of from $31 to $1,875 per resident of Massachusetts. The income on even $50 billion worth of offshore resources would be well over in excess of $5 billion every year.

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

Mr. KENNEDY. If I may, I should like first to finish my statement; after which I shall be glad to yield.

This is as much as all the interest paid each year on the national debt.

Secondly, I completely agree with the editorial of the Boston Daily Globe, March 28, 1953, which stated that the tidelands oil giveaway also threatens the public domain which, as the editorial points out, "belongs to all the people and not to any State. Our history shows that we have usually been inclined to be too lavish with it. Today, with our resources dwindling, it is necessary to consider policy regarding it in a spirit of thrift. There is no other attitude which we can safely take." Certainly, the people of Massachusetts will not be benefited by the giving away of our natural resources and public lands, from which they will gain nothing and lose their interest as taxpayers.

Finally, and this is perhaps most important of all to Massachusetts, the Holland resolution contains a very real threat to our fishing industry. The resolution purports to recognize and permit the extension of State boundaries of territorial waters beyond the 3-mile limit. Massachusetts makes no such claim, limiting itself to 1 marine league or 3 miles. The United States Government, I understand, has consistently maintained that the territorial waters of this and all other nations extend only to the 3-mile limit. For that reason, representatives of the State Department have warned the committee about the disastrous effects which could result from this change of the traditional position of this Government. As stated by Mr. Tate, Deputy Legal Adviser of the Department of State, such a change "would be seized upon by other states as justification for broad and extravagant claims over adjacent seas."

Mr. JACKSON. Mr. President, will the Senator from Massachusetts yield for for a question?

Mr. KENNEDY. I shall be glad to yield after I have finished the quotation from Mr. Tate. I read further:

> 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 enforce abandonment of its traditional position. At the same time, it would renounce grounds of protest against claims of foreign states to greater breadths of territorial waters.

I shall now be glad to yield to the Senator from Washington for a question.

Mr. JACKSON. Is it not true that there is pending in the Canadian Parliament proposed legislation which would authorize that nation to extend its jurisdiction over any coastal waters whatsoever, irrespective of the 3-mile limit? Is it not true that that would be a direct threat to the fishermen of New England States, including the Senator's State of Massachusetts, insofar as their ability to prosecute their rights to fish is concerned, an industry in which they have engaged for many generations off the Canadian coast?

Mr. KENNEDY. Yes. The Senator is certainly correct. As the Senator knows, Chile in 1947, Peru in 1947, Honduras in 1950, and El Salvador in 1950, asserted claims to a 200-mile belt, which, of course, establishes a precedent for the extension of the jurisdiction of other nations such as Canada and Iceland, which would affect our fishing industry.

Mr. JACKSON. Is it not true that the Eisenhower administration, through its Secretary of State, has indicated that that is a real threat to American fishing interests, and that if an extension of State boundaries is made beyond the 3-mile limit, the State Department will not be in a position effectively to object to the unilateral action taken by other nations prohibiting persons, other than their own nationals, from fishing beyond any given limit which they may promulgate?

Mr. KENNEDY. Yes. I have a map here which the Senator can see. It gives the location of the fishing grounds from which most of the fishermen from Maine, New Hampshire, and Massachusetts procure fish.

Many of them are contiguous to Newfoundland, New Brunswick, and Nova Scotia. There is the possibility that the Holland joint resolution, if enacted into law, would cause us to lose our justification for opposing some of the nations extending their control beyond the 3-mile limit.

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

Mr. KENNEDY. I yield for a question.

Mr. LONG. Is the Senator familiar with the fact that the treaty with England in 1783 secured to American fishermen the right to fish in the waters in question?

Mr. KENNEDY. I do not think that this today binds Canada. I point out further to the Senator from Louisiana that nations like Chile, Peru, Honduras, and El Salvador have extended their limits to 200 miles, and if we should extend our jurisdiction beyond the 3-mile limit it would endanger our opposition to these seizures.

In addition, I have a letter from Mr. Patrick McHugh, secretary-treasurer of the Atlantic Fishermen's Union, in which he says:

> We feel that any bill put through Congress changing our historic policy of the 3-mile limit would adversely affect this country as past experience proves very clearly that foreign nations would be only too glad to use such a law as an excuse to extend their own boundaries far beyond the 3-mile limit. As the West Coast has pointed out in their briefs, if we extend even 1 inch other countries can go just as far as they want to.
>
> The fishing industry is having enough trouble now without taking any chances on any more restrictions.

Mr. JACKSON. Is it not true that while there is a treaty in connection with the fishing grounds to which the Senator from Louisiana has referred, it is also true that if Congress should approve this legislation we shall, in effect, be repudiating a treaty entered into in 1783, and therefore we shall be in violation of any grant of reciprocal rights to the Canadian Government?

Mr. LONG. Mr. President, will the Senator from Massachusetts yield on that point?

Mr. KENNEDY. I yield for a question.

Mr. LONG. Is the Senator from Massachusetts familiar with the fact that the treaty of 1783 was entered into before the signing of the Constitution, and that, therefore, there could not have been anything but State boundaries at that time?

Mr. GORE. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. GORE. Is it not also true that the treaty referred to by the distinguished Senator from Louisiana had to do not with a boundary or the claim of a boundary, but rather with the exercise of a commercial right and privilege?

Mr. KENNEDY. That is correct.

Mr. MANSFIELD. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. MANSFIELD. I think it should be brought out that Canada has become an independent nation, without being fully tied to the Crown. If the Canadians are considering extending their jurisdiction farther out to sea, what is there to prevent their carrying through their proposal if we do what is contemplated by the Holland joint resolution?

Mr. KENNEDY. I appreciate the contribution of the Senator from Montana. The letter which I have received from Mr. McHugh, who represents the Atlantic Fishermen's Union, and also from Mr. Thomas Rice, who is executive secretary of the Massachusetts Fishermen's Association, together with the statement by Mr. Tate, representing the Department of State, seem to buttress the statement which the Senator has made.

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

Mr. KENNEDY. I yield.

Mr. LONG. In regard to the treaty of 1783, is the Senator familiar with the fact that very treaty was the treaty

which fixed the boundaries of the United States?

Mr. KENNEDY. That may be true but I have previously questioned its present application.

Mr. JACKSON. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. KENNEDY. I yield.

Mr. JACKSON. Assuming it to be a fact that the treaty is still in effect, which I assume is the belief of the Senator from Louisiana, but which I doubt, because it was entered into prior to the formation of the Government under the Constitution, but assuming that treaty is in effect, would we not, nevertheless, be repudiating it by action taken by the Congress in approving the joint resolution as it is now drafted and presented to the Senate?

Mr. KENNEDY. I believe it might well have that effect.

Mr. JACKSON. Would we not be repudiating the treaty by violating the provisions with reference to the 3-mile limit?

Mr. KENNEDY. I think the point the Senator has made gives us an additional reason for concern. Recent events in international law have shown that such action by this country would bring retaliatory actions by other nations, or else justify the action they have already taken, in extending their seaward boundaries past the 3-mile limit. If that is true, our fishing vessels will face exclusion and seizure by other nations in areas vital to the maintenance of a prosperous fishing industry.

As has been pointed out many times, most of the fisheries necessary to the preservation of the New England fishing industry are located in the high seas contiguous to the coasts of other nations. If we pass the Holland resolution, we could not protest action by Newfoundland, New Brunswick, or Nova Scotia, in making a similar claim to 10½ miles or more of the high seas off their shores and over the Grand Banks. I cannot stress too strongly the danger which this entails to New England's fishing industry which at present is engaged in a fierce competitive struggle with Canada. At a time when our industry is in need of expanded fisheries and other assistance, it would indeed be foolhardy to endanger our right to fish in such waters, and ill-considered to withdraw from the position this country has consistently maintained in its relations with other nations. For this reason, the west coast fishing interests who have already had some experience with seizures by other nations making extravagant claims, and who are relying upon this Nation maintaining a policy of recognizing no more than the 3-mile limit, were adequately represented by Mr. John J. Real at the Senate hearings. For this reason, as I have said, Mr. Patrick J. McHugh, secretary-treasurer of the Atlantic Fishermen's Union, and Mr. Thomas D. Rice, executive secretary of the Massachusetts Fisheries Association, have taken a very strong position with respect to this matter. New England fisheries take fish valued at nearly $20 million from waters off Nova Scotia and Newfoundland.

The prosperity of Boston, Gloucester, and New Bedford, indeed, all of Massachusetts and New England, would suffer from the retaliations which the Holland joint resolution makes possible.

In general, the rights and interest of Massachusetts would be far more protected and benefited by the passage of the Anderson bill rather than the Holland joint resolution.

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

Mr. KENNEDY. I yield.

Mr. HOLLAND. I do not wish to press the Senator unduly, but I noticed he did not answer the question which I addressed to him a while ago, which was this: Having in mind section 11 (b) of the Anderson bill, which is the only part of the measure that relates to fills in the future, and to protecting any developments by way of fills in the future, and which relates only to public fills, how does the Senator believe that he is correct in his statement that his State would be taken care of in the future as to filled lands and improvements thereon, when there is nothing whatsover in the Anderson bill to take care of it, insofar as fills of privately owned land, for privately owned development, initiated by private enterprise in the traditional American way, are concerned?

Mr. KENNEDY. I should like to have the Senator from New Mexico comment on that point, but before he does so, I may say that the only point I have made is that I personally do not believe there is any question with regard to Massachusetts' title to the filled-in lands. I think that is a misconception. I do not think there is any doubt as to the firmness of the claim of the State of Massachusetts. I have read a quotation from a statement by Professor Healy, of the Boston College Law School, reaffirming that position.

I referred to the map which it seemed to me to provide that all west of a line stretching from Nahant and Nantasket belonged to the State; secondly, that the Anderson bill reaffirmed that position, if it was in doubt, which I do not believe.

Perhaps the Senator from New Mexico [Mr. ANDERSON], whose bill has been under discussion, would wish to comment on this point.

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

Mr. KENNEDY. I yield.

Mr. HOLLAND. Is it the position of the Senator from Massachusetts that the State of Massachusetts has not any fills made out into the 3-mile coastal belt which adjoins its coast, and which is not included within the inland waters of the type he has mentioned?

Mr. KENNEDY. Would the Senator repeat his question?

Mr. HOLLAND. Is it the position of the Senator from Massachusetts that his State has no interest in fills made into the 3-mile coastal belt, and which are certainly not within the small bays of the type he was mentioning a while ago, but which are fills into the body of Massachusetts Bay?

Mr. KENNEDY. I would answer the Senator's question by saying that I do not believe there are involved any fills or any other filled-in lands or similar areas which are not protected now or could not be protected by passage of the Anderson bill.

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

Mr. KENNEDY. I yield.

Mr. ANDERSON. Does the Senator recognize that if there are any fills already made in the 3-mile limit, they are completely covered by section 11 (a)?

Mr. KENNEDY. Yes.

Mr. ANDERSON. And does not the Senator recognize that if there are fills to be made in the future under section 11 (b), provision has been made for them? I ask these questions so that there may be an indication of the policy adopted by Congress, which would take care of the situation in the Senator's State.

Mr. KENNEDY. The Senator is correct.

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

Mr. KENNEDY. I yield.

Mr. LANGER. Did the distinguished Senator hear the debate on the radio last night between the Senator from New Mexico [Mr. ANDERSON] and the Senator from Illinois [Mr. DOUGLAS], on the one side, and, on the other side, the Senator from Florida [Mr. HOLLAND] and the senior Senator from Massachusetts [Mr. SALTONSTALL]?

Mr. KENNEDY. No. I wish I had heard it.

Mr. LANGER. The senior Senator from Massachusetts [Mr. SALTONSTALL] said at that time—and I feel certain the Senator from Florida will correct me if I am mistaken—that at the time Massachusetts came into the Union, there were certain lands that already had been filled in. As I understand the Anderson bill, although those lands have been filled in, they would still remain a part of the Commonwealth of Massachussetts, and the measurement out into the ocean would begin from that point. I merely wanted to be certain that the junior Senator from Massachusetts had that viewpoint.

Mr. KENNEDY. I thank the senior Senator from North Dakota.

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

Mr. KENNEDY. I yield.

Mr. LONG. I believe the Senator will find that I pointed out at page 3284 of the RECORD, that the $50 billion figure I regarded as an exaggeration of about 40 to 1 with respect to the values involved in the bill. Does the Senator have any reason to doubt that that would be a correct analysis?

Mr. KENNEDY. I do not believe there is any doubt that many different figures have been used. I say that in all fairness to the junior Senator from Louisiana. I do not think there is any doubt whatsoever that varying estimates have been made, but likewise I think there is no doubt that estimates have been made by reputable engineers which accord with the figures I have used.

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

Mr. KENNEDY. I yield.

Mr. LONG. The question I had in mind was that the Senator assumes that

all the submerged oil-bearing land is within the States' historic boundaries, and he also assumes that the gross value of the oil was net revenue, which is not the case in either instance.

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

Mr. KENNEDY. I yield.

Mr. JACKSON. Does not the Senator from Massachusetts feel that if there is some question about the accuracy of figures with reference to the value of oil in the submerged lands, the proper and equitable course to follow would be to have an accurate appraisal made, so that we would know the value in exact terms, as nearly as geologists could predict, as to what would be given away by or taken away from the Federal Government? Does not the Senator feel that that would be the proper procedure?

Mr. KENNEDY. I believe it would be most helpful and proper.

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

Mr. KENNEDY. I yield.

Mr. JACKSON. Is it not a fact that there is nothing in the bill to indicate how many billions of dollars would be given away or given back to certain States? Is not that correct?

Mr. KENNEDY. The Senator is correct.

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

Mr. KENNEDY. I am glad to yield.

Mr. LEHMAN. I am sure the Senator from Massachusetts will remember that a distinguished group of engineers, geologists, and businessmen in Texas appraised the value of the submerged lands exclusively off the coast of Texas, and showed that a minimum value was $40 billion. They further said that, in their opinion, that valuation might easily be doubled, and made $80 billion. They went even further and said, as I am sure the Senator will recall, that those figures did not include values of leases, rentals, or anything of that sort. Their final conclusion was that, in all probability, the valuation of the mineral rights off the coast of Texas alone would be in excess of $100 billion. On a royalty basis of 12½ percent, which I believe is a minimum, that in itself would bring into the Treasury $12½ billion, to be used for educational or defense purposes.

Mr. KENNEDY. Yes. I think it is difficult to predict with any degree of certainty to total revenue that could be achieved. I should like to read from the minority views about the potential value of these assets:

> This report states as I already indicated, that the value of oil and gas resources in the offshore area can be conservatively estimated at a total of $50 billion.
>
> If royalties are estimated at 12½ percent (also a bare minimum figure), the potential revenues from these $50 billion worth of assets will be $6.25 billion.
>
> This sum is practically equivalent to the total annual interest paid each year on the national debt.

I simply wished to show where I obtained my figures.

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

Mr. KENNEDY. I yield.

Mr. LONG. The Senator has made one calculation reducing $50 billion down to $6 billion, by simply realizing that $50 billion would not be a net figure. It costs something to get $50 billion worth of oil.

Mr. KENNEDY. I did not state that the revenue would be that much. I stated what the total assets were worth, and then what we could expect in income. Those were the figures I used.

Mr. LONG. Mr. President, will the Senator give us those figures again?

Mr. KENNEDY. It is estimated that there was a total of $50 billion of assets. If royalties are estimated at 12½ percent, a bare minimum figure, the potential revenues from the $50 billion are $6.25 billion.

Mr. LONG. The estimated revenues from the $50 billion are $6.25 billion, over a period of 50 years, I hope the Senator realizes.

The question I have in mind is this: Does the Senator realize that he must make one more division? When he divides 8 into 50 and comes out with a figure of around 6, he must make 1 further calculation, and that is to divide 9 into 6, because only about 14 percent of the oil in question is beneath submerged lands within the State's historic boundaries. So that would reduce his figure of $6.25 billion to less than $1 billion.

Mr. KENNEDY. The estimates are extremely bad. I read from the minority report:

> These estimates, however, are extremely conservative. They do not take into account the value of either Alaskan reserves or sulfur reserves or any other things of value that may be found, such as uranium.

The minority report then goes on to quote the Texas report, which appeared in the Houston (Tex.) Post of October 26, 1952. The Senator is familiar with all those figures. The figures begin to get up around $80 billion. The names of the experts who prepared the $80 billion for Texas alone appear in appendix D. So the figures mount up.

Mr. LONG. But when they are analyzed, those figures get smaller in the fashion that I have indicated.

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

Mr. KENNEDY. I yield.

Mr. JACKSON. Does not all this prove that there is need for an appraisal of the property which we are proposing to give away? Has anyone ever heard of a businessman giving away all his assets in oil, we will say, without knowing what the value or the consideration was? It occurs to the junior Senator from Washington that this is the best proof in the world of the fact that we need an inventory and appraisal to determine just how many billions of dollare we are giving away, and taking away from the people of the 48 States.

I commend the Senator from Massachusetts for a very fine statement.

Mr. KENNEDY. The Senator from Washington will go into further detail in his address, I know, on this phase of the discussion. I thank the Senator from Washington.

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

Mr. KENNEDY. I yield.

Mr. LEHMAN. I, too, wish to compliment the Senator from Massachusetts for a very fine statement. I should like to ask him a question. The Senator from Massachusetts has been very generous in quoting figures from the minority report, with respect to a valuation of $50 billion.

As a matter of fact, the figures which were given by the experts with respect to Texas showed a valuation in the mineral resources of more than $100 billion. Is it not a fact that the figures which the Senator has quoted—and the same figures will be found in statements which I have made on the floor of the Senate—apply to Texas exclusively, and not to the country as a whole? They represent only the value of the mineral rights off the one State of Texas. In addition, of course, there are other great resources off other States, such as Louisiana—and, I hope, Florida—California, and certainly off the coast of Alaska. It is my hope, and I believe the hope of a great many of my colleagues in the Senate, that Alaska will be one of the States of the Union within a reasonable time. So if we are not dealing with a figure of $50 billion, but a figure of $100 billion for Texas, the total figure, although it cannot be proved, might easily run up to $250 billion or $300 billion, on which the Federal Government would receive a minimum royalty of 12½ percent.

Mr. KENNEDY. The minority report states:

> With Alaskan reserves included, with price increases assumed, and with a $3 billion estimate for sulfur included, the total value would be $186 billion.

I share in some degree the sentiments expressed by the Senator from Louisiana, that that sounds as though the figure had been pyramided somewhere. However, I think it indicates that there are substantial assets in this area, in which the people of Massachusetts feel that they have a considerable interest.

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

Mr. KENNEDY. I yield for a question.

Mr. HOLLAND. I realize that it is very pleasant for us to roll these big figures under our tongues. However, is it not a fact, and is it not shown by the record, that the two geological experts from the Geological Survey have testified—and we find in the record a table showing—that in their opinion the total amount of oil to be found in all the Continental Shelf is 15 billion barrels, and that the oil to be found within State boundaries is 2½ billion barrels?

Mr. KENNEDY. From what page is the Senator reading?

Mr. HOLLAND. From page 584 of the record. That is where the table to which I refer appears. The Senator notes, of course, does he not, that that table was filed by Mr. Miller, of the Geological Survey, as representing, in his opinion, what is to be found—15 billion barrels in all the Continental Shelf, of which he thinks 2½ billion barrels or one-sixth of the total are to be found within State boundaries.

Mr. KENNEDY. As I say, I do not think anyone can predict with any substantial degree of certainty exactly what the reserves are. I read some of the figures from the minority report, which

set the value of the assets at a high level. I would not want to pay $186 billion for the right to all these assets, but I think they are worth a substantial amount.

Mr. HOLLAND. Would not the Senator prefer to take the figures stated by the Federal officials who are charged with the duty of knowing all that is to be known about this subject, rather than some article picked from the pages of an optimistic newspaper in Texas?

Mr. KENNEDY. I have confidence in the Senator from Montana [Mr. MURRAY] and the other Members who signed the minority views. While I would not wish to set down with any degree of certainty, as I have said, exactly what these assets are worth, I do think they are worth a substantial amount. No matter what figure we reach, whether it is the figure which the Senator has cited, or the figures set down in the minority views, I believe the assets are of considerable value, and the people of the State of Massachusetts have a great interest in them.

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

Mr. KENNEDY. I yield for a question.

Mr. HOLLAND. On page 585 of the record, the last sentence near the middle of the page, does not the Senator find these words by the same expert from the Geological Survey:

> 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. Only a small part of the shelf lies beneath water of such shallow depth as thus far to invite exploration and development by the use of existing techniques.

Does the Senator find those words?

Mr. KENNEDY. Yes.

Mr. HOLLAND. Do not those words indicate very clearly that even the figures given by the Geological Survey are much too optimistic, and that in their own opinion, and in their own statement of caution, they are warning that nothing like that amount can be expected to be produced economically, under conditions under which production costs are so much greater than on high and dry land?

Mr. KENNEDY. At the top of the same page I find the following:

> In arriving at these figures, many factors have necessarily been ignored which in the aggregate might serve to modify the figures, either by increasing or decreasing them very substantially.

Of course, it is very difficult to predict, but I do think that even the figures the Senator has read, and the difficulties he has discussed in connection with tapping these reserves, indicate that there is a substantial value for the future.

Mr. HOLLAND. Does the Senator know of any better authority than the experts of the Geological Survey who testified and placed this statement and table in the record?

Mr. KENNEDY. I think there is no doubt that the statement by Mr. Miller should be considered carefully when we are figuring the total assets. On the other hand, we must consider the opinion of the minority members, who heard all the testimony, and who have taken part in this discussion over a period of years. Therefore, it seems to me that whether we take these figures or the figures of the minority report, we find a very rich and fruitful area for the use of the people of the United States.

Mr. HOLLAND. Mr. President, will the Senator yield for one further question in this field?

Mr. KENNEDY. I yield for a question.

Mr. HOLLAND. On page 1034, in the testimony of former Secretary of the Interior Chapman, one of the champions of federalization of our natural resources, the Senator will find this statement:

> Senator HOLLAND. You are stating now that some 2 billion-plus of that was thought to be within the State boundaries, and the rest outside?
>
> That is, the rest of the 15 billion.
>
> Mr. CHAPMAN. That was the estimate; yes.

Mr. KENNEDY. Is that on page 1034?

Mr. HOLLAND. Yes. Then Mr. Chapman continues. I ask the Senator if he does not find this statement:

> Senator HOLLAND. So far as you know, that is the most authentic information available?
>
> Mr. CHAPMAN. That is about as authentic as I believe is available.

Mr. KENNEDY. Yes.

Mr. HOLLAND. Would not the Senator from Massachusetts think that Mr. Chapman would be as optimistic a witness in that field as it would be possible for the federalization exponents to summon?

Mr. KENNEDY. If the Senator will read all of that testimony, Mr. Chapman goes on to say, "You will see that the figures that these people are using are not so fantastic." It seems to me that Mr. Chapman disagrees with the Senator's position.

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

Mr. KENNEDY. I yield.

Mr. ANDERSON. Have we reached the point where $2 billion, $5 billion, or $10 billion, or whatever the value may be, is such an insignificant sum that we can just shrug it off? Does anyone regard even 2 billion barrels of oil, which would yield approximately $6 billion, as not of some interest?

Mr. KENNEDY. It is of tremendous interest.

Mr. ANDERSON. The Senator from Massachusetts understands that this is a giveaway bill, does he not? Does he not understand that an appropriation running up to $5 billion is a fair-sized appropriation?

Mr. KENNEDY. It certainly is.

Mr. HOLLAND, Mr. MANSFIELD, and Mr. GORE addressed the Chair.

Mr. KENNEDY. I shall yield once more to the Senator from Florida.

Mr. HOLLAND. I think we are getting down to brass tacks now. Of course, the figures stated by the Senator from New Mexico would be gross figures. Is it not correct to say that a one-eighth royalty based on 2½ billion barrels would come well under $1 billion, to be produced within the next 50 years?

If we consider the 37½ percent figure, so generously offered to be given to the States by the advocates of federalization, we would have left about a half billion dollars over the next 50 years, to be divided between 48 States. Is that not correct?

Mr. KENNEDY. I am not so pessimistic as is the Senator from Florida with respect to the future possibilities, based on the evidence we have before us. Once again I refer to the minority views and to Mr. Chapman's testimony before the committee, in which he cited, in answer to the Senator's question, the statement of Mr. Platt, giving an estimate of the potential oil resources of all the Continental Shelves. Mr. Platt is one of the best known geologists of the country, and he gave his estimate as 1,000 billion barrels. So the figures are not so fantastic.

Mr. HOLLAND. Mr. President, will the Senator from Massachusetts read the next question and answer?

Mr. KENNEDY. I will say there is a substantial difference with regard to the amount of reserves. However, the question involved is not so much the value, but whether the reserves belong to all the people of the United States or to the people of some of the States. I do not think the question is one of value alone.

Mr. HOLLAND. I agree that anyone who tries to measure what is right in terms of dollars is wrong. It is a question of what is right. It is on that point that the proponents have taken their stand.

Mr. MANSFIELD. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. MANSFIELD. Is it not correct to say that geology is one of the most inexact sciences in the world?

Mr. KENNEDY. Yes, I believe that to be true.

Mr. MANSFIELD. And that it is possible to find many geologists who will make various estimates. I am sure that the Coast and Geodetic Survey has not undertaken to make a very careful survey of the resources along our coasts. I would therefore say that the Senator from Massachusetts is very conservative when he uses the figure of approximately $50 billion. I have heard sums mentioned as high as $300 billion. So if we were to split the difference we might come pretty close to the correct amount.

Mr. KENNEDY. As the Senator from Washington [Mr. JACKSON] has indicated, the variance in the figures points out the necessity of having an inventory made of what actually is involved.

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

Mr. KENNEDY. I yield.

Mr. LEHMAN. I think the statement of the Senator from Florida, to the effect that we should not consider the question before us exclusively in terms of dollars and cents, but on the basis of right, is correct. I am perfectly willing to consider this whole subject exclusively on the basis of what is right. I believe the Senator from Massachusetts will agree with me that on three occasions these oil lands have been given by the Supreme Court to the Federal Government, to be held and used for the benefit of the 48 States. We are endeavoring to retry a case which has already been decided three times by the Supreme Court. We are trying to give these assets, whether they are worth $3 billion or $100 billion or $50 billion—whatever they may be

worth, they certainly are substantial—to the people of three States, after taking them away from more than 159 million people.

Mr. KENNEDY. The Senator from New York is correct.

Mr. LEHMAN. I think it is a moral question. It is not a legal question alone. That is why I was so interested in what the distinguished Senator from Florida said, namely, that the question should be treated as a moral question, not exclusively as a financial question.

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

Mr. KENNEDY. I yield.

Mr. LANGER. Does the Senator from Massachusetts know that the Senator from North Dakota, some 4 years ago, engaged a lawyer from Texas to make a complete investigation of this entire situation, and that if accurate testimony on the value of the oil exists anywhere, it is found in the testimony developed in connection with the lawsuit which the Senator from North Dakota tried to institute in the courts of Texas? I have already announced that before the debate is ended on the pending joint resolution I intend to bring to the Senate the testimony of the greatest expert in the world, showing, as near as human calculations can show it, the exact value of the oil, particularly the oil off the coast of Louisiana and off the coast of Texas. The testimony is not quite so clear with relation to the oil off the coast of California.

I may say that I can save the distinguished Senator a great deal of time, as well as save the time for some of my other colleagues, if we will wait until I submit the figures of the expert I have in mind. I believe that at the present rate at which the debate is progressing I will be able to do that some time during the latter part of next week.

Mr. KENNEDY. Mr. President, I thank the Senator very much.

Mr. GORE. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. GORE. Irrespective of whether there is involved $2 billion, $60 billion, or $80 billion, as the distinguished senior Senator from Florida has stated, whatever the amount, the principle is the same.

Is the threat to the fishing industry of the Senator's State made any more valid by the controversy as to how much the value of the resources might be?

Mr. KENNEDY. No. I certainly agree with what the Senator has said.

Mr. GORE. Mr. President, I make the point of order that a quorum is not present.

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). The clerk will call the roll.

Mr. HOLLAND. Mr. President, a point of order. No business has been transacted since the last quorum call.

The PRESIDING OFFICER. Business has been transacted since the last quorum call. The Senator from Ohio [Mr. TAFT] made a motion that at the conclusion of the business of the Senate today the Senate recess until tomorrow. The Senator from Arkansas [Mr. MCCLELLAN] was excused from attendance on the sessions of the Senate. A message from the President of the United States was laid before the Senate.

The clerk will call the roll.

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

Anderson	Holland	Mundt
Bennett	Jackson	Neely
Bush	Kennedy	Payne
Butler, Md.	Kerr	Potter
Clements	Kuchel	Purtell
Cooper	Langer	Robertson
Cordon	Lehman	Russell
Ellender	Long	Schoeppel
Ferguson	Magnuson	Taft
Goldwater	Mansfield	Thye
Gore	Martin	Williams
Hill	McCarthy	Young

Mr. TAFT. I announce that the Senator from Ohio [Mr. BRICKER], the Senator from Nebraska [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Pennsylvania [Mr. DUFF], the Senator from Idaho [Mr. DWORSHAK], the Senator from New Jersey [Mr. HENDRICKSON], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Indiana [Mr. JENNER], the Senator from California [Mr. KNOWLAND], the Senator from New Jersey [Mr. SMITH], the Senator from Wisconsin [Mr. WILEY], and the Senator from Oregon [Mr. MORSE] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] and the Senator from New Hampshire [Mr. TOBEY] are absent on official business.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent by leave of the Senate.

Mr. CLEMENTS. I announce that the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Mississippi [Mr. EASTLAND], the Senator from Delaware [Mr. FREAR], the Senator from Georgia [Mr. GEORGE], the Senator from Iowa [Mr. GILLETTE], the Senator from Rhode Island [Mr. GREEN], the Senator from Missouri [Mr. HENNINGS], the Senator from North Carolina [Mr. HOEY], the Senator from Wyoming [Mr. HUNT], the Senator from Colorado [Mr. JOHNSON], the Senators from South Carolina [Mr. JOHNSTON and Mr. MAYBANK], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Montana [Mr. MURRAY] are necessarily absent.

The Senator from Illinois [Mr. DOUGLAS], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Texas [Mr. JOHNSON] are absent on official business.

The Senator from Rhode Island [Mr. PASTORE] and the Senator from Alabama [Mr. SPARKMAN] are absent by leave of the Senate.

The PRESIDING OFFICER. A quorum is not present.

Mr. FERGUSON. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. AIKEN, Mr. BARRETT, Mr. BEALL, Mr. BRIDGES, Mr. CASE, Mr. DANIEL, Mr. DIRKSEN, Mr. FLANDERS, Mr. FULBRIGHT, Mr. GRISWOLD, Mr. HAYDEN, Mr. IVES, Mr. KILGORE, Mr. MALONE, Mr. MCCLELLAN, Mr. MILLIKIN, Mr. MONRONEY, Mr. SMATHERS, Mrs. SMITH of Maine, Mr. SMITH of North Carolina, Mr. STENNIS, Mr. SYMINGTON, Mr. WATKINS, and Mr. WELKER entered the Chamber and answered to their names.

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

Mr. LEHMAN. Mr. President, I rise to speak on the pending amendment, the amendment proposed by Senator HILL, of Alabama, an amendment of which I am proud to be a cosponsor.

I would like to address myself to the charge that has been made in recent days that those of us who are opposed to the Holland bill, who are in favor of the Anderson bill and of the Hill amendment, are engaged in a filibuster.

Mr. President, it is necessary to define what is meant by the word "filibuster." And I am not referring to the dictionary definition, nor to the legal definition, but rather to the real meaning of filibuster, as it is understood by the people of our country and as it is understood, in its basic sense, by most of us.

In this sense, to filibuster means to engage in prolonged and generally irrelevant debate in the hope of blocking action on a particular measure. It is an effort by a minority to block the will of the majority, not only of the Members of the Senate but of the people of the United States. It is a method of frustrating the majority in its will to act, not any certain time, but at any time whatever. It is designed to forestall and prevent a vote on a particular measure. Those who engage in a filibuster have no alternative proposal. They desire merely to prevent a vote on the proposal that is pending.

In recent years, moreover, the filibuster has almost invariably been used to prevent the calling up of civil rights measures even for consideration. The filibuster has been used against motions to bring the civil rights bills before the Senate for debate.

Such is the basic nature of the filibuster. As an institution of the Senate, built into the self-perpetuating rules of the Senate, the filibuster has been violently defended by many Members of this body, as being essential to the preservation of the United States Senate as a great deliberative body.

The opponents of effective cloture—of fair and reasonable limitation of debate—have consistently defended the right of unlimited debate as being the key to the preservation of democracy in America.

Mr. President, I have vigorously disagreed with those who have advocated the filibuster. Ever since I became a Member of the Senate, I have fought on every occasion when the opportunity was afforded me, for an amendment to the rules to prevent filibustering, to establish a fair and reasonable limitation on debate. I have always characterized the filibuster as evil and undemocratic.

Mr. President, I have proposed to the rules of the Senate an amendment to translate my views into reality, and I have fought to have that amendment adopted. However, my efforts and those of my many colleagues who have joined

me in that undertaking have not prevailed.

I now ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, the text of my proposed amendment to the Senate rules, as set forth in Senate Resolution 63.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. Mr. President, reserving the right to object, let me say that if the request now made is to be used as an excuse to have another quorum call, and as merely a dilatory tactic which is one of the filibuster tactics, I shall have to object.

Is the request to be used as such a tactic?

Mr. LEHMAN. Mr. President, I cannot give the Senator from Louisiana any assurance about parliamentary procedure. I think it not unusual to submit for printing in the RECORD a resolution which was submitted many months ago. However, I cannot stop the Senator from Louisiana from objecting to my request, if he wishes to object. But again I wish to say it is unusual to do so, and I cannot give and will not give any guaranty about procedure on the floor of the Senate.

Mr. TAFT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEHMAN. Mr. President, I shall read the resolution. I dislike to do so, because no doubt someone will claim that I am trying to delay the proceedings. [Laughter.]

However, Mr. President, I think it is so unusual for any objection to be made to a request to have a resolution printed in the RECORD, after the resolution has been submitted in the Senate, that I wish to read the resolution. On the other hand, I shall not read it tonight; I shall read it tomorrow, so that the distinguished Senator from Ohio can have his little laugh as much as he wishes to. It does not bother me a little bit, because I know we are not carrying on a filibuster. I know we are trying to bring home to the people of the United States and to the Members of the Senate—to those who play golf, as well as to those who do not play golf—what we are trying to do. [Laughter.]

Mr. HOLLAND. Mr. President, will the Senator from New York yield for a question?

Mr. LEHMAN. I yield for a question; but first let me say, so that later it will not appear that I am being ungracious, that after yielding to the Senator from Florida, I shall ask that I be permitted to develop my line of thought and my logic in regard to this particular matter. I believe that I have both a line of thought and a line of logic to present.

However, in this particular instance, I yield to the Senator from Florida.

Mr. HOLLAND. Let me say that I have no doubt that the Senator from New York has a line of thought and a line of logic. I wish to ask him about three questions relative to this matter.

Mr. LEHMAN. I shall yield for only one question relative to the subject we have been discussing, namely, the insertion in the RECORD of the resolution to which I have referred.

I may say to the Senator from Florida that I wish to complete my argument on the particular matter I am discussing. After doing so, I shall be very glad indeed to yield to him for the rest of the night if that is his pleasure.

Mr. President, it is perhaps worthy of note that most of the Members of the Senate who have shared the burden of struggle to curb the filibuster are today engaged, in the present debate, in the fight against the Holland joint resolution and in favor of the Anderson bill and the Hill amendment. Those of us who have most strongly opposed the filibuster are now being accused of filibustering.

Who are accusing us of filibustering, Mr. President? Those who are making this accusation include some of the very Members of the Senate who have most assiduously and desperately fought to preserve the filibuster as an institution of the Senate.

It seems to me to come with little grace for those who have most frequently resorted to the filibuster, and those who have most strongly advocated the filibuster as an essential part of the procedures of the Senate, now to accuse us who have always been willing to establish a fair limitation on debate, of engaging in a filibuster, and of unduly prolonging this debate.

Mr. President, I am opposed to the filibuster. At this very moment I would be willing to support a motion to set aside this debate and to proceed immediately to take up a change in the rules which would permit the application of cloture, after fair and reasonable debate, by majority vote. If the majority leadership of the Senate desires to place upon the rule books an effective cloture rule, and is willing to make such a motion as the one I have suggested, I would support that motion; and I think that most of those who take the same position as I do in regard to the Holland joint resolution would go along with the leadership on such a motion.

No. Mr. President, we are not engaging in a filibuster. It is not our purpose to prevent a vote on the pending measure. It is our purpose to get a vote on the Anderson bill and on the Hill amendment, which we whole-heartedly desire to be enacted, and which we deeply feel is essential to the welfare and security of the United States.

We know, however, that the American public has not been adequately informed in regard to the proposed legislation now before us. The pending question has been made to appear to be a technical question, although it is not a technical one. The debates in past years have been so full of legal verbiage that the Nation's press had ceased to give this matter much attention.

Mr. President, let me say that this question is not technical, and it is not purely legal. It is a moral question; it is a question which relates to the interests of the entire United States—to all 48 States of the United States, not to merely 3 or 4 States. That is why I am so much opposed to the Holland joint resolution, and why I am so strongly in favor of the Anderson substitute and the Hill amendment.

Some days ago, the distinguished senior Senator from Illinois [Mr. DOUGLAS] delivered one of the greatest speeches on this subject I have ever heard. A few days later the distinguished Senator from New Mexico [Mr. ANDERSON] delivered an equally learned, distinguished, and great speech. Yet both those speeches were barely reported in the press.

Yet, Mr. President, there are a minimum of 20 to 30 Members of the United States Senate—and I hope there will be many more—who believe with all their hearts and souls that the Holland joint resolution is wrong in principle and would be dangerous in practice. It is prejudicial to our national security; it is mischievous in its effect on our international relations; it establishes a precedent which, if carried to its logical conclusion, might well destroy our country.

Mr. President, believing as we do and feeling as we do, would we be true to our trust and to our responsibility if we failed to do our utmost to present our views to the people of the country and to use every proper means to inform the Senate and to appeal to the Senate to avoid the evils inherent in the Holland joint resolution, and to bring to their attention the merits of the Anderson bill and the Hill amendment?

Mr. President, I have been saddened by the failure of so many Senators even to follow the debate or to acquaint themselves with the arguments both by the proponents and by the opponents of this vitally important proposed legislation.

So, Mr. President, I, for one, would feel myself derelict in the performance of my duty and in the carrying out of my responsibility to my own conscience if I failed to do everything within my power to arouse the people of the country on this desperately vital issue, and if I did not do everything within my power to save for the Nation the rights and resources which are here at issue, and to save the country from the dangers which I and my colleagues believe are implicit in the Holland joint resolution.

Mr. President, at this time I shall be very glad indeed to yield to the distinguished senior Senator from Florida.

Mr. HOLLAND. I thank the distinguished Senator from New York.

First, Mr. President, I should like to address this inquiry to the Senator from New York: Noting that in his speech on April 15, after denying that he was participating in a filibuster, the Senator used these words, "I am willing to continue just as long as any other Senator desires to continue, not necessarily tonight, but next week and the week after, if that should become necessary, in order to educate the American people." I am asking the distinguished Senator whether that statement, which meant that he was willing to force the Senate into a fourth and a fifth week of debate, since it was made in the third week of debate, does not indicate to him that he was supporting and sustaining and assisting in the filibuster which was under way at the time.

Mr. LEHMAN. I may say to my distinguished friend from Florida that I, of course, stand by what I said the other day; but, if the Senator will read it again, he will find that I said, "I will talk as long as may be necessary in order to educate the American people." I believe, although I am not entirely certain about it, I added the words "and to educate some of the Members of the United States Senate." If I did not say it on that occasion, I said it on other occasions.

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

Mr. LEHMAN. I am glad to yield to the Senator from Florida, but I think he must do me the courtesy of allowing me to reply to him. I feel that the pending measure presents one of the most vital issues which have come before the Congress of the United States for a great many years. I think it involves not only a great sum of money, but also, what is even more important, a great moral issue, the issue of whether the Congress of the United States should attempt to retry cases decided by the Supreme Court of the United States 3 times, and should give away property which has been adjudicated and determined by the Supreme Court of the United States 3 times to belong to all 48 States of the Union, 159 million people, and not merely to 3 or 4 States. So I say, when that happens I think it my duty to let the American people know the facts.

I have just said in my remarks that, unfortunately, neither the press nor other media of communication have carried the debates. I have talked on the floor of the Senate many times, as did the senior Senator from Illinois [Mr. DOUGLAS], the senior Senator from Alabama [Mr. HILL], and the junior Senator from New Mexico [Mr. ANDERSON]. We have had 3 or 4 other Senators on the floor at times. In fact, there have been times when there has not been a single Senator on the Republican side listening to the debates, with the exception of the distinguished majority leader, or some one whom he had designated to serve as acting majority leader.

I think we have a desirable substitute. We are not trying to avoid a vote. We have an alternative for this proposed measure, an alternative which is generous to the respective States, because we would offer them 37½ percent of all the royalties which may accrue from the development of the mineral rights within the 3-mile limit.

I think there is a great difference between what the Senator may call a filibuster and what I would call a filibuster, and therefore I may say to my friend from Florida that I do not in the slightest agree to withdraw, amend, or temper the statement which I made on April 15.

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

Mr. LEHMAN. I am glad to yield, for a question.

Mr. HOLLAND. Are we to understand from the statement twice made, now, by the distinguished Senator, that the real meaning of the filibuster is that Senators intend to talk until the press gives them more favorable reports as to what they are contending here?

Mr. LEHMAN. No; that is not the contention of the Senator from New York. I cannot control, and I would not control, the characterization of the debate by the press of the United States. If I did that, I obviously would be believing in gag rule of the press, and desire to control the press. I would hope, frankly, that the press would have carried the debate, and that the Senators of the United States would have listened to the debate. I said earlier this afternoon that we have been getting greater press coverage within the past few days, and, because we have been getting greater press coverage and greater coverage over the radio—my colleagues and myself having talked on the radio—we are now getting a reaction from the American people. I am not telling the American people how they should feel regarding this. All I want is that the American people shall know what is attempted here, which I think is highly dangerous, because there can be no doubt that this is the greatest giveaway program ever undertaken in the whole history of the world; and I cannot help but oppose it with all the strength I possess.

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

Mr. LEHMAN. Yes; I shall be glad to yield.

Mr. HOLLAND. Does the Senator mean that he has been receiving more publicity since the press has been calling the talkathon a filibuster? Is that what he means?

Mr. LEHMAN. No. I have been getting more. When I say "I am," I think probably I am speaking for a great many of my colleagues. I said on the Senate floor this afternoon—I do not know whether the distinguished Senator from Florida was present—and I am going to repeat it a little later in my remarks, possibly, that in the early days of the debate there seemed to be an apathy on the part of the people of the country, because they did not understand the situation. I received relatively little mail. But, within the past 4 or 5 days, I have been astounded by the quantity of mail I have been getting because of the greater publicity that has been given. I may say to the distinguished Senator from Florida, if he is interested in learning the facts, that I think my mail is now about 40 to 1 against the Holland bill and in favor of the Anderson substitute and the Hill amendment.

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

Mr. LEHMAN. Yes, gladly.

Mr. HOLLAND. The Senator from Florida has noted——

Mr. LEHMAN. Let me say to the Senator, I am glad to yield, but do not accuse me of delaying matters or filibustering.

Mr. HOLLAND. The Senator from Florida has noted that the distinguished Senator from New York asked 48 different questions, made 48 different series of remarks during the course of the speeches by the distinguished Senator from Alabama—which was quite protracted—and the distinguished Senator from Illinois—which likewise was quite protracted—and other Senators who have spoken as participants in the talkathon that is pending, I am wondering whether the Senator does not feel that those 48 different assists would put him in the class of being a very ardent supporter of those who are filibustering.

Mr. LEHMAN. I ask the Senator whether he is referring to the matter he put into the RECORD a few days ago. Did he refer to the 40 irrelevant statements?

Mr. HOLLAND. Oh, no. I may say to the Senator that those stood on their own bottom. They were to call the Senator's attention to the fact that, when he had stated on the floor of the Senate the day before that he had just seen on the ticker that the debate had degenerated into a talk about baldness, and talk about baseball games and other things, he simply was mistaken, because those items had actually come into the debate along with a great many other extraneous items of every conceivable type. The Senator from Florida did not want his good friend from New York to be longer under a misapprehension as to what was going on and what he was participating in so actively. That was the purpose then.

Now, the purpose of this question is to ask the distinguished Senator whether he does not think these 48 different joinders in the debate, some of them quite extensive on his part, indicate that he has been standing by rather loyally and assisting rather actively in the progress of the extended debate, which I think is properly characterized as a filibuster in full bloom.

Mr. LEHMAN. The Senator from New York may say to his distinguished friend from Florida, he has not counted up the number of times the Senator from Florida has interrogated me in the course of my remarks. I would not doubt that it is at least 48 times, and it is my belief, although the Senator from Florida may not agree with me, that most of those references were quite irrelevant. So, I certainly would not feel that there is any justification on the part of the Senator from Flordia in raising the question. I do not know how often the Senator from Florida has interrogated the Senator from New York, or the Senator from Massachusetts [Mr. KENNEDY], who spoke this afternoon, or the Senator from Illinois [Mr. DOUGLAS], or the Senator from New Mexico [Mr. ANDERSON]. I have no idea.

Mr. HOLLAND. Mr. President, will the Senator from New York yield for one more question?

Mr. LEHMAN. Yes, gladly.

Mr. HOLLAND. Noting in the press that the distinguished Senator from Illinois, with a group of other distinguished Senators, has been meeting every Monday night, presumably for some sort of instruction, would it be fair to assume that the lessons which they have been learning are how to act effectively as a mutual assistance society in the conduct of this filibuster which has proceeded in such high gear? If so, I congratulate the Senator from New York on his proficiency and the progress that has been made.

Mr. LEHMAN. As to this group of which I am very proud to be a member, and which does not meet every day or

every night, I have no hesitation in saying to the Senator from Florida, and am very glad to have the opportunity of saying to him, that the meetings which we have been holding, in my opinion, are of tremendous value. They are not political; they are not meetings of a policy committee or of a steering committee or meetings of committee chairmen——

Mr. HOLLAND. A filibuster committee?

Mr. LEHMAN. Let me finish.

Mr. HOLLAND. I beg the Senator's pardon, but the question seemed appropriate.

Mr. LEHMAN. We have discussed matters, and I think the meetings have been of great educational value. I have the feeling that these meetings have made us better equipped to serve the people of the country than would otherwise have been the case.

Mr. TAFT. Mr. President, will the Senator from New York yield?

Mr. LEHMAN. I yield.

Mr. TAFT. I only want to ask the Senator whether there is any basis upon which we could possibly agree, because I am willing to sit down and confer with him and those who are opposing the proposed legislation. Would he be willing to indicate any time at which we might agree to a vote? This is the fourth week of the debate, and I suggest, and I note that the Senator has said that cloture was asked on one occasion after 20 days of debate. Does the Senator think that that is still a reasonable time?

Mr. LEHMAN. I should like to explain something to the Senator from Ohio of which he may not be aware. The bill which I was not permitted to insert in the RECORD, although it was a very unusual procedure to refuse to let me insert it, provides for 20 days' debate before cloture on a motion can be invoked. But we know, and I think the Senator from Ohio will agree with me, that in most cases there are several stages of cloture. In the case of the FEPC debate, with which the Senator, of course, is familiar, the filibuster was not on the bill itself, but was on a motion to take up the bill and bring it before the Senate. If we had prevailed in our efforts to invoke cloture on that motion, we would again have been faced immediately with another filibuster which would have lasted for another 20 days. So, it is really not a question of 20 days; it is a question of 40 days.

Let me point out to the distinguished majority leader that we have been debating this question only 13 or 14 days, not 40 days. I shall recite a little later some of the filibusters which have gone on without rhyme or reason.

Mr. TAFT. This filibuster has not, as the Senator says, gone on as long as have some other filibusters, but I should like to know whether the Senator and his friends are today willing to sit down and agree on some day, be it 2 weeks or 3 weeks hence, when the Senator thinks there can be an agreement to vote on the real question.

Mr. LEHMAN. Let me say that we have offered, and we can renew the offer, to lay this proposed legislation aside temporarily. We do not want to delay important business of the Senate. We are willing to lay it aside in order to take up the Defense Production bill, which I think is a very important measure and which should not be delayed. I renew that offer, although I have no authority to do it on my own initiative, but I think my associates will support me in it. We offer to lay the pending resolution aside, so that the Senator from Ohio may call up other important legislation. We will lay it aside for any reasonable time.

I should be very glad if the distinguished majority leader would listen to me——

Mr. TAFT. I have listened to the Senator's remarks, and I interpret them as saying "No" to the question I asked.

Mr. KILGORE. Mr. President, will the Senator from New York yield?

Mr. LEHMAN. I yield.

Mr. KILGORE. Is it not rather unique for the word filibuster to be used on the opposite side of the aisle, at least, in the past 3 or 4 years?

Mr. LEHMAN. That is correct.

Mr. KILGORE. Is it not a fact that those outcasts, shall I say, have been meeting in a dining room and paying for their own meals and not using the room provided by the United States Senate, as has been the privilege of certain other Members, for the discussion of what we consider the welfare of the Nation? Has not that been the custom which has been so seriously criticized by the distinguished Senator from Florida [Mr. HOLLAND]; and is it not also a fact that the distinguished Senator from Florida has been a participant in those little huddles, shall we call them, in the past 2 or 3 years, to which none of us has been given an invitation?

Mr. LEHMAN. I say "Amen."

Mr. ANDERSON. Mr. President, will the Senator from New York yield?

Mr. LEHMAN. I yield.

Mr. ANDERSON. If the opponents of this proposed legislation are trying to conduct a filibuster, does the Senator from New York think we would have allowed nominations to be presented and passed on without any opposition? There was not one word said about them. Does the Senator realize that opportunity after opportunity has been given to filibuster, if we had wanted to filibuster, but we have not asked to have the Journal read day after day? Does he not recognize that we were trying to have a discussion of the issues?

Mr. LEHMAN. The Senator from New Mexico is absolutely correct. We have done nothing to block the proceedings of the Senate. Of course, we could have blocked action on nominations; we could have debated them for a long time.

Mr. TAFT. Mr. President, will the Senator from New York yield?

Mr. LEHMAN. We could have debated the nomination of the Ambassador to Russia, Mr. Bohlen, as to which the Democrats supported the President of the United States, Mr. Eisenhower. I may say we could have filibustered on taking up the Holland joint resolution.

I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, will the Senator from New York yield?

Mr. LEHMAN. I yield.

Mr. TAFT. I only wish to point out to the Senator from New Mexico that the Journal does not have to be read when the Senate takes a recess.

Mr. ANDERSON. By the same token, there are many devices in which we have been well educated and which we could have used any time, had we wished to do so.

I think there are Senators who have tried to finish with their discussion of the pending measure. Does the Senator realize that immediately after I had spent several hours in a discussion of the subject, the majority leader then read statistics as to the number of lines which had been used in the RECORD? I had sat through hundreds of hours of hearings and had listened to 2,500 pages of testimony. When I tried to reduce them to a speech, it took some 2 hours of dictation. But because of questions, the delivery of my speech ran into 5 hours.

I do not believe there is any other Senator who has sat through as many hearings on this question in the last several years as I have. At least, there are not many more than I who have done so.

Then the insertion of the count of lines took place immediately afterward, and much discussion took place following those charges.

Mr. LEHMAN. Mr. President, I again wish to congratulate the junior Senator from New Mexico on his magnificent speech, and I wish to congratulate also the Senator from Alabama [Mr. HILL] and the Senator from Illinois [Mr. DOUGLAS] upon their speeches. They have been among the finest to which I have ever listened on the floor of the Senate.

I desire to make one other statement on the question of filibuster. When I spoke last week I had prepared a speech which I had timed to take about 40 minutes. I thought it would be a 40-minute speech, which is about the maximum amount of time I speak. But because of questioning, and at times what I thought was irrelevant questioning, on the part of some Senators, I was kept on my feet speaking for 3 hours. That was certainly not a filibuster on the part of the Senator from New York.

Mr. President, obviously this is not a question of States rights versus Federal rights. Members of the Senate who are arrayed in solid opposition to the Holland joint resolution and in favor of the Anderson bill and the Hill amendment include some who have in the past strongly and vigorously defended what they have considered to be States rights in regard to FEPC and other proposed legislation of the same type. If a question of States rights is at all involved, Mr. President, it is we who are in fact defending States rights. We are defending the rights of the vast majority of the States against the proposal of 3 or 4 States to take from the Nation that which belongs to all the States and to all the people of the Nation.

Nor is this a political or a partisan question. The opposition to the Holland

joint resolution includes members of both the Democratic and the Republican Parties, and even the Independent Party.

It is not a question of a liberal viewpoint versus a conservative viewpoint. Our ranks include liberals, middle-of-the-roaders, and conservatives. The country is most unlikely to see again the same array of Senators united on any single social or political question.

Mr. President, the fact is that this question transcends party lines, sectional lines, and social lines. From my point of view, what we are doing here is defending the country against the unfair demands of a few States to obtain from the Federal Government a vast gift of resources which should by right be shared among all the States and all the people—a gift whose giving would establish the most dangerous precedent that has been considered in the Senate since I have been a Member.

What we are trying to do is to arrange for the development for the whole Nation that which the Supreme Court has said belongs to the Nation. When we made this fight 2 years ago, and again 1 year ago, a Democratic administration was in power. Supervision over the development of the natural resources involved, if Congress would have given the authority to develop those resources, would have been in the hands of a Democratic administration. However, today a Republican administration is in power. Supervision over the development of these resources, if Congress sees fit to approve the Anderson bill, would be in the hands of Republicans. And yet our viewpoint is unchanged.

We are thinking in non-political terms, without regard to the political persuasion of those who will administer the authority proposed to be granted in the Anderson bill. We feel and believe that these resources should be administered in the public interest, in the interest of all the people, by the National Government, regardless of which political party holds the reins of national power, because the resources referred to are national resources and can be practicably administered only by the National Government.

One last word on this phase of the question. It may be recalled that at the very beginning of this session, in January, a number of us, headed by the distinguished junior Senator from New Mexico—whose oil-development bill we so strongly support today—proposed to proceed, as the first order of the business of the Senate, to adopt new rules for the Senate, among which we proposed to include a rule for fair and reasonable limitation on debate. We did not succeed in this move. Our proposal was laid on the table on the motion of the distinguished majority leader, who apparently did not feel it was necessary to change the rules of the Senate in this Congress.

Therefore, I suggest that if the majority leader thought our proposal to adopt new rules was not important at the beginning of this Congress, he should not now complain that we are proceeding with this debate on this vital question without there being on the books an effective cloture rule.

Also, I might point out to the majority leader and to other Members of the Senate that the cloture rule I proposed would permit 20 days of debate on a question such as the pending one. Actually, it would permit 40 days of debate, since undoubtedly in most cases it would be necessary to invoke cloture both on the motion to take up and on the pending legislation as well.

Our debate on the pending joint resolution has proceeded only 13 days thus far, and hence nowhere near the number of days that would be permitted even under the fair and reasonable debate limitation which I have proposed.

In conclusion on this point, I would like to cite some of the extended debates of past years to show conclusively that the 13 days we have debated is but a beginning compared to the length of some of the great debates which have been carried on in the past.

In the year 1914, for instance, 30 days of debate were devoted to the Panama Canal tolls bill. Thirty days of debate were spent on the Federal Trade Commission bill, and 21 days on the Clayton Antitrust Act.

In 1908 there was a debate of 28 days on the Vreeland-Aldrich emergency currency bill.

In 1893 there was a debate of 42 days on a bill for the repeal of the Silver Purchase Act.

I am not saying that debates of interminable length are justified. Depending on the importance of the question, and the amount of information that needs to be discussed, a debate should point toward a decision, toward a vote.

I am for that. I am for an effective cloture rule, always, providing of course, for a fair and reasonable amount of debate. The present cloture rule is, of course, completely ineffective.

I would at any time support a motion to bring up a change in the rules.

I challenge the majority leader to make such a motion—now, tomorrow, or at any time.

In every case which I have just cited, legislation on the subject was finally passed. And I hope with all my heart, Mr. President, that legislation on this subject will finally be passed. And I hope it will be the Anderson bill with the Hill amendment.

Mr. President, I have already said that in the past few days I have received a great many letters in opposition to the pending joint resolution. I have been receiving them for the first time since the debate started, because I think that for the first time the people understand some of the issues. These letters have come from all over the country. They have not come exclusively from New York. They have come from New York, Massachusetts, New Mexico, Arizona, and even from Texas and Florida. They have been intelligent and carefully thought-out letters and the vast majority of them have been in support of the Anderson bill and the Hill amendment and in opposition to the Holland joint resolution. I would say that my mail has run 40-to-1 in favor of the position I and many of my colleagues have taken on this matter.

I shall not take the time of the Senate at this late hour of the evening to read those letters and telegrams, but I ask that a few of them which I have selected be printed in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

Mr. TAFT. Yes; I object at this time. The Senator can place them in the RECORD tomorrow if he so desires. At this time I object.

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

Mr. LEHMAN. I am glad to yield to the Senator from New Mexico.

Mr. ANDERSON. Does not the Senator realize that the only purpose in the objection is to avoid a quorum call? All a Senator has to do when he finishes speaking is to move to take a recess until tomorrow at 11 o'clock or some other time, and automatically there would be a quorum call. I am not trying to take advantage of the situation, but we can have a quorum call in very easy fashion if we desire it.

Mr. TAFT. Mr. President, will the Senator from New York yield?

Mr. LEHMAN. I yield.

Mr. TAFT. If the Senator would like to have a quorum call right now, I am perfectly agreeable. I want to establish the general principle, however, of adhering to the business before the Senate.

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

Mr. LEHMAN. I yield.

Mr. ANDERSON. All I wish to say to the Senator from Ohio is that we did not intend to ask for a quorum call prior to the address of the Senator from Washington [Mr. JACKSON].

Mr. TAFT. If there is no such intention, I do not object to the Senator placing the letters in the RECORD. I do not object to a quorum call, so far as that is concerned.

Mr. President, I withdraw my objection.

Mr. LEHMAN. Mr. President, I renew my request to have the letters and telegrams printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

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

NEW ROCHELLE, N. Y., *April 18, 1953.*

Senator HERBERT LEHMAN,
Senate Office Building, Washington, D. C.

There is no question of filibuster on the oil lands issue. The arguments against the vicious deal are endless. The Senate rule of limitless debate should be utilized to the fullest extent in this instance.

MANUEL HERMIDA.

BAYSHORE, N. Y., *April 17, 1953.*

HERBERT H. LEHMAN,
Washington, D. C.:

With you on your great fight on tidelands bill. What can I do to help?

JOHN BALLARINE.

CAMBRIDGE, MASS., *April 17, 1953.*

Senator HERBERT LEHMAN,
Senate Office Building, Washington, D. C.

Don't give up the fight on tidelands. You are serving the national interest and our children's education. We are with you.

Messrs. and Mesdames Edward Addelson, Paul Banner, Paul Ackerman, Charles Fleishauer, Jack Haner, James Leiby, Richard Hathaway, John Higins, Thomas Atwater, Jermain Porter, Robert Katzman, John Wetmore, Michael Dane, Russel Brenneman, Milo Shadle, and 23 children, Shaler Lane, Cambridge, Mass., George Putnam.

SIOUX FALLS, S. DAK., *April 16, 1953.*

Hon. HERBERT H. LEHMAN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: I write to congratulate you on the splendid presentation you recently made on the subject, title to certain submerged lands, Senate Joint Resolution 13. It seems to me that your argument is unanswerable, and I can't understand what prompts Members of Congress, especially those from the interior States, to favor legislation that would give away billions of dollars worth of their property. I am a Republican and am highly in sympathy with the Eisenhower administration, but, at the same time, I am disappointed and grieved at the position that the President has taken and that other prominent Republicans seem to be taking on this issue. I wish you success in your heroic efforts to prevent the passage of the above resolution.

Very truly yours,

C. C. CALDWELL.

NEW YORK, N. Y., *April 14, 1953.*

DEAR SENATOR LEHMAN: I heard the radio broadcast last week that you made on the tidelands oil issue. I felt before the elections that these lands should not belong to the States claiming them but to the Federal Government. After the election I forgot the affair, but your radio talk with Senator TOBEY got me interested again. For this I wish to thank you. I definitely feel the tidelands belong to all of our country. I think it is outrageous that Court decisions should be overridden in such a way. I can imagine no more enlightened plan than the educational one that has been proposed as a use for these funds. I sincerely hope the plan succeeds.

Also I wish to say that I am very glad you are from New York—I should be very ashamed if I were from Wisconsin.

Very sincerely,

JAMES J. GERWICK.

JO-WALLIS CO.,
New York, N. Y., April 18, 1953.

Senator HERBERT H. LEHMAN,
United States Senate,
Washington, D. C.

DEAR SENATOR LEHMAN: This is just to let you know that as a small-business man and veteran of World War II, I wholeheartedly support your stand on the tidelands oil bill now pending before the Senate.

Wishing you as well as your colleagues who are supporting you success in this struggle, I remain,

Very truly yours,

WALTER FREEDMAN.

PORT WASHINGTON, N. Y., *April 16, 1953.*

Senator HERBERT LEHMAN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR LEHMAN: We earnestly and respectfully urge your support of the Hill amendment to the offshore oil bill for the following reasons:

First, we believe that these oil deposits, confusedly labeled tidelands oil, belong to the entire Nation and not to three States.

Second, we believe aid to education is a most worthy cause, a national cause from which everyone will derive benefits.

Third, we believe that even this use of offshore oil revenue for the entire Nation can be one means of alleviating the tax burden without impairing our governmental responsibilities.

Your many years of genuine public service assure us that you will consider the best interests of the Nation as a whole when you vote.

Yours very truly,

Mr. and Mrs. John Anbeck.
DOROTHY AND JOHN ANBECK.

EASTWOOD NEWS,
Syracuse, N. Y., April 20, 1953.

Senator HERBERT H. LEHMAN,
Senate Office Building,
Washington, D. C.

DEAR SIR: My husband and I listened with interest to your broadcast of Friday night regarding the tidelands oil disposition.

We agree with you heartily and are beginning an editorial campaign to convince our readers of suburban Syracuse of the need of having the Federal Government control the tidelands.

We have directed letters personally to our representative, Mr. RIEHLMAN, and to Mr. IVES, whose stand on this issue we do not know. We are running the names and addresses of these gentlemen as well as yourself to let people know where they may send their letters.

We appreciate the time and effort which your broadcast must have entailed. We hope that more people were as aroused by what you and your colleague had to say as we were.

Thank you again for your service on behalf of the people of this Nation.

Sincerely yours,

ALICE AND COLLIN WESCHKE,
Editor and Publisher.

P. S.—Would you please send us any speeches you make in regard to this issue? Thank you.

BRONX, N. Y., *April 16, 1953.*

Senator HERBERT LEHMAN,
United States Senate,
Washington, D. C.

DEAR SENATOR LEHMAN: I would like to see the Federal Government get control of the offshore oil, one of the topics now being disputed in Congress.

I believe that this vital natural resource belongs to the people of all the Nation. It is rightfully ours and should continue to be under Federal control of the offshore oil resources.

Various other properties have been taken away by rulings of the Federal courts and it shouldn't be allowed to happen again. This offshore oil is too valuable to let it slide through our fingers. It is a national resource and it should remain as such.

The Supreme Court states clearly that the Federal Government has paramount rights and full domain over disputed areas as this one is. It would be a disservice to the Nation and a dangerous precedent to hand this property over to those States which happen to border the underwater areas where oil has been found.

I hope you will help to see that the Federal Government does get control of this offshore oil.

Respectfully yours,

JACQUELINE MILLER.

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

AMERICA'S STAKE IN OFFSHORE OIL—A THREAT TO THE NATIONAL INTEREST

Mr. JACKSON. Mr. President, I rise in opposition to the Senate Joint Resolution 13, which gives away submerged lands belonging to all the people of the United States, and bequeaths them and their rich resources to the people of a few States, in defiance of three separate Supreme Court decisions. This I believe to be an irresponsible action by Congress, and it would be brought about largely by misleading information. Such action would be detrimental to our national defense and welfare.

The submerged lands joint resolution (S. J. 13) would give away valuable assets of the United States for no sound reasons of law, of economics, or of national interest. In my opinion, this measure is a betrayal of a great public trust. I am certain that if and when the people of the United States are fully informed on this subject, they will rise and protest against an action so hurtful to the Nation as a whole.

This joint resolution has gone as far as it has because our people have not yet been alerted to what is at stake. But they are beginning to learn. They are beginning to see that this measure is only the opening wedge for a piecemeal raid on the public domain. They are beginning to realize that the only public policy embodied in this bill is a policy of annihilation of the resources that belong to all of our States and all of our people.

MORE THAN SUBMERGED LANDS ARE INVOLVED IN THIS PROPOSAL

Every day we see more signs that the issue before us extends far beyond the submerged lands involved in this measure. Every day we see another foot in the door. A prominent Member of this body stated publicly:

> I would like to say here that when the tidelands question is settled, * * * there are plans for the introduction of a bill that will make the same theory applicable to public lands now held by the Federal Government within the State.

Members of Congress have even stated that we should turn over to private companies all of the Tennessee Valley Authority. In answer, I wish I were able to line up here on the Senate floor all the private businesses, as well as the contented consumers, who owe existence to the public power of TVA.

People are beginning to learn, when ex-President Herbert Hoover asserts—as he did a week ago Saturday, in Cleveland—that the Federal Government should "get out of the business of generating and distributing power as soon as possible." I wonder where former President Hoover was when the 80th Congress, a Republican Congress, renamed Boulder Dam Hoover Dam. This was our first great Federal power project, that only public money could have built. The United States Government owns the dam; and millions of people have profited from it as producers and consumers, and, in turn, are paying back the public on the investment.

If former President Hoover saw fit to make such a fantastic suggestion—namely, the killing off of all public power—I am glad that he made it at this time, because it dramatizes for the Nation just what we are saying here on the Senate floor.

Mr. ANDERSON. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I yield for a question from the junior Senator from New Mexico.

Mr. ANDERSON. Does not the Senator from Washington realize that apparently there are many people who are now worried as to what is going to happen when the indebtedness on Hoover Dam is paid off? They are worried as to who will own it, and so forth. Obviously they believe the debt is going to be paid, do they not?

Mr. JACKSON. The Senator is quite right. It is also rather interesting to note the dearth of comment with regard to the recommendation made by former President Hoover. I do not know whether he is speaking for the Republican Party, but apparently there are many who are ready and willing to carry out his policy.

The submerged lands issue is only the first step. What is at stake here is the totality of our whole public investment. Once we give away the public trust under the submerged lands, we are ready to give away our entire public domain, in which the people of the United States have invested billions of dollars, and from which the people of the United States receive benefits which make possible the American way of life.

I should add at this point that the man who started this great public power development program was not a Democratic President, but none other than President Theodore Roosevelt. Now we find former President Hoover repudiating a great American President, one of the finest Presidents this country has produced. He is repudiating Teddy Roosevelt, who not only started this great power program, but was the author, indeed, of that policy, to which former President Hoover refers as socialism, namely, the preference and priority clause which first became law in the amendment to the Reclamation Act of 1902. In the sale of power from irrigation projects in the West it was President Theodore Roosevelt who asked Congress to give preference and priority to municipal purposes. It is that policy which former President Hoover now finds, after a lapse of 50 years, half a century, to be a socialistic scheme and device. It was indeed a curious development that took place in Cleveland a week ago Saturday.

RESOURCES THE BASIS OF OUR LIFE

Our people must realize how greatly their resources affect them. Our task of getting to the whole people the facts on such a subject is not an easy one. We are not dealing with issues that are clear and immediate to everyone. A rise in the price of beef is felt immediately by every household in America; if teenagers are drafted into the Army, every family is affected. But here we are dealing with the question of our natural resources, which sometimes seem very remote to civilized peoples. Somehow, the trees in our forests, the minerals stored in the earth, the plains, and the rivers seem to many persons to have no connection with their own lives. Yet these sources of supply affect us profoundly every day. They determine how we live, where we live, what we wear, how we travel, what we eat. It is a great tragedy that only after these sources of supply have been impaired for a long time, do people begin to miss them and truly realize that natural resources are the very basis of our life.

PRESIDENT THEODORE ROOSEVELT ALERTED THE PEOPLE TO CONSERVATION

I cannot help thinking of how nearly 50 years ago this problem of alerting the people to the importance of their resources faced a great Republican President—Theodore Roosevelt. At that time, one area that needed immediate attention was our inland-waterways system. It was necessary that all of us have an awareness that the rivers, threading through all the States, created common problems in water supply, flood threats, erosion, and irrigation. Then, as now, the press was reluctant to publish stories about a "dull" subject like conservation that had only been described in vague or legalistic terms. Moreover, special interests pressured heavily against public control and conservation of our resources.

So what did President Theodore Roosevelt do? He took a course of action the newspapers could not ignore. He went to Keokuk, Iowa, and steamed down the Mississippi River to Memphis, Tenn. He spent 4 days and nights in a river steamer, and a flotilla carrying more than 20 governors accompanied him. Crowds assembled whenever the steamer stopped; at night the people built bonfires and waited hours to watch the steamer go by.

The message got through to the people, and with popular support United States conservation was born in the administration of Theodore Roosevelt, and was carried on effectively during the following administration, under President William Howard Taft.

A year later, in 1908, at a White House conference, the governors of all the States and Territories made a famous declaration: A plea to the Federal Government to save the resources that were wasting away under unregulated and monopolistic exploitation. The governors at that time expressed their views in very moving and explicit words.

THE DECLARATION OF THE GOVERNORS

They stated:

We, the governors of the States and Territories of the United States of America, in conference assembled, do hereby declare the conviction that the great prosperity of our country rests upon the abundant resources of the land.

We look upon these resources as a heritage to be made use of in establishing and promoting the comfort, prosperity, and happiness of the American people, but not to be wasted, deteriorated, or needlessly destroyed.

We agree that the great natural resources supply the material basis on which our civilization must continue to depend, and on which the perpetuity of the Nation itself rests.

We agree that this material basis is threatened with exhaustion. We recognize as high duty the adoption of measures for the conservation of the natural wealth of the country.

We declare our firm conviction that this conservation of our natural resources is a subject of transcendent importance, which should engage unremittingly the attention of the Nation, the States, and the people in earnest cooperation.

We agree that the sources of national wealth exist for the benefit of the people, and that a monopoly thereof should not be tolerated.

We declare the conviction that in the use of the natural resources our independent States are interdependent and bound together by ties of mutual benefits, responsibilities, and duties.

That is how the program got started. It did not start from some Federal monstrosity here in Washington, but it started from the States. On that memorable occasion, President Theodore Roosevelt took the lead in writing into the law the wishes of the governors of all the States and all the Territories of the United States of America.

Those governors were speaking in an era when the Nation as a whole had neglected its resources. That was a time when the Nation learned that the States are interdependent and bound together by ties of mutual benefits. We forget that, because for many years now we have followed sound policies of conservation and public responsibility for our natural wealth. I hope that we can forestall the necessity for the governors of our States to make such an urgent declaration again.

I call attention to the fact that a leader in the drafting of this message was Governor Blanchard, of Louisiana, one of the States directly involved today in this controversy. Another leader in that conference of governors was ex-Gov. George C. Pardee, of California, a good friend of conservation. These fine men concluded their declaration by urging the Federal Government to make laws for "wise, active, and thorough waterway policy." They urged on the Federal Government "enactment of laws looking to the prevention of waste in the mining and extraction of coal, oil, gas, and other minerals, with a view to their wise conservation for the use of the people and to the protection of human life in the mines."

They concluded their declaration with the simple and profound plea:

Let us conserve the foundations of our prosperity.

PUBLIC RESOURCES SERVE EVERYBODY

Cooperation between the States did not, of course, begin with Theodore Roosevelt. The reason we became United States in the first place was because in union and in cooperation we had great strength—economic, defensive, and moral—which as separate States we could never have achieved. Because the people in the East can utilize the minerals under the ground in the Midwest, because the people in the North can wear clothes of cotton grown in the lands of the South, because people all over the Nation can eat meat of the cattle that

graze on the plains, we are a strong and prosperous Nation. There are no trade, tariff, or custom barriers between the States of the Union.

As a Nation we have lived by the credo that the bounties of nature belong to all the people. Nature has indeed been bountiful to us; but at times in our history certain interests have tried to despoil our resources, whether it was the trees in the forests, the fish from the streams, or the lands on the plains. In our fight for progress we have always had to keep watch against such plunder.

Individuals have the protected right to use, and to benefit from, these resources. Each has the right to earn money in the competitive market from his labors and investments, but no man or group of men should exploit the resources for themselves, regardless of the public interest. Access to these resources and benefits from them should be carefully guarded, so that they can be available to as many as possible, for as long as possible, and on an equal basis.

Only as long as natural resources are plentiful and assured, can we continue to eat well, dress well, work well, and utilize the wonderful buildings, factories, homes, schools, and machinery—the wherewithal of the good life in the United States.

The fight to assure these resources is never over. In one form or another it is always before us. Sometimes people get the notion that our resources are inexhaustible. Unfortunately, they are not, particularly when ill-treated. If we let them slip through our fingers, the fight to regain them is a much tougher and often an impossible fight.

Because of the victories along the way, we have today national forest lands and a reforestation policy; we have multiple-purpose dams which provide power for great factories, and give jobs to millions of workers; we have flood control and irrigation; we have grazing lands for the cattle farmers of the West. We have invested billions of dollars of public money into projects that have returned to us billions of dollars of income, as well as assuring a better life, in many cases life itself, to millions of Americans. Only investment on a public scale, only public vigilance and protection, could have developed and assured these resources to the people. The farmer by the Mississippi River at floodtide, the owners and workers of the aluminum companies in Washington State—incidentally, Mr. President, they produce half of the aluminum that is produced in our country—the white-collar worker living in his frame house, the citizen driving his automobile—all owe their well-being to conservation.

TODAY THE FIGHT IS FOR OIL

The details vary, but the fight we are waging here today to save for the people the resources in the lands beyond the low-water mark is the same fight we have been waging since Theodore Roosevelt took that trip down the Mississippi River.

Today the fight centers around the billions of dollars' worth of resources under the marginal sea. The winning of this fight is vital for two reasons. First, the area and its wealth are necessary to our national well-being. And, second, if we let this area go, we are opening the door to those who are pressing for a relinquishment by Congress of other areas of public trust.

I do not think Senate Joint Resolution 13 is in the public interest, and I believe that misleading information has followed this issue every step of the way.

In the first place, the area under dispute has been called the tidelands, when the tidelands have never been at issue; nobody has questioned States' rights down to their low-water mark.

We have been told to give lands back to the States which the States never owned. The fact is that the Supreme Court, which is specifically empowered by the Constitution to rule on disputes between States and the Federal Government, has explicitly ruled that these submerged lands not only do not now belong, but never have belonged, to the States. The issue has been muddied and confused and yet the words of the Supreme Court—in three cases—in the cases of California, Louisiana, and Texas—were so clear in this matter, that I think it is worth stating them again.

The Supreme Court stated three times:

> 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 land, minerals, and other things underlying the Pacific Ocean (Gulf of Mexico) lying seaward of the ordinary low-water mark on the coast of California (Louisiana, Texas), and outside of the inland waters, extending seaward three nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California (Louisiana, Texas). The State of California (Louisiana, Texas) has no title thereto or property interest therein.

PRESIDENT EISENHOWER UPHOLDS THE SUPREME COURT

I think President Eisenhower himself was interested to learn this. Initially, last spring he had written a letter suggesting that he might be favorable to State ownership, but in a press conference on June 15, 1952, he is quoted as saying:

> I did not know that there was a great struggle going on, and I found out later that there was a Supreme Court decision on it, and I am one who obeys the Supreme Court.

The President said:

> I was in Texas a number of years ago and they showed me some documents. * * * Now I might have my own ideas about what these documents meant, but I believe in obeying the Supreme Court.

It is easy to be confused on this issue. But once the facts are clear, we all should take that position and respect the decisions of the Supreme Court. We cannot support the Supreme Court on Mondays and Wednesdays and turn our backs on it on Tuesdays and Thursdays. Many who applauded the Court's decision in the steel case last year are now flouting not 1 but 3 decisions of the Court.

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

Mr. JACKSON. I yield to the Senator from New Mexico for a question.

Mr. ANDERSON. Is it not correct that there are three decisions of the Court, and in addition thereto, four petitions for rehearing of the same cases were also handled by the Court?

Mr. JACKSON. The Senator is eminently correct.

Mr. ANDERSON. Will the Senator not also say that in the steel situation, the Supreme Court having ruled that the President could not seize the steel companies, had he continued to hold them, there would have been a wave of protest throughout the country that would really have shaken things down?

Mr. JACKSON. The Senator is entirely correct.

Mr. ANDERSON. But the same people are now criticizing those who would adhere to the decisions of the Supreme Court in the submerged land cases. Are they not doing so at this time, despite the fact that, although the Supreme Court has said the States have no title or interest in the lands in question, they may continue to hold them, may continue to lease them, and may even continue to accept royalties from them?

Mr. JACKSON. The Senator is correct. The Court, in the three cases cited, passed on the title to property valued at many billions of dollars. The three cases involved property rights, Mr. President; and now we are witnessing an effort to take away the property rights of the Federal Government in these lands and make a gift of what the Supreme Court has held to be the property of all the people of the United States, constituting the 48 States.

There is little difference between this case and an ordinary dispute between neighbors about the location of a fence or a boundary between their properties. To be sure, the stakes here are immensely larger, but in the West, we know that for generations men have squabbled and fought—and sometimes died—in property disputes. Often a boundary or fence line remains undisputed for years. And then, suddenly, valuable resources are discovered, and the precise location of the fence becomes a matter of vital concern. Each of the neighbors begins to look closely at his deed or chain of title, and to question in his own mind just where the fence should rightfully be located. This is how countless boundary disputes begin.

Now, there is a peaceable way of settling such dispute. That way is in the courts. If Tom Jones and Henry Smith have a difference about the boundary line between their properties, they take the case to court. If the court rules in favor of Jones, it is not likely that Jones will say, "Well, after all, Smith, I think the court was wrong. The property really is yours. Here, take it back." Yet this is exactly what the proponents of the "giveaway" bill are asking us to do.

Nor does Smith contend that because the disputed land has always been considered his, and has never been contested before, that it is still rightfully his notwithstanding the decision of the court. Yet that is what the proponents of the giveaway bill are contending here in the Senate. They are trying to make the public believe that the Supreme Court has taken away something that once belonged to the States. Nothing is farther from the truth. As the Court clearly stated in its opinion, it has never

before been called upon to rule upon the title to the submerged lands. When the question finally arose, the Court specifically stated that these lands never did belong to the States. How can it be said, then, that something has been taken away from the States which the States never owned? The silence of the courts does not establish ownership. The fact that for years many people considered these lands as State property is completely overshadowed by the decision of the highest Court in the land, which is specifically charged by the Constitution with deciding disputes between States and the Federal Government.

When the land between Tom Jones and Henry Smith suddenly increases in value, do we question the right of either to examine the title to his property and to seek a settlement of any property questions in a court of law? We do not. Instead, we agree to abide by the decision of the court. Why can we not abide by the Court's decision in this case?

I do not believe any fair-minded person could successfully contend for one moment that the Federal Government during the past 150 years laid constant claim to the submerged lands in question. I think that in many areas the States laid claims to them, while in other areas the Federal Government laid to them. Every lawyer who is familiar with property law knows that the Federal Government, if it owned these lands, as the Court said it did, could not have lost its title by the mere fact that it had not asserted claim to the submerged lands which we are here discussing.

ANDERSON BILL GIVES STATES 37½ PERCENT

In this connection, I want to emphasize and reemphasize something that seems to have been understated in this discussion. We have given equity to the States here involved. The substitute bill, the bill which the Senator from New Mexico has introduced on the floor, and which I think a good bill, does not rob the States of all rights. The State of Washington is reimbursed 35 percent on all royalties of its timberlands which are held in trust by the Federal Government to be used for schools and roads. A more generous allotment, 37½ percent or more than one-third, will accrue to the coastal States from royalties on the submerged lands out to 3 miles.

Mr. ANDERSON. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I yield for a question.

Mr. ANDERSON. Is not the figure of 37½ percent exactly the same percentage which is allowed to the public-land States for oil developed beneath their public lands the title to which is in the Federal Government?

Mr. JACKSON. I believe that is the percentage. It is 2½ percent more, as I pointed out, than in my own State, which allows 35 percent of the revenues from the sale of timber. I take it the Senator's statement is that the 37½ percent carries out the provisions of the Federal law.

Mr. ANDERSON. I was asking if the Senator does not think it is more than fair in States such as Wyoming, Utah, Arizona, and New Mexico?

On land which we can see and drive across, which is in Federal ownership, the State gets 37½ percent. Is it not more than fair to say that as to land lying 10½ miles out at sea, where it cannot be seen under 30 fathoms of water, the percentage given is fair and equitable?

Mr. JACKSON. I quite agree with the Senator from New Mexico. I believe we are doing more than equity in this instance. A moment ago I referred to a lawsuit involving a quarrel over a boundary line. No one pays any attention to a boundary line until something of value has been discovered. The story we are telling here today is not new. It has been told in every court in the land. We are trying to do only the fair thing. The Federal Government won the lawsuit. Whoever heard of a person who won a lawsuit giving away the entire judgment? What purpose could there be in trying a case and then giving the entire award to the other party to the suit? We are saying, "There has been some dispute about the rights to the submerged lands in question. Some States have claimed them; others have not. In some cases the Federal Government has claimed the lands, and in other areas the Federal Government has not claimed them. So we want to be fair. We won the lawsuit, but, in order to do equity and to do the right thing, we are giving back to you one-third of the award we won in the lawsuit."

Mr. ANDERSON. Does the Senator not say, from his experience as a lawyer, that it would be extremely unusual, if not unheard of, for a lawyer, having won his judgment, whether it be $1,000 or $10,000, to turn to the defeated party and say, "I now give you everything I sued for and won"?

Mr. JACKSON. Again the Senator is exactly correct. In such a case there ought to be some consideration. I think that the other side should give, at least, a dollar. That has always been token consideration for making a gift of property, in order that there may be compliance with the legal rule of consideration which is recognized in courts of law. But no; it is not proposed to do that. The proponents plan to give away the judgments of the Supreme Court of the United States, which involve billions of dollars. They would go a step further. This is one of the most unusual giveaway proposals in all history. The value of the property is so great that they are unwilling to have a fair and impartial appraisal of the property which it is proposed to give away. If we, as private individuals, were involved in an ordinary gift of property, in order to determine the amount of revenue stamps that would have to be placed on the deed it would be necessary to know the value of the property.

The Holland joint resolution would bypass all the Federal statutes; and I am convinced that as the joint resolution is presently drafted, it would also bypass the Constitution of the United States.

The States would not be deprived of all rights of income, but I do not think enough has been said to clarify the 37½ percent allowance to them. Additionally, of course, California, Louisiana, and Texas would be permitted to keep all the many millions they have received through what we might say the Supreme Court has declared in fact is a trespass on property. The Supreme Court has ruled the submerged lands to be Government property, and in a law suit against a private company such funds would, of course, be claimed. These the States may keep without dispute. The States are assured of equity and consideration, as well as generosity.

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

Mr. JACKSON. I am glad to yield for a question.

Mr. LEHMAN. I have not been on the floor all the time during the remarks of the Senator from Washington, so he may have already discussed the point I have in mind. Is it not a fact that in addition to the 37½ percent which the Anderson bill grants to the States from revenues derived within the 3-mile limit, the States of Texas, Louisiana, California, and Florida would also receive their full shares of the royalties, derived from submerged lands outside that limit, in just the same way as the States of Washington, New Mexico, and New York would, so the four coastal States would win both ways?

Mr. JACKSON. The Senator is absolutely correct. The four States the Senator has named would receive 37½ percent, which none of the other States would get. Then they would share prorata with the other 44 States, in the sense that the remaining funds would go into the general receipts of the Treasury.

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

Mr. JACKSON. I shall be happy to yield for a question.

Mr. ANDERSON. The Senator has referred to 37½ percent. Is it not true that if the Holland joint resolution should be enacted, the States of Texas, Louisiana, and California would receive 100 percent of the royalties that came from the 3-mile zone or the 10½-mile zone lying within their historic boundaries, and, in addition, would get a proportionate share of the rental produced in public-lands States, such as Colorado, Wyoming, Utah, New Mexico, and Arizona? Would they not get their share of the funds as they came into the Treasury, and also receive all of their share of the 100 percent that was produced from oil obtained from the ocean lands?

Mr. JACKSON. The Senator has placed his finger on the real problem before us. If we are going to be consistent, how can we deny the rights of the 11 Western States to make demands on Congress that they be given the submerged oil and gas rights within their respective boundaries? When we talk about submerged lands off the coast, we must remember that such a statement has equal application everywhere within the 48 States. I believe the Senator from New Mexico has gone to the heart of the problem. He has pointed out most effectively the devastating nature of the precedent which will be established if Senate Joint Resolution 13 shall be passed by the Senate and become law.

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

Mr. JACKSON. I shall be very happy to yield for a question.

Mr. ANDERSON. Can the Senator tell me what are the circumstances that give greater claim to title to submerged minerals beneath lands which are in the water than to submerged minerals beneath the land we can drive over, where States have to maintain police power and highways, and where they generally have land usually subject to the administration of a State executive? What is there that should give to States along the coasts a claim to 100 percent of the receipts from minerals which are submerged, but to States that do not have lands covered by water only 37½ percent of the receipts from minerals which lie beneath the surface of the earth?

Mr. JACKSON. There is a logical reason for giving to the 11 Western States a percentage of the receipts from the sale of resources, because those States must provide schools for the children of employees of the Bureau of Land Management, of the Forest Service, and of all the other agencies that administer our great resources program in the West. There is no logical reason why coastal States should be given all the receipts from the sale and disposition of resources taken from submerged lands. In coastal areas, the Federal Government maintains Coast Guard facilities, lighthouse facilities, and fish and wildlife personnel, that protect the people and resources in those areas, all without charge to the States.

Actually if we were to follow a numerically consistent policy of percentage allowances, we would allow the coastal States less than 37½ percent. I say that the Senator from New Mexico has been more than generous in extending the 37½ percent provision of the existing applicable law to the resources of the submerged lands off the Atlantic, Pacific, and gulf coasts.

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

Mr. JACKSON. I yield for a question.

Mr. LEHMAN. Does not the Senator from Washington agree with me that if the Holland joint resolution should be passed, which, in my opinion, would be a highly dangerous precedent, the next step, and in all probability a successful step, would be for the other States to demand that the Federal Government turn over its great resources in mineral rights, timber rights, grazing rights, park rights, and waterpower rights, and thus denude the United States of America, a federation of 48 States, of the highly valuable resources which belong to all 48 States?

Mr. JACKSON. The Senator is correct. If we approve the Holland joint resolution, we would be not only establishing such a precedent, but there have been already a number of indications that the course he suggests probably would be pursued with diligence should Senate Joint Resolution 13 become law.

I may say to the Senator from New York that I made reference earlier to the statement by former President Herbert Hoover, insisting that the Federal Government get out of the power business, a power business started by President Theodore Roosevelt at the turn of the century.

STATE BOUNDARIES UNDEFINED IN SENATE JOINT RESOLUTION 13

The description of State boundaries in the joint resolution before us now is impossible to understand. Proponents of Senate Joint Resolution 13 speak of "historic boundaries." Texas is said to have something like 10½ miles of gulf land, Louisiana may be 27 miles, or some such. The joint resolution does not mention historic boundaries, but opens the door to any boundary at all. This is how the joint resolution talks of boundaries:

> Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line.

The bill goes on to assure States that they may extend their boundaries beyond 3 miles if that "has been heretofore or is hereafter approved by Congress."

My fine colleague and neighbor the senior Senator from Oregon [Mr. CORDON] has told the Senate that he knows what the boundaries are but not where they are. He does not know, for example, where the boundaries of Texas may be. He says this is beside the point. I think it is very much to the point.

A clear definition of State boundaries is to the point or else what are we legislating here today? Are we only opening the door for generations of litigation? Or worse still, are we opening the door to an extension of State boundaries out to the limit of the Continental Shelf? The proponents of the giveaway legislation say they are seeking to put a stop to the litigation on the submerged lands, to dispel a cloud that hangs over the title to these lands.

Yet, far from dispelling any cloud, they are creating a veritable squall by their elastic definition of State boundaries—a squall that cannot help stirring up litigation instead of bringing it to an end.

This measure may be a boon to the legal profession, but it will do irreparable harm to the public as well as to all those who seek to extract the resources in the submerged lands.

In connection with the boundary question, I should like to read from the hearings of the committee on page 926 of the record, the statement by the Attorney General of the United States, Herbert Brownell, Jr. He makes this recommendation:

> 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.

This is a statement from the Attorney General of the United States, which is absolutely contrary to the provision contained in the pending joint resolution with reference to the question of boundaries.

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

Mr. JACKSON. I yield to the Senator from New Mexico for a question.

Mr. ANDERSON. Did the Senator notice the last words—"beyond their historic 3-mile limit"? Does that sound as though the Attorney General had any belief that the historic boundaries ran out 10½ miles?

Mr. JACKSON. I consider the statement to be very clear in its implications. I think the Attorney General is worried about the constitutionality of the pending legislation. I believe in the previous paragraph he makes some reference to the constitutional question. The Attorney General is very much worried. I quote the paragraph preceding the one from which I have just read, on page 926. This is what he had to say:

> First: For the purpose of minimizing constitutional questions, I consider it of primary importance that any statute combine a program (a) authorizing the States to administer and develop the natural resources from the submerged lands within a line marking their historic boundaries—

This has not been done—

> with (b) specific authorization to the executive branch of the Federal Government to develop the lands outside of that line, with the income therefrom going to the entire Nation.

This suggestion has been eliminated from the proposed legislation.

I continue to quote:

> The statutes also should reserve to the United States its powers to regulate navigation, conduct the national defense, and conduct international relations in the so-called State areas.
>
> My recommendation would mean, in legal terms, that instead of granting to the States a blanket quitclaim title to the submerged lands within their historic boundaries, the Federal Government would grant to the States only such authority as required for the States to administer and develop the natural resources. I do not thereby intend to cast any doubt upon the constitutionality of a so-called quitclaim statute, but merely to draw to your attention a method of minimizing if not eliminating altogether the constitutional point raised by witnesses before this committee.

It will be noted that the Attorney General of the United States is seriously concerned about the constitutional questions which the Senator from New Mexico [Mr. ANDERSON] so ably raised in the Committee on Interior and Insular Affairs when the subject was being considered by the committee.

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

Mr. JACKSON. I yield to the Senator from New Mexico for a question.

Mr. ANDERSON. Does the Senator from Washington not recognize that the very first recommendation of the chief law officer of this administration is that, instead of a blanket quitclaim title being given to the States, the Federal Government should grant the States only sufficient authority to administer and develop the natural resources? Has that

been done in the pending joint resolution?

Mr. JACKSON. Not to my knowledge.

Mr. ANDERSON. Of course, it has not been done. Secondly, he wants specific authorization given to the executive branch of the Federal Government to develop the lands outside of a certain line, with the income therefrom going to the entire Nation. Has that been done in the pending joint resolution?

Mr. JACKSON. It is quite apparent that a very studied and well designed plan has been adopted to ignore completely the recommendation of the Attorney General.

Mr. ANDERSON. Is not the Senator familiar with the fact that there is now no language in any law which permits the Department of the Interior or any other Department of the Government to proceed with a leasing program on the Continental Shelf?

Mr. JACKSON. In reply to the question raised by the Senator from New Mexico, it is my understanding that the Solicitor General of the Department of the Interior and I believe one of the lower Federal courts have held that the Mineral Leasing Act is not applicable to the submerged lands. We are therefore in the very difficult situation of not being able to develop the resources which should be developed, because of the determined effort to block the development by the Federal Government of resources which belong to the Federal Government.

Mr. ANDERSON. Is it not correct to say that three specific recommendations have been completely ignored, namely, the first recommendation, that no blanket quitclaim title be given, but that the States only administer and develop the natural resources; second, that the Federal Government be given specific authorization to make leases on the Continental Shelf beyond the State boundaries; and, third, that a line be drawn, so that litigation may be minimized? Is it not a fact that those recommendations of the chief law officer of this administration are being tossed out the window by Congress, without even the courtesy of a passing glance?

Mr. JACKSON. Every one of the three recommendations referred to by the Senator from New Mexico has been ignored in the joint resolution.

Furthermore, I should like to make reference to a statement by the Secretary of the Interior on this point corroborative of the attitude of the Attorney General. It appears in the middle of page 512 of the hearings. I quote from the recommendations contained in the statement made by the Secretary of the Interior when he testified before the committee:

> 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.

I may add at this point that there is no reference to any historical boundaries in the joint resolution now being considered by the Senate.

I continue to quote from the recommendations of the Secretary of the Interior:

> I believe that the national defense will be best served by getting more active production from these submerged lands and that it is equally important, therefore, that the Congress should in the same legislation establish a procedure by which development may go forward on all of the lands on the Continental Shelf outside of a line marking the historical boundaries of the several States with all of the revenues to go to the Nation as a whole.

Once again we find the Secretary of the Interior corroborating the recommendation of the Attorney General of the United States. Once again we find an absence of any language in the joint resolution which carries out the recommendation of the executive officer who has the responsibility of acting as public trustee of this property, which is held in trust for all the people of the United States.

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

Mr. JACKSON. I am very happy to yield to the Senator from New York for a question.

Mr. LEHMAN. Is it not correct to say that there has been a great divergence, which has not been clarified, among the statements made by the President of the United States, when he was a candidate last fall, by the present Attorney General, by the Secretary of the Interior, by the Senators who drafted the joint resolution and presented it to the Senate, and by the congressional leaders who are supporting and pushing the Holland joint resolution? Is there not complete divergence?

Mr. JACKSON. The Senator from New York is absolutely correct. A little earlier in my remarks I made reference to the point which he now has raised. Some time ago—as I recall, it was last spring—President Eisenhower, when he was a candidate, wrote a letter suggesting that he might be favorable to State ownership, but in a press conference on June 15, 1952, he is quoted as having said:

> I did not know that there was a great struggle going on, and I found out later that there was a Supreme Court decision on it, and I am one who obeys the Supreme Court.

He went on to say:

> I was in Texas a number of years ago, and they showed me some documents. Now, I may have my own ideas about what these documents meant, but I believe in obeying the Supreme Court.

In all fairness to the President of the United States, I believe it is fair to assume he was not aware that there had been, not one Supreme Court decision, but three of them, awarding all the property in question to the Federal Government.

Mr. LONG. Mr. President, will the Senator from Washington yield to me?

Mr. JACKSON. I am very happy to yield to my good friend, the Senator from Louisiana.

Mr. LONG. Will the Senator from Washington be so kind as to include in the RECORD the quotation of what Mr. Eisenhower said on this issue when he reached New Orleans, La.?

Mr. JACKSON. I do not have at hand the statement he made; but I would imagine that in an election year, and in view of what were the possibilities in the South at that time, his statement might well have been in keeping with what he is now recommending to the Congress.

Mr. President, I give to the President of the United States the right to take any position which in his own good conscience he deems to be in the public interest. I believe that all persons who make statements regarding this proposed legislation are sincere in ably advocating their positions as to what they believe is best in the public interest.

I say to my good friend, the Senator from Louisiana, that the record would seem to disclose that President Eisenhower might have taken a different position on this question if he had known that the Supreme Court had ruled that the submerged lands had always belonged to the Federal Government. Of course, any of us can make a mistake.

Mr. FERGUSON. Mr. President, will the Senator from Washington yield to me?

Mr. JACKSON. I am very glad to yield to the distinguished Senator from Michigan for a question.

Mr. FERGUSON. The question is this: Will the Senator from Washington yield at this time, so that the Senate may now take a recess, if it is understood that the Senator from Washington will have the floor at the beginning of the session tomorrow morning?

I am of the impression that there was an understanding that the Senator from Washington would relinquish the floor at 12 o'clock tomorrow. Is that correct?

Mr. JACKSON. In reply to the Senator from Michigan, let me say that I did not have a direct understanding to that effect. Some of our colleagues may have discussed that point. I have been busy speaking for the last number of minutes, and I would have to check on that point.

Mr. FERGUSON. Does the Senator from Washington know how long he will take to complete his remarks?

Mr. JACKSON. I should say in about an hour.

Mr. FERGUSON. That would indicate, then, that the understanding that the Senator from Washington would relinquish the floor at 12 o'clock tomorrow would be all right.

Mr. JACKSON. Will the Senator from Michigan withhold his unanimous-consent request for about 5 minutes? I believe I shall then be in a better position to advise my colleague with reference to his proposed unanimous-consent request.

THE NEW LOOK ALONG THE POTOMAC

Mr. MUNDT. Mr. President, will the Senator from Washington yield to me?

Mr. JACKSON. I am very glad to yield to the Senator from South Dakota for a question.

Mr. MUNDT. My purpose in asking the Senator from Washington to yield is

so that I may ask unanimous consent—provided it is understood that in yielding for this purpose, the Senator from Washington will not lose his right to the floor—to have a matter printed in the Appendix of the RECORD.

Mr. JACKSON. I am very glad to yield for that purpose, with the stipulation and understanding that in doing so I shall not lose my right to the floor.

Mr. FERGUSON. And with the added understanding that the making of the proposed insertion will not be regarded as the transaction of business, in terms of a possible request for a quorum call.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. MUNDT. Then, Mr. President, with that understanding, I ask unanimous consent to have printed in the Appendix of the RECORD an article entitled "The New Look Along the Potomac." The article has been prepared by me for publication in a forthcoming issue of the Journal of the American Trade Association Executives.

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

[The article referred to appears in the Appendix.]

Mr. MUNDT. Mr. President, I thank the Senator very much.

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 with 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.

SENATE JOINT RESOLUTION 13 DEFIES SUPREME COURT

Mr. JACKSON. Mr. President, not only are the boundaries unclear, it is also unclear in the joint resolution just what rights the States are to have within these boundaries, whatever they may be. On the one hand, the joint resolution claims title to and ownership of lands; and then, on the other, it claims the right and power to administer, lease, develop, and use the submerged lands of the marginal seas. I suppose this particular provision could be more accurately referred to as a lend-lease provision.

At the end, in a separability clause, the joint resolution states that if any provision, sentence, or word of the joint resolution is held invalid, the rest of the joint resolution will remain in full force and effect. The Supreme Court has already told us that the States have no title to this land, but the proponents of Senate Joint Resolution 13 want to take a chance. The Attorney General himself has recommended that the States not claim title.

But in this joint resolution the States have it both ways. Litigation takes a long time. This joint resolution would give States free reign over the marginal seas and resources beneath them for at least several years until costly and extensive lawsuits reach the Supreme Court for a decision. And if the Court rules against the joint resolution, then the States can claim rights of administration. By that time illegal wells will be drilled and much of the resources will already be depleted.

Mr. President, at this time I yield to the Senator from Michigan for a question.

Mr. FERGUSON. The question is this: If the Senate takes a recess at this time, with the understanding that the Senator from Washington will have the floor at 11 o'clock tomorrow, when the Senate next meets, and that he will reliquish the floor at 12 o'clock, will that be satisfactory to the Senator from Washington?

Mr. JACKSON. In response to the question asked by the Senator from Michigan, let me say it is my understanding that no such agreement had been made; but if the Senator from Michigan would be willing to extend the time until 1 o'clock, I would be very happy to agree to such a unanimous-consent request.

Mr. FERGUSON. Then I think we had better use the other hour now.

Mr. JACKSON. Mr. President, let us be honest. [Laughter.]

I may add that I am not going to guarantee that I shall be through in 2 hours, in connection with my prepared statement. I wish to be fair about the request the Senator from Michigan made; and in this difficult situation I was good enough to ascertain whether any such agreement had been suggested. I understood it might have been suggested, but that there had been no agreement. Therefore, I shall continue with my prepared statement.

Mr. President, I think we should look at what we as legislators can uprightly do and what we cannot. In our oath of office we pledge to uphold the Constitution. In cases of this sort, the Constitution explicitly vests original jurisdiction in the Supreme Court; so in upholding the Constitution, we must uphold the decisions of the Supreme Court. The Supreme Court decided that the Federal Government has now, and always has had the paramount rights to the land, and that the States have no title thereto.

DECISION FACING SENATE CONCERNS POLICY ONLY

Then we must go on to face the real problem before us today. The Federal Government has dominion over the area and its billions of dollars of resources. There is no longer any question of law, for the law has already been determined in the proper place, namely, the Court. The question before Congress is purely one of sound public policy. The question is: Ought the Federal Government, as a matter of public policy, give away these rights, here today, to these States?

I think not, for the following principal reasons:

First, the urgent need for the quickest possible extraction or proper conservation of all the oil in all the submerged lands is one of the foremost reasons why I oppose the giveaway.

The uncertain boundaries of the pending measure make it unclear in what areas the States could extract the oil or could grant leases for its extraction. The boundaries claimed today, vague though they be, indicate that only a fraction of the oil, perhaps 10 percent, could be extracted under the provisions of the pending measure. More important, therefore, is the fact that this bill continues the total paralysis with regard to the oil beyond the State boundaries. Although the Secretary of the Interior and the Attorney General of the Eisenhower administration recommended legislation that would give the Federal Government the go-ahead for the extraction of oil out on the Continental Shelf, this bill does not do so. It is in the interest of national defense that the oil supplies be tapped, and yet this bill ignores the vast area of the Continental Shelf.

Mr. MAGNUSON. Mr. President, will my colleague, the junior Senator from Washington, yield for a question?

Mr. JACKSON. I am very happy to yield to the senior Senator for a question.

Mr. MAGNUSON. I first want to compliment the Senator on his very appropriate and intelligent discussion of this subject. As far as he has gone—and I am sure my statement will apply to the remainder of what he will have to say—I concur in all he has said. I am sure that those in our great area, which has many submerged lands, who clearly understand the matter also agree with the Senator. Inasmuch as my colleague sat in on all the lengthy hearings and is also a lawyer, I should like to ask him a question on a subject about which I am not quite clear: What is the status at the present time of the oil leases on the Continental Shelf? Has the Federal Government made leases with companies, or are the States still granting new leases? What is the status since the Supreme Court rendered its decision?

Mr. JACKSON. In reply to the very important question raised by my colleague, the senior Senator from Washington, I may say it is my understanding that the Solicitor of the Department of the Interior has ruled that the Mineral Leasing Act is not applicable to the submerged lands, which the Supreme Court has held to be the property of the Federal Government. It is my understanding that a request was made several years ago, after the Supreme Court rendered its decision, for legislative action to extend to the Department of the Interior authority under the Mineral Leasing Act to grant leases to the so-called submerged lands.

Mr. MAGNUSON. So, therefore, in the meantime, while the controversy has continued, the Supreme Court ruling has not been adhered to, and the matter is technically and legally in a state of great uncertainty for all of us, particularly with regard to the States or the Federal Government obtaining a proper share of the revenues from the submerged lands. Is that not true?

Mr. JACKSON. Legislation which would make it possible for the Department of the Interior to grant leases on the Continental Shelf, so to speak, and leases to the submerged lands as a whole, has been blocked in the Congress, and,

as a result the very important deposit of oil in the Continental Shelf is not being exploited and developed. The Attorney General of the United States and the Secretary of the Interior have requested that in any event, the submerged lands—I believe I am correct in stating in this way—beyond the historic boundaries of the coastal and Gulf States be developed by the Federal Government; but the pending measure, Senate Joint Resolution 13, completely ignores that important matter.

Mr. MAGNUSON. But is it not true that the so-called Anderson substitute would take care of that?

Mr. JACKSON. The Anderson substitute covers the question of the development of all the submerged lands, including those on the Continental Shelf; and, curiously enough, it follows the recommendation made by the Attorney General and the Secretary of the Interior that, in any event, the submerged lands beyond the historic boundaries of the States be developed at once.

Mr. MAGNUSON. If the Anderson substitute should be passed, with the so-called Hill amendment, we could then proceed, could we not, with propriety, and fairly soon? Could not developments then begin, with immediate benefit to the people of the United States?

Mr. JACKSON. The Senator is entirely correct. It is regrettable that since the first Supreme Court decision was rendered, legislation to give to the Department of the Interior authority to grant leases on the Continental Shelf has been completely ignored.

I should like to raise a specific question with reference to the Continental Shelf. Could it be because, under the elastic boundaries set forth in this bill, these States are hoping, covertly that in time they can adjust their boundaries until they can include the entire oil-bearing Shelf? Why else are they so vague? I think we should clarify the problem of oil on the whole Shelf once and for all.

Mr. FERGUSON. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I yield.

Mr. FERGUSON. Does the Senator feel that he can complete his address to the Senate by 12:30 o'clock tomorrow if the Senate meets at 11 o'clock a. m.?

Mr. JACKSON. I believe that is possible.

RECESS TO 11 A. M. TOMORROW

Mr. FERGUSON. Mr. President, I move that the Senate take a recess until 11 o'clock tomorrow morning, with the understanding that the Senator from Washington [Mr. JACKSON] will then have the floor, and he will relinquish it at 12:30 o'clock p. m.

Mr. JACKSON. That is agreeable to me, Mr. President.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan.

The motion was agreed to; and (at 10 o'clock and 50 minutes p. m.) the Senate took a recess, the recess being under the order previously entered, until tomorrow, Tuesday, April 21, 1953, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 20 (legislative day of April 6), 1953:

CENTRAL INTELLIGENCE

Lt. Gen. Charles P. Cabell, United States Air Force, to be Deputy Director of Central Intelligence.

CALIFORNIA DEBRIS COMMISSION

Col. Paul D. Berrigan, CE, Corps of Engineers, to serve as president and senior member of the California Debris Commission.

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades and corps specified, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.), title II of the act of August 5, 1947 (Public Law 365, 80th Cong.), Public Law 759, 80th Congress, and Public Law 36, 80th Congress, subject to physical qualification:

To be lieutenant colonel

Harvey C. Slocum, MC, O2267647.

To be captains

Lindsey D. Campbell, MC, O1918634.
Andrew E. Cyrus, Jr., MC, O937119.
Thomas P. Mullaney, Jr., MC, O1706003.
William H. Sewell, MC, O1745349.

To be first lieutenants

Paul Berger, JAGC, O999345.
Joseph S. Churan, DC, O983321.
Wade J. Dahood, JAGC, O2210938.
John P. Devlin, MSC, O749383.
Jay G. Hanson, DC, O2104363.
Carl W. Lusby, Jr., DC, O988533.
Paul G. Tobin, JAGC, O1822077.

To be second lieutenants

Robbie F. Cooper, ANC, N900237.
Ellen F. Gubics, ANC, N804877.
Eunice M. LeBlanc, ANC, N900355.
Elizabeth E. Lothian, ANC, N805154.
Bernard K. Mulrenin, MSC, O1933349.
Peyton E. Pitts, MSC, A1933538.

The following-named persons for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.), subject to physical qualification:

Forrest D. Tignor, Jr., O1928559.
Philip J. Cahill, O1891015.

TO BE PLACED ON THE RETIRED LIST

The following-named officers to be placed on the retired list in the grade indicated under the provisions of subsection 504 (d) of the Officer Personnel Act of 1947:

Lt. Gen. Edward Hale Brooks, O6657, to be lieutenant general, Army of the United States (major general, U. S. Army).

Lt. Gen. George Price Hays, O7149, to be lieutenant general, commanding general, United States Forces, Austria (major general, U. S. Army).

Gen. James Alward Van Fleet, O3847, Army of the United States (major general, U. S. Army), to be placed on the retired list in the grade of general under the provisions of subsection 504 (d) of the Officer Personnel Act of 1947.

IN THE REGULAR AIR FORCE

The following-named officer for promotion in the Regular Air Force, under the provisions of sections 502 and 508 of the Officer Personnel Act of 1947:

David E. Rippetoe, Jr., 24755A, to be first lieutenant, Air Force.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 20, 1953

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Eternal God, whose divine will is sovereign and supreme, may we daily aspire to bring our thoughts and desires into harmony with Thy wise and beneficent purposes.

We humbly confess that again and again we become confused and confounded as we encounter the hard questions and problems of life for which we have no satisfactory answer and solution.

Fortify us against those devastating fears and moods of despair and defeatism which seek to storm the citadel of our souls.

We pray that Thou wilt awaken within our dull and disobedient minds and hearts a more vivid sense of Thy guiding wisdom and sustaining power.

Make us diligent and faithful in our endeavors to build a social order in which there will be justice and security and peace for all the members of the human family.

Hear us in Christ's name. Amen.

The Journal of the proceedings of Thursday, April 16, 1953, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Hawks, one of his secretaries.

SALUTE TO ISRAEL

Mr. MULTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. MULTER. Mr. Speaker, it is my happy privilege to rise at this time to pay tribute to the State of Israel on the fifth anniversaray of its rebirth as a sovereign democratic nation.

Our heartiest felicitations go forward on this joyous occasion to the state, its officials, and all its people.

No other people or country has ever before in history made such tremendous strides in so short a time.

In 5 years it has almost doubled its population. Most of the 700,000 new immigrants were penniless refugees from Europe and the Arab countries.

It has blossomed forth into the only Near East country with a republican form of government, of which its main feature can be said to be compulsory universal education for all, regardless of race, color, or creed.

Thriving new villages, cities, industries, farms, and mines were brought into being on every hand.

Much of the credit is due to the sympathetic, wholehearted, and munificent aid extended to this modern state by the

SENATE

TUESDAY, APRIL 21, 1953

(Legislative day of Monday, April 6, 1953)

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

Rev. F. Norman Van Brunt, associate pastor, Foundry Methodist Church, Washington, D. C., offered the following prayer:

Since it is of Thy mercy, O Gracious Father, that another day is added to our lives, we pause in this quiet moment to dedicate it to the service of our fellow men. We give Thee thanks with deep humility that we are summoned to live and give in such a time. Keep us ever mindful that we have been set apart to serve in a climactic hour, that our thoughts, our attitudes, our words, and our acts are not our own, but go out from this place to influence and to mold the structure of human relationships. For the fabric and fiber which we shall put into our task this day, prepare us now, we beseech Thee, O God. Amen.

THE JOURNAL

On request of Mr. TAFT, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 20, 1953, was dispensed with.

MESSAGE FROM THE HOUSE

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

H. R. 444. An act to amend the act of May 19, 1947, so as to increase the percentage of certain trust funds held by the Shoshone and Arapaho Tribes of the Wind River Reservation which is to be distributed per capita to individual members of such tribes;

H. R. 1243. An act to amend the act of June 30, 1919 (41 Stat. 16);

H. R. 1244. An act to amend section 13 of the act entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds and other purposes";

H. R. 2113. An act to amend the act incorporating the American Legion so as to redefine (a) the powers of said corporation, (b) the right to the use of the name "The American Legion" and "American Legion";

H. R. 2565. An act to further amend the act of January 2, 1942, entitled "An act to provide for the prompt settlement of claims for damages occasioned by Army, Navy, and Marine Corps forces in foreign countries";

H. R. 2990. An act to amend the act which incorporated the Veterans of Foreign Wars of the United States;

H. R. 3409. An act to terminate certain Federal restrictions upon Indians;

H. R. 3411. An act to direct the Secretary of the Army to reestablish and correct the boundaries of the Quincy National Cemetery by the exchange of Government-owned lands in the Quincy-Graceland Cemetery, Quincy, Ill.;

H. R. 3429. An act to amend clause (4) of section 35 of the Bankruptcy Act, as amended;

H. R. 3915. An act to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes; and

H. R. 4483. An act to provide compensation to the Shoshone and Arapaho Tribes of Indians for certain lands of the Riverton reclamation project within the ceded portion of the Wind River Indian Reservation, and for other purposes.

ANNOUNCEMENT AS TO TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. Under the unanimous-consent agreement entered into when the Senate took a recess yesterday, the Senator from Washington [Mr. JACKSON] has the floor.

Mr. TAFT. Mr. President, will the Senator from Washington [Mr. JACKSON] yield?

Mr. JACKSON. I yield with the stipulation that I do not lose the floor.

Mr. TAFT. The Senator from Washington will relinquish the floor at 12:30. At that time I shall ask unanimous consent that Senators may be permitted to introduce bills, submit resolutions, and transact the usual morning-hour type of business.

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. JACKSON. Mr. President, when the Senate recessed last night, I was discussing the inadequacy of the provision in the pending joint resolution with reference to the definition of State boundaries. I now turn to a discussion of the development of the important oil resources in the submerged lands.

I am concerned that Senate Joint Resolution 13 makes no provision whatever for uniform handling of these precious resources. I understand that by careless, unregulated drilling much oil and gas can be lost. This might not matter to the hit-and-run variety of driller who might get a lease on the land. But it could matter greatly to the citizens of this country and future generations who need these resources to maintain their civilization. I do not think that in matters affecting all States, individual States should legislate each in their own fashion. Our States have differing viewpoints and that is the wonder of our Nation. But where would our resources be today if they were protected with the abandon and diversity which the States use in such matters as for example, the divorce laws?

In giving away this public trust we do not know what price we exact from our descendants. We know today that billions of dollars worth of oil, natural gas, and sulfur lie under the marginal sea. These were only recently discovered. The lands have not been carefully analyzed. Other valuables, important in the future, may lie there as well, perhaps uranium itself, vital in the production of atomic energy.

THE MARGINAL SEAS A PUBLIC RESPONSIBILITY

The area of the submerged lands in itself, by the very wording of the bill, remains a public charge and a public responsibility, but not a public benefit. All 48 States continue to pay taxes and take responsibility for the Coast Guard, which costs the country millions of dollars a year, and for the customs, weather, immigration, police, and defense services, whose exact costs are impossible to compute, but which run high in peacetime, and which would soar higher, indeed, in the event of war. Proponents of Senate Joint Resolution 13 relinquish to three States the royalties and benefits from the assets of the area, while in a lordly manner they "permit" the United States to retain its costly "rights" for "purposes of commerce, navigation, national defense, and international affairs." In other words, the taxpayers of 48 States are asked to maintain and protect the sites, while 3 States alone may profit from the natural resources there.

The Supreme Court decision in the Texas case of 1947 explained with clarity why the law deems that the Federal Government has paramount interest in the marginal sea. I quote:

> Once low-water mark is passed, the international domain is reached. Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign. * * * If the property, whatever it may be, lies seaward of the low-water mark, its use, disposition, management, and control involve national interests and national responsibilities.

Talk of States' extensions beyond the national 3-mile limit is not only illogical; it is dangerous to us as a Nation. I wish to quote from a letter which Assistant Secretary of State Thruston B. Morton wrote to me:

> Extension of the boundary of a State beyond the 3-mile limit would directly conflict with international law, as the United States conceives it, and may, moreover, precipitate developments in international practice to which this Government, in the national interest, is clearly opposed.

THE DANGERS OF BEING FENCED IN

We hear much about the rights of coastal States. I represent a State with a long coastline. There is a right that concerns me that may in the long run be more important to all of us than the rights of three States to push out their boundaries for the sake of oil. I refer to the right we all have to live peaceably with other nations, with respect for international law.

Many people do not realize that at least one of our great industries which will be hurt by thoughtless juggling of the boundaries is the fishing industry. Our annual fishing catch is worth $325 to $350 million. Dependent service industries bring the total involved to more than $1 billion annually. The Fish and Wildlife Service has estimated that a million people, twice as many as live in Seattle, the largest city of my State, are dependent for livelihood on the fishing industry. More than half the value of the fishing catch is in the high seas contiguous to foreign nations.

We are already fighting Mexican attempts to claim a boundary 9 miles out into the gulf. Mexican naval forces have seized a number of our fishing boats in

the past few years, accusing our shrimp fishermen of poaching in their waters. The United States Government—not any State—paid fines to obtain the release of our fishermen.

Our fishing supplies are vital today and will become more so. As our population increases, with a better standard of living for all, we need more protein in the American diet. The resources of the land are limited; those of the seas are just becoming known and accessible. Nine-tenths of the tunafish industry, important to the west coast, comes from the high seas contiguous to the 10 American Republics south of San Diego on the Pacific coast. In this area lie our possibilities for expansion of this valuable industry.

In this connection I should like to read some excerpts from the minority views, beginning on page 13, under the heading "The Threat to West Coast Fisheries." I quote beginning at the bottom of the page:

Mr. Real further quoted from Dr. Chapman's testimony when he turned to the effect extension of our boundaries might have on the Pacific coast fishing industries:

"The tunafishery has become the most valuable marine fishery of the United States. Nine-tenths of its yield comes from areas of the high seas which are contiguous to the 10 American Republics south of San Diego on the Pacific coast. The fishery is still in a rapid state of expansion both volumewise and geographically. Nearly all sources of further expansion lie in the high seas off the coasts of other countries both in the Pacific and Atlantic. * * *

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

I continue to read from the minority views, at page 34:

The value of the tuna pack has increased from $19,397,887 in 1941 to a record peak of $113,000,833. Tuna brought to California ports accounted for $98,021,745 of this value; that brought to Washington, Oregon, or Hawaiian ports for $12,623,184.

A preliminary review of landings at San Pedro, Calif., places the value of the catch brought to that port alone as $38 million, and to the port of San Diego as $17 million.

Salmon fisheries are also very important to the Pacific Northwest. A portion of the 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, but outside the 3-mile limit. Value of the catch originating in waters off the Canadian coasts approximates $7,500,000 annually. Much of this value is produced in the Hecate Straits between Queen Charlotte Island and the Canadian mainland. These straits vary in width to a maximum of 60 miles. Puget Sound fishermen are apprehensive that any deviation from our historical position on fishing rights will be an open invitation to Canada to extend its territorial waters.

Should Canada decide, on the basis of any action by this Congress, to extend its seaward boundary to 10½ miles, much of the present fishing grounds in this area would be excluded to our fishermen.

Periodically certain Canadians have threatened to close these banks to our fishing fleet, contending that the straits constitute inland waters and, as reported above, they were supported in effect by the Canadian Minister of Fisheries several years past.

The position of this Canadian official, incidentally, has no counterpart in the United States Government, rendering it even more difficult for our Government to protect our fishery industry.

A bill now before the Canadian Parliament would authorize the Governor of Canada to extend Canadian jurisdiction over any coastal waters whatsover, irrespective of the 3-mile limit. One proposal would enclose all of Queen Charlotte Sound and Hecate Strait in the Pacific; another would include the entire Gulf of St. Lawrence.

How, United States fishermen ask, can the United States Government effectively or conscientiously protest extension of seaward boundaries by other nations, if the Congress grants American States jurisdiction over the high seas to a distance of 10½ miles seaward from their shores.

Passage of the quitclaim or conveyance bill will open a Pandora's box of international complications, foreseen by Associate Justice William O. Douglas in his majority opinion in *United States* v. *Texas* (339 U. S. 787). It stated in part:

"Today the controversy is over oil. Tomorrow it may be over some other substance or mineral or perhaps the bed of the ocean itself."

And tomorrow the controversy, if this legislation is enacted, may be over the fish in the high seas, with foreign nations threatening the extinction of this industry, vital to the food supply of the Nation, and vital to the livelihood of a million United States citizens.

Mr. President, I should like to turn now to the part of the minority views which relates to the threat to the gulf fisheries and to the threat to the New England fisheries, which begins at page 32:

THE THREAT TO GULF COAST FISHERIES

An example of how United States fisheries can be affected by any divergency or presumed divergence from the 3-mile rule is the recent action taken by Mexican authorities in seizing United States shrimp boats.

An article on the subject in the March 5, 1953, issue of the Christian Science Moniter reads in part:

"Mexican naval forces have seized 13 United States shrimp boats and some 50 fishermen charged with poaching for shrimp in Mexican waters. They were brought into the port of Campeche.

"Earlier incidents of recent date involved the capture of 2 Brownsville, Tex., fishing boats and 9 crewmen at Tuxpan, and the seizure of 2 other vessels near Progresso.

"Therefore, many shrimp boats are not a-comin' back to their home bases in Florida, Louisiana, and Texas—at least not immediately.

"Individual tempers and international tensions rise as irate shrimp boat owners in Florida and other areas lodge complaints with the State Department in Washington. They hold that their boats did not violate international law.

"The Mexican press, in similarly indignant tone, loudly protests against foreign pirates who are stealing one of Mexico's prized natural resources.

"This is only the latest flareup in international feeling over the lowly decapod crustacean. Disputes have been almost continuous since the war. Cubans and Honduran fishermen have also figured in Mexican charges * * *.

"Also behind the dispute is a basic disagreement between the United States and Mexico over how far out from land territorial waters extend. Mexico claims 9 miles, but the United States adheres to the 3-mile limit generally, but not universally, agreed to."

Our Government must insist on the rights of United States fishermen to follow the traditional practice of obtaining fish or crustaceans from the high seas beyond the 3-mile zone wherever they may find them.

But such insistence will be difficult and final results uncertain if the Congress extends the territorial waters of three States to 10½ miles seaward beyond the low-tide line. How can our diplomats with good grace argue for adherence to the 3-mile limit by other nations while bound to a 10½-mile rule in waters adjacent to several American States?

Dr. W. M. Chapman, special assistant to the Under Secretary of State, told of the seizure on the high seas off the coast of Mexico of several United States shrimp trawlers by a Mexican coast guard vessel. Five trawlers were seized (two escaped), their cargoes confiscated, nets removed, and vessels threatened with confiscation until, on May 3, 1950, the United States consul, under protest, paid fines assessed by the Government of Mexico.

The United States vessels, as pointed out by Dr. Chapman, were fishing in an area in which they had been informed specifically by the Department of State that they, as citizens of the United States, had a right to fish without permission from, or molestation by, the Mexican Government or any other government save that of the United States.

Dr. Chapman concluded by saying:

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

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

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

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

Mr. MANSFIELD. Mr. President, will the Senator from Washington yield to me?

The PRESIDING OFFICER (Mr. GRISWOLD in the chair). Does the Senator from Washington yield to the Senator from Montana?

Mr. JACKSON. I am very happy to yield to my good friend, the Senator from Montana, for a question.

Mr. MANSFIELD. I have been very much interested in what the Senator from Washington has been saying about the food supply of our country and how it would be affected by the Holland joint resolution, which now is before the Senate.

Before I reach my question, I should like the Senate to know that Montana is the one State of the Union that has opposed this giveaway measure all the way through, first through its former Attorney General Bottomly, who now is on the supreme court of our State, and later through the present attorney general, Arnold H. Olsen. Montana has consistently taken an attitude which I

believe to be sound in regard to the pending proposal, because we have felt all along that this measure would indeed be the opening wedge by means of which other "grabs" would be made and other resources which we possess as part of the public domain would be taken away from us. I refer specifically to the introduction in the House and in the Senate of bills known as "cattlemen's grab bills"—measures which would give to some 25,000 or 30,000 livestock men a practically ironclad and exclusive monopoly.

The PRESIDING OFFICER (Mr. CASE in the chair). The Chair reminds the Senator from Montana that the Senator from Washington yielded only for a question. If the Senator from Montana now makes a speech, he invites the loss of the floor by the Senator from Washington.

Mr. MANSFIELD. I ask the Senator from Washington if the present endeavor on the part of the sheepmen and the cattlemen to obtain exclusive grazing rights is only an indication of what will happen if this joint resolution becomes law?

Mr. JACKSON. I sincerely believe that the pending measure is merely the opening wedge of a movement in connection with which we shall find ourselves confronted, as we are at the moment, with proposals, in one form or another, to take over various sections of the public domain, either for the States or for private interests.

Mr. MANSFIELD. May I ask the Senator from Washington if it is not his belief, that if the cattlemen's grab bill is enacted, what we shall be creating will be, in effect, a revival of the old feudalistic system, by means of which leases could be handed down from father to son, and at the expense of the public, great areas of land could be removed from use for the purposes of feeding cattle and sheep, and could be turned over to individuals, for their own particular use, regardless of the number of head of stock grazed on it, and regardless of the damage done to the forage crops?

Mr. JACKSON. I quite agree with the Senator from Montana. It is regrettable that some of our citizens have such short memories. The man who was responsible for protecting the grazing lands and for laying down a sound policy protecting the public domain, of course was President Theodore Roosevelt. He was aided and abetted by another great Republican of that era, the Chief Forester of the United States, Gifford Pinchot. Those two distinguished Americans were responsible for laying the foundation for a sound conservation program in the United States. I wish our good friends on the other side of the aisle would read and reread the history of the Theodore Roosevelt era and of what Theodore Roosevelt did for all Americans, in helping to conserve the Nation's resources, so that we in America could enjoy a more abundant life.

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

Mr. JACKSON. I yield for a question.

Mr. MANSFIELD. Does not the Senator believe that the statement recently made by former President Hoover, to the effect that the Government should not participate in the transmission of power, but should build dams with the people's money and turn the power over to the private utilities, indicates another step in the direction of giving away the resources which this country possesses, resources which should be used for the benefit of all its people?

Mr. JACKSON. In reply, I may say it indicates once again an abandonment of the sound principles of conservation enunciated by that great Republican President, Theodore Roosevelt. As I indicated yesterday, he was the President who was responsible for the adoption of the preference-and-priority clause in the sale and disposition of power from Federal dams. It was during his administration that the Reclamation Act of 1902 was amended to provide for a preference to municipalities in the sale of power from Federal dams. President Hoover now calls the program initiated by President Theodore Roosevelt socialism. Mr. President, those of us who have been familiar for a long time with this fight are aware of the fact that socialism can be a convenient scareword to frighten the people out of their rights—in this case, out of their right to the great resources which the Federal Government holds in trust for all the American people.

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

Mr. JACKSON. I shall be happy to yield for a question.

Mr. MANSFIELD. First, let me say that I agree with the statement just made by the Senator from Washington. Then I should like to point out that one of the greatest incentives to private enterprise has been the development of the REA's which came into being largely through providing public power. I should like to ask the Senator whether he has ever heard of Senate Resolution 21, adopted by the State Senate of Kansas, which reads as follows:

Senate Resolution 21

Resolution memorializing the Congress of the United States to pass a law granting to the State of Kansas all mineral interests, and full mineral ownership in lands owned by the United States or any and all Federal agencies within the boundaries of Kansas

Whereas there is pending in the United States Congress a bill commonly known as the Holland bill, which the sponsor contends "simply recognizes, confirms, establishes and vests in the States the submerged lands and the natural resources therein"; and

Whereas similar legislation has been passed by two former Congresses, which bills were vetoed: Be it

Resolved by the Senate of the State of Kansas, That we respectfully urge, request and memorialize the Congress of the United States, that in the event they pass legislation granting to the border or coastal States the mineral rights in and under and mineral deposits, including oil and gas, in the property commonly referred to as the tidelands, whether it be the Holland bill or any other similar bill, that said Congress likewise pass a law granting unto the State of Kansas all mineral rights owned by the United States, or any agency of the United States, and all mineral interests in and under land owned by the United States, and lying within the borders of the State of Kansas; be it further

Resolved, That the secretary of state be instructed to transmit an enrolled copy of this resolution to the President of the United States, the Vice President of the United States, each member of the Committee on Interior and Insular Affairs of the United States Senate and to each member of the Kansas delegation in the Congress of the United States.

The resolution is signed by the president and by the secretary of the Senate of the State of Kansas.

I ask the Senator from Washington, what does this resolution signify? Is this but a forerunner of what we may expect? Is the Holland joint resolution to become a precedent because of which each of the States may lay claim to all the public resources within its boundaries?

Mr. JACKSON. I may say in response to the question of the Senator from Montana, it would occur to me that it is merely the setting of a pattern, and that if the pending joint resolution becomes law, the various States will be in a consistent position to demand that the rights over submerged lands which the Federal Government now holds in many of the States in connection with the reservation of certain oil and gas rights be turned over to the respective States.

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

Mr. JACKSON. I yield to the Senator for a question.

Mr. MANSFIELD. Does not the Senator believe that there are involved not only rights to the submerged lands, but also surface rights? Are there not involved, in addition to gas and oil, magnesium and fisheries, and not only rights with respect to minerals under the land—which the Kansas Senate desires for its State—but also grazing lands; and that, as attested by bills introduced in both the Senate and House, there may well be involved also forest lands and public parks; so that eventually what we would have would be private enterprise on a national scale, with nothing left for the people, either for recreation or for any useful purpose?

Mr. JACKSON. There can be no question about that. I quite agree with the position taken by the Senator from Montana.

Mr. President, I should like to conclude my remarks on the fisheries problem by reading from the minority views accompanying Senate Joint Resolution 13, at page 33:

THE THREAT TO NEW ENGLAND FISHERIES

Mr. John J. Real appeared before the Senate Interior and Insular Affairs Committee during its 1953 hearings on submerged lands to present the problems which will confront the United States fishing industry if legislation extending the boundaries of the United States should become law.

Mr. Real this year quoted from Dr. Chapman's testimony of May 25, 1950:

"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."

It is important to note that New England fisheries take fish valued at nearly $20 mil-

lion from water off Nova Scotia and Newfoundland.

The thing I wish to make clear in this field is that Senate Joint Resolution 13 pushes the States' rights out so far as to exclude foreign interests from touching not just the land of the Continental Shelf but the free-swimming fish in the waters out beyond our 3-mile boundary. This is all very well, except that it means that other countries have every right to pick any boundary they choose to keep us out.

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

Mr. JACKSON. I am very happy to yield to the Senator from New York.

Mr. LEHMAN. Is it not a fact that in the Holland joint resolution there is absolutely no limitation with regard to States boundaries? We hear reference to a 3-mile limit, then to a 10½-mile limit, and then to a 27-mile limit. Under the joint resolution the limit is purely an open-end proposition. The State boundaries could be advanced to any point which Congress may at a later date decide.

Mr. JACKSON. The Senator from New York is absolutely correct. This Nation, since the time when Thomas Jefferson was Secretary of State, has adhered to the 3-mile rule. As I understand, the 3-mile limit concept came into being by reason of the fact that at the time when Thomas Jefferson was Secretary of State the Norwegians had developed a cannon which could fire a distance of 3 miles from aboard a warship. It was the policy of our Government to keep out of naval conflicts so that our shores would be free from any such engagements. Consequently, the policy of the 3-mile limit was developed. The Government of the United States, through every administration, Republican and Democratic alike, has adhered to the 3-mile limit. The testimony of State Department officials in the hearings before our committee likewise upheld this sound policy of the 3-mile limit. It would seem to me that we are inviting disaster immediately to the American fishing industry if we permit the States to extend not only their right to take oil beyond 3 miles, but the right to extend their boundaries beyond the 3-mile limit. If such a thing is made possible, the State Department will be placed in an untenable position. I would say that our State Department officials, reading the section in the joint resolution with reference to boundaries, would be unable to tell or to advise our fishery interests exactly what the State boundary lines may be in the future.

The protection we enjoy from international law disappears. Our position becomes untenable; we have nothing more to stand on.

AS WE PUSH OUR FENCES OUT, ALL THE OTHER NATIONS IN THE WORLD CAN CLOSE THEIR FENCES IN AGAINST US

By this measure, in short, we shrink our world and we shrink it where it hurts. Our own interests on the high seas the world over, our interests involved in the law, in goodwill, and in hard cash would suffer immeasurably if the joint resolution were enacted. The precedent is dangerous beyond words to the future of this Nation.

STATES' RIGHTS

An issue has been misused in this debate. I refer to the issue of States' rights. I, too, believe in the rights of States. I believe that the rights of 48 States are involved here. Just as California has an interest in the public forests located in my State of Washington, so the citizens of my State and of every State have an interest in the oil located in the national zone off the shores of California.

This is not a Democratic or Republican issue. I should like to quote a great Republican on the question of States' rights in connection with the conservation of our resources. The Republican was named Gifford Pinchot. Every American owes a debt to him for the work he did as forester and conservationist fighter under President Theodore Roosevelt. Said Pinchot in 1947:

> The most specious and least expected argument of the power people was the old States' rights argument. * * * They hung it on the fact that water rights belonged to the States, which was true enough, and they have clung to it ever since. The special interests find it far easier to control a State legislature than the Congress of the United States. * * * In many States huge sums are poured out for the upkeep of political machines and the financing of primary and general elections, for the purpose of controlling legislation and also executive action and judicial decisions. It is far more prevalent than the general public has any idea of. This is not merely theory. It is based on evidence secured by personal experience over many years and in many parts of the country.

I do not hear any State claiming the "right" to defend itself from foreign aggression or safeguard its shores in peacetime. Only as a united Nation can we exist in strength and safety. And if the common strength is needed for protection then the common benefit should be assured from resources lying in public territory.

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

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

Mr. MANSFIELD. Does the Senator from Washington have any idea as to how valuable the resources now under consideration actually are?

Mr. JACKSON. In all sincerity, I may say to the Senator from Montana that I do not believe anyone knows the exact, or even the approximate, value of the oil and other minerals beneath the submerged lands. Estimates vary from $10 billion to $50 billion. If the Continental Shelf of Alaska is included, the value could well exceed $100 billion. That is why some Senators have suggested that the sensible thing to do would be to have made an appraisal of the property the Holland joint resolution would give to three States.

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

Mr. JACKSON. I am very happy to yield for a question.

Mr. MANSFIELD. Does not the Senator feel that if the Congress were to follow the proposals made by the Senator from Alabama [Mr. HILL], the returns from this wealth, which would naturally be exploited by private enterprise, whether it were controlled or owned by either the States or the Federal Government, would prove to be a great boon to our school system? Inasmuch as our teachers are underpaid, our children under-educated, and our school facilities out of date or nonexistent and consequently, the greatest natural resource we have, our children, is being handicapped because at the present time proper consideration is not being given to their needs in the years which are most important to them, why could not all this wealth be most feasibly used if it were applied, as the Senator from Alabama desires, for the education of our children and the bettering of our school systems?

Mr. JACKSON. I think the Hill amendment to the Holland joint resolution is a good one and that it would represent a sound investment in a very important resource, namely, the children of our time and the children of the future. I do not know of a more important resource that needs conservation than the children of the United States of America.

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

Mr. JACKSON. I am happy to yield for a question.

Mr. MANSFIELD. The Senator comes from the northwestern part of the United States. His section of the country is close to the Territory of Alaska. I should like to ask the Senator what effect the enactment of the Holland joint resolution would have on the situation affecting Big Diomede and Little Diomede Islands, which are separated by only 1½ miles of water, and one of which is owned by the Soviet Union, and the other by the United States and now a part of the Territory of Alaska? How would the Holland joint resolution affect that particular situation in connection with the extension of sovereignty, if you please, on the part of a Territory, or on the part of a State if and when Alaska really becomes admitted to the Union on that basis?

Mr. JACKSON. I should say that conceivably, under international law, if, as proposed by the pending measure, boundary lines were extended 10½ miles, there would be no reason why the Soviet Union could not claim an extension of its boundary beyond 3 miles and out 10½ miles. Under such circumstances, I do not see how our State Department could protest. The situation would be different if we were merely to give the States the resources under the water; but under the terms of the Holland joint resolution, we would be extending the boundary lines beyond the 3-mile limit.

Mr. MANSFIELD. In effect, what we would be doing would be to nullify the idea of an open or a neutral sea. The Senator from Washington has mentioned fisheries. I do not know whether he has discussed the Pribilof Islands and the fishing in that area of the Pacific Ocean. What would be the effect of the Holland joint resolution, or what would be its implications, on the international agreement entered into between Canada, the United States, Russia, and 1 or 2 other countries? How would the agreement

be affected by the Holland joint resolution, which would extend sovereignty far beyond the recognized limit, so far as the States themselves are concerned?

Mr. JACKSON. I believe that all the agreements which involve the 3-mile principle certainly would be placed in jeopardy, and possibly would be subject to termination, if the pending joint resolution were enacted.

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

Mr. JACKSON. I yield for a question.

Mr. MANSFIELD. I think the Senator is to be complimented for bringing out not only the loss which we face in connection with our natural resources, but also the international complications which would arise by reason of treaties and agreements already entered into. I feel that this joint resolution affects far more than tidelands as such, or the submerged lands beyond the tidelands, and that it raises all sorts of problems and questions with relation to international agreements, and will, if it becomes law, affect us and our relations with the rest of the world for years to come.

Mr. JACKSON. I thank the Senator.

CONSERVATION MEANS DECENTRALIZATION, TOO

One of the arguments offered by the proponents of this legislation is the fear of the growing centralization of Government. This is a matter of real concern; and wherever possible, consistent with the public interest, the States should assume the responsibility of conducting our governmental affairs.

But this argument can be carried to ridiculous extremes. One can argue for the elimination of all Federal functions on the ground that overcentralization is a danger to the country. I doubt that any of the proponents of this legislation would seriously argue in this vein. I have heard no one, for example, contend that the Federal Government should abandon all of its flood-control activities on the ground of overcentralization of Government or socialism.

What some people like to forget is the public responsibility to offset the growing powers of great private groups. In many areas the Federal Government has used the power of the public to regulate private activity in the public interest. This it should continue to do where the States are not capable of proper regulation in the public interest.

In the field of resource management the Federal Government has seen to it that every one, regardless of wealth or influence, has equal access to the public's resources. I call this not centralization, but decentralization.

The Federal Government has protected resources so that they may continue to be useful to all the people. It has developed them, invested in them, and allotted them so that small people as well as great may have the use and benefit of them.

The Federal Government is, after all, nothing more or less than the public. It is the mechanism whereby all the resources are marshaled and used for the public's good. When the full resources of the public are needed to achieve the public good, Federal activity is not only proper; it is necessary. For example, only the resources of the Federal Government could have built the great multipurpose dams such as Grand Coulee and Bonneville—and the great Hoover Dam as well.

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

Mr. JACKSON. I yield for a brief question.

Mr. MANSFIELD. Does the Senator know whether, in the Columbia Basin, any private utility could have built Grand Coulee, Bonneville, or Hungry Horse Dams? Or does he know of any private utility which could have built Hoover Dam, in the Colorado River, at the time it was constructed?

Mr. JACKSON. If there were any, they certainly refused to do so, and totally ignored the tremendous hydroelectric power potential of the Columbia River and its tributaries.

The guarding of our great resources in the public interest by Government has resulted in more small business, more individual prosperity, more true competitive private enterprise. This Government has made sure that the little fellow—many little fellows—get their chance at the natural resources. Those who work hard or invest wisely can make their profit accordingly, but not at the expense of the opportunity of others.

In my own State I see millions of dollars of private industry, thousands of good jobs, as a result of publicly as well as privately operated electric power. I know that businessmen, farmers and consumers the country over benefit from our public domain.

I noticed in an article in the March 27, 1953, issue of U. S. News & World Report, these words about Federal grazing lands:

> Most livestock growers seem to regard the use of Federal grazing lands as a relatively cheap service. The public domain can be grazed by private operators at moderate rentals. One Nevada rancher explained: "Do you think that cattlemen could afford to buy 85 percent of Nevada's lands and pay taxes on that?"

The article continues:

> Mining interests, too, are generally satisfied with Federal ownership of public lands that might contain minerals. They can obtain mineral rights on these lands from the Government, paying royalties on any discoveries. Few private concerns could afford to carry the millions of acres in the public domain that might contain minerals. They would prefer more lenient tax allowances that recognize the expense and risk of mineral exploration.

There are many other reasons why I oppose Senate Joint Resolution 13. Some of these have been very ably presented by my colleagues. Our national financial responsibilities are heavy, and I believe that we have no right to give away a source of income which could alleviate the tax burden. I agree with the Senator from Alabama [Mr. HILL] that the best way this money could be spent, after national defense requirements are met, is in the better schooling facilities for our children in every State in the Union.

A WARNING AGAINST GIVEAWAYS

I wish now to sound an alarm not only against the measure before us today, but against pressures around us, hiding behind the tired old accusations of socialism and States' rights to gain for a few interests the benefits achieved by half a century of public watchfulness and public investment.

The taxpaying public has invested billions of dollars in power projects, reclamation projects, and in our whole public domain, in order to open up areas which can produce energy, food, and materials for manufacture in our country. If we give away national forests, rangelands, and power dams, we toss away that investment just as it is beginning to pay off.

We must face the demands of the future. Our population is growing, and our standard of living is rising. This means that we shall continue to need more land for food and grazing. We shall continue to need more electricity, more timber, more coal, and above all, more oil. We can follow one of two paths. We can let unregulated private interests scratch the surface and waste our resources, or we can reclaim our land, protect the worn parts of our soil, and prevent erosion and dust bowls. Do Senators realize that within 30 years we shall lose about 230 million acres of cropland by erosion, or nearly one-quarter of all the land in the United States, unless we invest about $7 billion to improve and protect the soil?

Among our greatest needs are increased supplies of fuel and energy. That is why the resources of the submerged lands in the seas are so vital. The Materials Policy Commission of 1952, known as the Paley Commission, estimated that the 1950 supply of energy must be doubled to meet the demands of 1975. We are already net importers of oil. We already use more oil than we produce, so we are now discussing not abstract ideas, but resources immediately necessary to all of us.

Before I came to the Senate I had the honor of serving on the Atomic Energy Committee. I notice that the announcement has come from the administration that the United States will make energy available in restricted form to private industry. I always urged this policy, and I am glad that it is going forward. But even here a warning must be sounded. Nine billion dollars of the people's money has been invested in the production of atomic energy. No private concern could have done it financially. For the safety of the whole Nation, only the Federal Government could ethically have developed this precious and potentially devastating resource. I now urge the Senate and the people of the United States to remember both their great investment and the serious trust of this powerful weapon for good or evil, and never cease vigilant regulation and protection of it.

We have place in this great country of ours for privately owned lands and resources—millions of acres of them. We have place and need for public trusteeship of valuable resource areas such as forests, grazing lands, hunting areas, and recreational parks. The beneficiaries of these are miners, businessmen, foresters, fishermen, vacationers—all the people.

I believe that the lands off the shores of our country have their useful purpose. By reason of their geographical situation they are important to our national defense and because of their wealth they are important to our national well-being. The Federal Government should administer this public trust, and private companies should develop the resources.

I think the plea that the governors of the States made in 1908 applies to the fight that we are making today, and I urge the Senate and the citizens of this country to heed to it. Let us save our public domain and our national resources. In the words of the governors, "Let us conserve the foundations of our prosperity."

Mr. GORE. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I am very happy to yield to the Senator from Tennessee for a question.

Mr. GORE. I hope the Senator realizes with what attention his colleague, the junior Senator from Tennessee, has listened to his address. If he does I am sure he is aware of the gravity with which the junior Senator from Tennessee regards the issue to be laden. I believe the efforts of the distinguished junior Senator from Washington have been unusually able, and his address is one of the really fine, logical, and forceful arguments I have heard in my 15 years' service in Congress. I wish to congratulate the junior Senator from Washington upon a magnificent performance.

Mr. JACKSON. Mr. President, I am very appreciative of the Senator's kind remarks and I thank him for them. I have tried in my statement to the Senate to speak not from prejudice, but, I hope, from a broad national point of view. I may say that I come from a State on the coast of which oil was discovered in the midst of my election campaign last summer. I believe, therefore, that I can speak with some objectivity and with a desire to do consistently what I believe to be for the good of the men and women everywhere in the 48 States of our Union, not merely for the benefit of 3 or 4 or 5 coastal or gulf States. That has been my endeavor, and as a member of the Committee on Interior and Insular Affairs, which has jurisdiction over the pending legislation, I hope I can in a small way help to conserve the assets and natural resources which belong to all the people of the United States.

Mr. GORE. Mr. President, will the Senator from Washington yield further?

Mr. JACKSON. I am very happy to yield.

Mr. GORE. Being cognizant of the rather difficult position in which the junior Senator from Washington might be placed by some people, I have appreciated all the more the broad, objective analysis he has made of the problem and the statesmanlike viewpoint and position he has taken in clearly placing the public welfare ahead of the special, local, and, perhaps, ulterior interest of any group.

Mr. JACKSON. I thank my good friend for his very thoughtful comments.

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

The PRESIDING OFFICER (Mr. AIKEN in the chair). Does the Senator from Washington yield to the Senator from New York?

Mr. JACKSON. I am very happy to yield to the Senator from New York for a question.

Mr. LEHMAN. Mr. President, I hope the Senator from Washington will permit me to congratulate him on a thoroughly well constructed and thought-out speech. I was particularly glad to note that the interests of widely separated areas of the country are identical when it comes to the question of conserving the rights of all our people. The Senator who has just spoken comes from the State of Washington on the Pacific coast. I come from a coastal State, too, but a State which is located on the Atlantic Ocean, namely, the State of New York.

I want the Senator from Washington to know how proud I am to be associated with him in the effort in which we are engaged, and which I hope will prevail, in defending the rights and prosperity and welfare of the 159 million people living in the 48 States of the Union, not merely the interests of people living in one area of our country in a few States. I think this fight must be an unending one. We must give to it the very best that is in us. Otherwise, the Nation's vast resources will be dissipated and handed over to those who would exploit them for private profit, rather than being used for the benefit of all the people. I thank the Senator.

Mr. JACKSON. I thank the Senator from New York. I wish to compliment him for the great fight he is making in trying to protect the great resources of our country that belong to all the people.

Mr. President, I yield the floor.

RESIGNATION OF ARTHUR J. ALTMEYER

Mr. HUMPHREY. Mr. President——

Mr. TAFT. Mr. President, I suggest the absence——

Mr. HUMPHREY. Mr. President, I believe I first addressed the Chair.

The PRESIDING OFFICER. The Chair noticed that the Senator from Minnesota addressed the Chair.

Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. TAFT. I was only going to suggest the absence of a quorum.

Mr. HUMPHREY. Let me say that I have 1 or 2 statements to submit for the RECORD, and thereafter I was going to ask for a quorum call.

Mr. TAFT. My idea was to have a quorum call at this time, and then to have a morning hour, so that Senators could submit matters for the RECORD.

Mr. HUMPHREY. I wish to make a statement which may take me somewhat more than the 2 minutes allowed under the limitation in the morning hour. Therefore, I should like to proceed with my statement.

Mr. TAFT. I have no objection. If the Senator from Minnesota has the floor, he can use it in any way he chooses; he can speak for 2 hours, so far as I am concerned, if he does not wish to yield for the purpose of the suggestion of the absence of a quorum.

Mr. HUMPHREY. Mr. President, in recent days the American people have lost the services of one of their most devoted and capable public servants, Arthur J. Altmeyer, who resigned as Commissioner for Social Security. More than any other single individual, Mr. Altmeyer is responsible for the social security we Americans take so much for granted today.

Mr. Altmeyer graduated from the University of Wisconsin, where he studied labor problems and social insurance under one of the great teachers of America, Prof. John R. Commons. Soon after completing his studies, Mr. Altmeyer became secretary of the industrial division of the State of Wisconcin. In 1934, he was made Assistant Secretary of Labor, under Frances Perkins, and was appointed chairman of the Technical Board to draft the first Social Security Act.

The Social Security Act was adopted by Congress and became law in 1935. Mr. Altmeyer is one of its first architects. He became a member of the first Social Security Board, and in 1936 he was appointed by President Roosevelt as Chairman of the Board. He held that position until the Board was abolished by the Reorganiaztion Act of 1946, when he was appointed Commissioner for Social Security in the Federal Security Administration. This position was abolished by the Reorganization Act of 1953 which set up the Department of Health, Education and Welfare. Mr. Altmeyer's position ended at the close of business on April 10.

It is difficult for many of us to remember the days before 1935 when a tremendous plague of fear hung over everyone—the fear that old age, unemployment, or loss of the family breadwinner would bring destitution, hunger, and the humiliation of poverty. Today 60 million Americans and their beneficiaries have rights and security under our social-security program. They pay their social-security tax or draw benefits from the program in the traditional independent American principle of insurance. Mr. Altmeyer can leave the Government service in the conviction and satisfaction that he has performed his job well and in the public interest.

I regret that the new administration in its determined drive to remove all vestiges of the previous administration has seen fit to permit Mr. Altmeyer to leave. He had already announced his intention of resigning on May 8, when he would become eligible for his own retirement benefits; but the new administration in its hunger for jobs would not extend to this great civil servant the dignity of these extra 4 weeks as a just reward for his public service.

The American people will look with interest to see who will be the new watchdog of their social-security program. Will it be another guardian of the public trust, like Arthur Altmeyer, or will it be an agent of those who are

government plans for its citizens and gets too close to the citizens that it restricts and then destroys their freedom, and so by a constitutional and representative form of government our founders intended to say to government, "You keep aloof from the affairs of the individual, you make such laws as will referee the game fairly, you punish when some rule of fair play is violated, but within this framework of providing fair rules and enforcing fair rules, the citizens as individuals are to be left free to compete and work and live, each according to his talents and deserts."

This went on for 150 years and under Government thus limited in its powers the American people attained the highest known degree of well-being in the whole history of the world. New York City has more telephones than all of Russia. Americans own more life insurance than all peoples everywhere in the rest of the world. We have four times as many automobiles as all the people elsewhere in the world. We have one-half of the world's wealth, and yet with all this we have only one-fifteenth of the world's population. Our concept of Government is the highest embodiment of man's effort to establish and protect the liberty and dignity of man and the moral, ethical, and religious values without which man has neither liberty nor dignity. But in addition and on the purely material side, our concept of a constitutional Republic so released and protected the creative powers of man that such a Government proved to be the greatest business boom the world had ever seen and during a period of 150 years brought more jobs, better pay, greater contentment than the world under any other system of government had ever known.

Your honorable Society of Friendly Sons of St. Patrick predates the American Revolution. Whether your forebears came to this country before or after the Revolution, they came as men seeking liberty and freedom. There is an abiding yearning for individual freedom in the heart and soul of every man of Irish lineage.

Our generation is not to found new lands or conquer the forests and the plains by warring with savage men or savage beasts, nor are we to build a new nation as did our forebears. Our task is to maintain and preserve for our children and our children's children the great heritage bestowed upon us—it is to uphold and defend our great heritage of a constitutional Republic against all persons that would undermine it from within and against all forces that would challenge it from without. This is to imitate the virtues of our forefathers and to make our day, at least in part, as glorious as theirs. This is to emulate the spirit, the courage and the faith of St. Patrick.

PROPOSED INCREASE IN PER DIEM LIMIT FOR FEDERAL JUDGES

Mr. McCARRAN. Mr. President, during the last session of the Congress, strenuous efforts were made here on the floor to raise the per diem limit for expenses reimbursable to Federal judges from $10 to $15 a day. Bear in mind, this is the maximum limit; not a flat reimbursable amount. The judge would get only his actual expenses, not to exceed the maximum.

Efforts to secure this increase for the judges were unsuccessful. A new bill to accomplish the same result is now pending before a subcommittee of the Committee on the Judiciary, but at the present time the maximum reimbursable amount for a Federal judge for his traveling expenses when away from home on official business is $10 a day.

In this connection, Senators may be interested in a news story under the byline of Mr. Philip Warden, which appeared in the Washington Times-Herald under date of April 10 and which points out that 83 aliens brought into the United States during the single week between March 29 and April 4, to learn our way of doing things, at our expense, are being given $12 a day by the Mutual Security Agency, which also is paying their actual transportation expenses.

Something is wrong somewhere when we allow aliens $12 a day but will not allow Federal judges more than $10 a day.

I ask unanimous consent to have printed in the body of the RECORD the article by Philip Warden which appeared in the Washington Times-Herald on April 10, 1953.

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

EIGHTY-THREE ALIENS IMPORTED IN WEEK TO SEE OUR WAY AT $12 A DAY

(By Philip Warden)

A total of 83 persons arrived in the United States between March 29 and April 4 to learn at our expense our way of doing things, a Mutual Security Agency report revealed yesterday.

Each of the 83, here to study everything from union journalism to plant-pest control, will be given $12 a day by the Government to pay for his room and board. MSA also will pay transportation charges.

The $9.96 a day supplied by the American taxpayers to pay the way for these new visitors brings the total per diem payments to foreign-aid and tourists to almost $14,500. As of March 31, there were 860 Europeans and 262 persons from the Far East in the United States on the aid program's technical-assistance projects. They stay a few weeks to a year.

SPENT WEEK AT COLLEGE

By teaching the rest of the world the American way of making shoes, building automobiles, negotiating a labor contract, killing a hog, and growing corn, aid officials believe we can make the world a better place to live.

Among the things MSA said we are teaching the nine Austrians who are here to study union journalism, is the following:

The team spent a week at Bard College, Annandale-on-Hudson, N. Y., where it heard talks on American democracy, the dynamics of the American expanding economy, international relations, and organization and administration of a typical trade-union education department.

COMPLETE LIST OF VISITORS

The complete list of visitors arriving during the last week and their courses of study were reported by MSA as follows:

Austria, work-study training program, 10; market research team, 9; union journalism, 9.

Belgium, market research techniques, 6.

Denmark, food analysis techniques, 1.

Greece, electric power system trainees, 1 additional.

Norway, study of statistical techniques, 1.

Multicountry, food and nutrition short course, Austria, 1; Belgium, 1; Denmark, 4; Germany, 8; Italy, 5; Netherlands, 3; Turkey, 9; and United Kingdom, 1.

Formosa (China), animal husbandry, 2; agricultural extension training, 2; and rural organizations, 2.

Thailand, plant pest control training, 1; rural organization, 5.

Philippines, agricultural leader, 1, and agricultural extension, 1.

The PRESIDING OFFICER. Does any other Senator desire to be recognized?

Mr. McCARRAN. Mr. President, I understand that an order was made that remarks should not exceed 2 minutes.

The PRESIDING OFFICER. That is correct. The Chair would remind the distinguished Senator from Nevada that the Chair is being very lenient at this particular time.

Mr. FULBRIGHT. Mr. President, I hope the Chair will maintain his good humor throughout the remainder of the day, and is not merely confining it to the morning hour.

The PRESIDING OFFICER. The Senator from Arkansas is now recognized.

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. FULBRIGHT. Mr. President, before I discuss the Hill amendment to the Anderson bill; an amendment which I am proud to cosponsor with the distinguished and able Senator from Alabama, I should like to say a word or two about an issue which our honored and distinguished majority leader raised upon the floor a few days ago, and which he has pursued to some extent in his comments to the press.

The able majority leader bluntly, as is sometimes his custom, accused Senators who oppose the giveaway measure of filibustering. In one of yesterday's newspapers, the Senator from Ohio is quoted as follows:

Senator TAFT described the tactics of the opposition to the offshore oil bill now before the Senate as "just an ordinary filibuster, completely unjustified." The result, he warned, may be a needlessly long summer session of Congress.

"How's your golf?" a reporter asked.

"Very poor," Senator TAFT replied. "Much worse than I think it ought to be, but that is the way golf is."

With the second part of the statement, I completely agree, having had some experience regarding that matter.

With the first part, I have also had some experience, but I do not consider that the speeches so far delivered on the floor constitute a filibuster. However, I confess that I have never yet seen a formula which can be relied upon to determine when a debate ceases to be a debate and becomes a filibuster.

I regret that the able and distinguished majority leader did not precisely define for us just how he determined exactly what a filibuster is and when it takes place.

Mr. President, I submit that the majority leader, by failing to be more precise in his use of language, is further confusing the public about this important matter. There are at least two well-known and different meanings of

the word "filibuster." I shall demonstrate to the satisfaction of any reasonable person that the sponsors of the proposed legislation, the Senator from Texas [Mr. DANIEL], the Senator from Florida [Mr. HOLLAND], and the Senator from Louisiana [Mr. LONG] are, according to the original and true meaning of the word, the real filibusterers in the plot.

Since the majority leader says the filibuster is unjustified, a reasonable person naturally would conclude that he had reference to the original meaning of the word. This is so because the more modern and current meaning of the word connotes a maneuver which, in the eyes of many reasonable people, including myself, is clearly and justifiably a reputable procedure.

This confusion of terms, this loose use of words which have different meanings reminds me of the psychological warfare of the Communists. The Communists are past masters at creating confusion by using words in such a way as to create exactly the opposite impression from that originally accepted and intended.

The Communists have not only maneuvered us into using their poisonous words everywhere in the world, but we have permitted them to steal our own best words and to use them against us. A recent statement by a well-known commentator, Eric Sevareid, presents this point very well, indeed, when he said:

> The psychological strategists of free countries are only too painfully aware of all this, but maybe the rest of us might do well to ponder the eloquent remonstrance of the American novelist, John Steinbeck, writing about this in Brief magazine. Steinbeck reminds us that conceptions are bound up in words, that when we lose words, we lose meanings. And we have lost many of our most precious, effective words in this period of cold warfare.
>
> "The sweetest word humans have ever invented," writes Steinbeck, "is 'peace.' And we have allowed the Communists to take our word, change its meaning, and use it against us. It is just as though they picked up an unexploded grenade and threw it back at us. One of the best words in any language is the word 'comrade.' It means not only a friend but a friend who will come through when you need him; yet we have been so frightened out of using the word simply because it has Communist fingerprints on it.
>
> "The Communists have conquered some of our most holy words," says Steinbeck, "simply by using them and getting them dirty. Instead of taking them back and washing them off, we have haughtily walked away from words like 'brotherhood,' 'democracy,' 'popular front,' 'friendship.' The word 'people,' one of our proudest words, has been stolen from us. The people's republic of North Korea," he writes, "is no more a republic or a people's government than was the reign of Louis XIV, but we have timidly abandoned both words instead of fighting to get them back." It is part and parcel of the whole current spread of fear; Steinbeck warns us that we are not only abandoning our words, but we are curbing our own liberties, forgetting that we are strong, not in spite of our liberties, but because of them. Give up the symbols of liberty and you are on the road to giving up liberty itself.

Mr. President, the word "filibuster" in its original meaning, if that is the sense in which the majority leader used it, applies to Senators who back the proposed legislation, not to Senators who oppose it.

If the able Senator from Ohio used the word in its modern, colloquial sense, then the present tactic is not, as the Senator said, "completely unjustified." On the contrary, in this sense it refers to one of the greatest virtues of the Senate. As I shall demonstrate by competent authority, it is one of the most valuable characteristics of the United States Senate. The right to prevent hasty action by this body is our principal defense against the outrages so skillfully proposed and prepared by filibusterers in the original sense of the word.

Mr. President, in Webster's International Dictionary, second edition, unabridged, following the word "filibuster," I find the following defintion:

> See freebooter.

When I looked up "freebooter," I found the following definition:

> One who goes about plundering without the authority of national warfare; a member of a predatory band; a pillager; pirate.

In all candor, I submit that it is not the Senators who are seeking to defeat the proposed giveaway legislation who should be called filibusterers. That word in its original and true meaning should be applied to the originators of the giveaway joint resolution, which seeks to plunder and to pirate the public domain. It is they who seek to plunder the public domain "without the authority of national warfare," but by the passage of a joint resolution under a smokescreen of confusion that has been created during some 6 or 7 weeks of false propaganda.

No, Mr. President; I protest that if the word "filibuster" is to be used at this stage of the game, it should be applied to the three coastal States.

In addition to the word "freebooter," Webster, defining the word "filibuster," continues:

> 1. An irregular military adventurer—

Mr. President, we have no general leading our fight. We have no military people protecting the efforts of Senators who are in opposition to the Holland joint resolution. So in this case that definition could not apply to us.

The definition reads:

> An irregular military adventurer, especially one in quest of plunder.

Where is the plunder? The opponents of this measure do not expect any undue plunder. A fair share on a population basis is certainly in no sense of the word to be considered plunder. However, if the values about which we have been told exist, as competent authorities tell us they do exist in the coastal States, there would certainly be very substantial plunder in the coastal lands off the State of Texas.

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

The PRESIDING OFFICER. Does the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield for a question; and I want the Chair to protect me in that position. If he interprets any statement made as not a question, I hope he will so advise me.

The PRESIDING OFFICER. The Chair will, in that event, stop the so-called question.

Mr. FULBRIGHT. I appreciate that. Sometimes it is rather difficult to tell exactly whether it is a question.

The PRESIDING OFFICER. That will not prevent the Chair from stopping it.

Mr. FULBRIGHT. I appreciate the statement of the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. ANDERSON. Mr. President, I proceed at full hazard.

Does the Senator recognize that in this instance those who won the lawsuit are now being asked to give to those who lost the lawsuit all that was in controversy in the litigation?

Mr. FULBRIGHT. I agree that the Senator is entirely correct. There can be no question about that. I should say that that constitutes very substantial booty, in the sense in which that word is used in the definition.

Mr. ANDERSON. Does not the Senator think it might almost come under the head of plunder?

Mr. FULBRIGHT. I certainly do; and it is a very substantial plunder.

I ask the close attention of Senators to the remainder of this definition. The similarity of the circumstances represents a rather odd coincidence. The circumstances in this situation fit neatly the definition in Mr. Webster's dictionary.

The next line following what I read—and I am reading verbatim from Mr. Webster—is, "originally applied to buccaneers infesting the Spanish-American coasts."

Is it not a coincidence that Florida formerly belonged to Spain? Louisiana has the old tradition of the Spain Main. Texas, of course, was once a province of Mexico, which in turn was at one time closely associated with Spain. So, Mr. President, the sponsors of the present adventure are the geographical as well as the geneological descendants, and the true heirs, of the original filibusters who infested the Spanish-American coasts.

Following that language we find this in the definition: "later, an organizer or member of a hostile expedition to some country or countries with which his own is at peace, in contravention of international law."

The distinguished Senator from New Mexico [Mr. ANDERSON] and other Senators have ably pointed out that this joint resolution is also in contravention of international law. So I submit that it would be difficult to find——

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

Mr. FULBRIGHT. I yield for a question only.

Mr. TAFT. I wonder whether the Senator has read the definition of a filibuster by a distinguished Senator, the able Senator from Tennessee [Mr. KEFAUVER]. In his book he states:

> This fantastic extension of Senatorial courtesies has been called legislative piracy, and whoever termed the device a filibuster doubtless had in mind the origins of that word. The Dutch "vrijbuiter," meaning freebooter, was applied by the English to seventeenth century buccaneers who plun-

dered Spanish ships in the Caribbean. The Spanish called the same pirates "filibusteros." "Filibuster" later came to embrace illegal expeditions of international adventurers against the sovereignty of a group or a nation for personal gain. Now the word aptly denotes legislative freebooting and buccaneering, with this important exception—in the Senate, it is all very legal.

I wonder if the Senator has studied the definitions of the distinguished Senator from Tennessee on the subject of filibusters.

Mr. FULBRIGHT. I will say to the Senator from Ohio that I had assumed that Mr. Webster was a man of perhaps longer experience in definitions, and I was citing him, rather than the Senator from Tennessee, as an authority. The Senator from Tennessee is a comparatively new Member of the Senate. However, I think he is already showing evidences of understanding the true traditions of this body and the real merits of the procedures which have come down to us over the years. I do not wish to speak for the Senator from Tennessee; but I submit that Mr. Webster's definition exactly fits the sponsors of this legislation.

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

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Alabama for a question?

Mr. FULBRIGHT. I yield for a question only.

Mr. HILL. Does the Senator from Arkansas understand from the questions of the Senator from Ohio that the distinguished majority leader has now become a disciple of the Senator from Tennessee?

Mr. FULBRIGHT. I assume, when one cites a definition with approval, that it indicates that he is very sympathetic toward that point of view. I was citing Mr. Webster's definition with approval. I am quite willing to concede my sympathy with his interpretation of the word. I appreciate very much the suggestion of the Senator.

So, Mr. President, that is the original meaning of the word "filibuster." If the majority leader, the brilliant and able leader of the other side of the aisle, with his vast learning and long experience, the son of a famous President and former Chief Justice of the United States, is confused as to who really are the filibusterers, how can we expect the average hard-working citizen to know who is about to plunder whom by this legislation without a very considerable explanation on the part of those who oppose it?

This again is clear evidence that we owe it to the people to do everything we possibly can to clarify the issues involved and to give them time to realize who it is that is seeking to plunder the public domain which they, the people, own.

Mr. President, a few days ago the Senator from Florida [Mr. HOLLAND], a most estimable gentleman, one of the most conscientious public servants I have ever known, indicated that the opposition to his joint resolution was indulging in too much talk. Even my friend the junior Senator from Louisiana [Mr. LONG], one of the ablest young men ever to grace this body with his presence, stated that he thought we were seeking to delay passage of the joint resolution. Also, as I recall, he used the word "filibuster" although he should have known better, since the swamps of his great State are reputed to have been the favorite haunt of the original filibusters, in the days when the Spanish Main thrived with the commerce of gold and silver from Central America.

In any case, it has been intimated that we are talking too much. I for one wish to protest vehemently, with all my power. I do not think we have begun to talk enough. This is the very first time I have had an opportunity to say a word in my own right, although I have been anxious to do so for many days. However aside from my part in this debate, I believe that such fine speakers as the senior Senator from Alabama [Mr. HILL], the senior Senator from Illinois [Mr. DOUGLAS], the senior Senator from Tennessee [Mr. KEFAUVER], the junior Senator from New Mexico [Mr. ANDERSON], the junior Senator from New York [Mr. LEHMAN], and other Senators still have much to add to the consideration of this measure.

For the information of the Senators from Louisiana, Florida, and Texas, there is another definition of the word "filibuster" which I think they might find interesting. In Mr. Haynes' book The Senate of the United States I find this statement:

> The agility with which some of the most eminent Senators have from time to time shifted their attitude on the filibuster illustrates the appropriateness of the definition. A filibuster is either a reprehensive artifice of a sinister opposition, or an ingenious and patriotic device of our friends for saving the people. * * * A filibuster is an abomination unto the Lord, and a very present help in trouble.

I think that is a very excellent definition. Although I do not believe that the present debate can be correctly described as a filibuster, I do not wish to leave anyone in doubt about my opinion of the merit and value of the power to delay ill-considered legislation in this body. I do not approve of the power of a majority to force the issue, to close debate in this body at any time it wants to do so, and I have never approved of it. Furthermore, I do not think I am in any way approving it now. So, Mr. President, I do not want what I think about the principle involved in the matter to be misunderstood.

A few of the references which have recently been made to filibustering have sought to leave the impression that there is something wrong—something evil—about a filibuster, in the sense that the Senator from Ohio has used the word. On the contrary, it is my considered opinion that the right to free debate—to filibuster, if one chooses to use the word in its perverted sense—is one of the chief virtues of this body.

Mr. ANDERSON. Mr. President, will the Senator from Arkansas yield for a question?

The PRESIDING OFFICER. Does the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield for a question only.

Mr. ANDERSON. Is the Senator from Arkansas familiar with a book entitled "Filibuster in the Senate," by an author named Burdette?

Mr. FULBRIGHT. I vaguely remember it, but it has been some time since I have given any study to this subject, and I am therefore not sure that I can state to the Senator that I am familiar with it. I know that there is such a book in existence.

Mr. ANDERSON. I wonder whether the Senator would agree with a statement contained in the book, which was made by a former distinguished Senator from Ohio, Mr. Burton, in which he expresses three cases when a filibuster is not only justifiable but salutary. He said that the first point arises when a vital question of constitutional law is involved. Does the Senator from Arkansas feel that a question of constitutional law may be involved in the problem confronting the Senate, which would involve that first point if subsequently there develops prolonged debate which might take on the aspects of a filibuster?

Mr. FULBRIGHT. I certainly feel that a constitutional right is involved, and I expect to cover that point after my introductory remarks have been concluded. I believe the Senator from New Mexico has already himself forcefully presented the idea of the probability, in my opinion, of the unconstitutionality of the giving away of vast public assets without consideration.

Mr. ANDERSON. Will the Senator yield further?

Mr. FULBRIGHT. For a question only.

The PRESIDING OFFICER. The Senator from Arkansas yields for a question.

Mr. ANDERSON. The second criterion is when a measure is the result of crude or unconsidered action. Does the Senator from Arkansas find that the statement of the Senator from Tennessee [Mr. KEFAUVER] yesterday indicated that there may be fields that have not been properly considered, which would be fruitful fields of further study?

Mr. FULBRIGHT. Of course; and that reason, in my opinion, fits the present case precisely. Improvident promises made under the excitement of a campaign excite all of us to a certain extent. None of us in political life is immune from making such mistakes. Every Member of the body, except those who have been appointed, has felt that he has made mistakes in his campaign. I am sure that I have made such mistakes. Certainly I do not castigate anyone else who may happen to be in that category. I think the point the Senator has mentioned fits the present case precisely.

Mr. LEHMAN and Mr. ANDERSON addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield first for another question only to the Senator from New Mexico.

Mr. ANDERSON. The third question I should like to ask the Senator from Arkansas relates to the third criterion laid down by former Senator Burton, a distinguished Senator from Ohio, when he said that, because of some compulsion, a vote will not express the honest

conviction of Members. Does that not accord with what the Senator from Arkansas has been discussing?

Mr. FULBRIGHT. I think the Senator is entirely correct, and I agree with that reason quite strongly. It fits the pending situation precisely. I may say that I have only a few more words to say on this subject and then will turn to the substantive question. However, this point has been raised by the majority leader and by others who are attacking us, and I believe it to be quite appropriate and proper that we should make some comment on it.

I now yield to the Senator from New York for a question only.

The PRESIDING OFFICER. The Senator from Arkansas yields to the Senator from New York for a question only.

Mr. LEHMAN. Mr. President, will the distinguished Senator from Arkansas not agree with me that those of us who have opposed the pending legislation have given no indication that we intend to prevent a vote in time, or in due course, but, rather, that we wish to have sufficient time in which to educate the American people, and incidentally, the Members of the Senate, with regard to the dangers of this ill-advised legislation?

Mr. FULBRIGHT. I think the Senator from New York is entirely correct. I may say that this is the first time I have spoken on the subject, and I have spoken now for less than half an hour. Certainly I do not consider that I am filibustering. Every Senator not only has the right but the duty to express himself on measures about which he feels very strongly. I do not think the debate is being carried on in the way the majority leader has characterized it. I may say that I know of no formula which would show that within any particular time a debate may properly be denominated a filibuster. Frankly, as I shall try to show, the whole concept is an erroneous one, if by the word "filibuster" is meant something evil or bad, because I do not accept the word "filibuster" as meaning something improper.

As I have tried to point out, Mr. President, what has been done with that word is what the Russians have done with some words we have always had a great regard for, and their using them has confused the issue. Therefore, sometimes we are self-conscious about them, as Mr. Sevareid has said.

For example, the word "comrade," although it is a very good word, because the Russians have used it so much, we think now has been dirtied by that use.

I believe that filibustering, the tradition of free debate in this institution, is one of the unique characteristics of the Senate. If we did not have the right to examine at length and give the country an opportunity to realize what is contained in a bill, I would see no use in the existence of this body.

The body at the other end of the Capitol, under its rules, can pass legislation with no amendment and no debate just as quickly as anyone could wish to have it passed. There would be no sense for the Senate to exist if we were to relinquish the right of discussing a subject of importance for as long as a reasonable group of Members wished to do so.

It is a myth that one Senator or two Senators can unduly delay the Senate. We have rules in the Senate which permit 64 Senators to close debate at any time. Mr. President, there is a great misconception in the country about what can be done. When as many as one-third of the Members of this body feel strongly enough about a matter and desire to have it discussed fully, their attitude cannot be considered to be entirely irresponsible and arbitrary.

So we are in a sense quarreling about the meaning of a word. If we use the word filibuster as it has been used, very well, but I take the word to mean the right to discuss a measure as long as a responsible—and it must be a very responsible part of the Senate—wishes to discuss an issue. The idea that one Senator can indefinitely delay the Senate is nonsense. At any moment 64 Senators can stop delaying procedure. But that is a very drastic measure. Even those Senators who feel strongly about the subject know that it violates the traditions and the fundamental characteristics and virtues of this body.

The abolition of the filibuster would violate not only the spirit of the American Constitution, but the spirit of American history. I really believe, Mr. President, that it would violate the spirit of American history. Let us take the second point first.

We Americans began our national life with a profound distaste for distant and unlimited power. We got out of the British Empire because we felt that we were being governed—in intimate, domestic matters which we alone understood—by people who were too far away to know what they were talking about. We therefore vowed in our hearts that we must never repeat the mistakes of George III: that for a Whitehall which was too far from Boston we should not substitute a Washington which was too far from Georgia.

This original distaste for unlimited authority was steadily reinforced as our country grew steadily larger. As the decades passed we forgot the grievances which are listed in the Declaration of Independence; but we never forgot the fact that people who live thousands of miles away are unlikely to understand our local problems. What does the lobster-fisherman in Maine know or care about the troubles of the cattleman in the high, dry lands of Arizona—or vice versa? What does the automobile worker in Flint, Mich., know or care about the troubles of the cotton South—or vice versa?

Because we have never forgotten these questions we have produced a marvel of world history: a continentwide nation, larger than the whole of Europe, which—with one tragic exception—has remained loyal to its Union. Let us remember that if the map of the United States were placed on the map of Europe, with San Francisco over London, Boston would be across the Ural Mountains into Asia: The Lake of the Woods would be in Sweden; and Brownsville, Tex., would be 200 miles south of Tunis, in the Sahara Desert. The price of federal union over such an area is compromise, which means the power to delay, and to deny, if necessary, so that majorities living thousands of miles away may not impose their ignorance or their impetuosity upon local minorities.

We obviously had all this in mind when we made our Constitution. Otherwise, why was the American Senate set up? Why should Nevada, with 180,000 citizens, have the same number of Senators as New York, with 15 million citizens? In our States, in our counties, and in our municipal governments, we follow majority rule; but in our Federal Government we do not. A major purpose of this great assembly, the Senate of the United States, is to insure that regional minorities may protect themselves from the sudden and perhaps uninformed enthusiasm of far-off majorities.

So long as the power to block continues, we shall govern by compromise, and thus shall retain the spirit of our federal system. If we remove that power to block, we create a government like that of Great Britain, where the Parliament, if it chose, could pass any mad law whatsoever, and the citizens would have no recourse, short of revolution. This is no criticism of the British system. England, let me remind my colleagues, is the size of the State of Illinois. In a tiny country, as in our own States, the rule of an unchecked majority may safely prevail—but not in our vast continent, with its diverse peoples, climates, and interests of all kinds, both economic and cultural.

The committee rules in both Houses of our Congress tend to enforce compromise. Our party system, so unlike that of any other country, tends to enforce compromise. The powers of the Supreme Court tend to do the same. So does the composition of the Senate. But the last defense of Federal compromise is the right of unlimited debate in the Senate or, if you please, the so-called filibuster.

II

Mr. President, let me turn, for a moment, to history to remind my colleagues that the filibuster is by no means always used for what some call reactionary obstruction. In March 1917 President Wilson became impatient of senatorial delays. He issued the following statement to the country:

> The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. * * * The only remedy is that the rules of the Senate shall be so altered that it can act. The country can be relied on to draw the moral.

Those are strong words, and they did lead to the partial cloture rule which has been in force ever since. But the interesting point is that the greatest liberal of the day, Senator La Follette, denounced even a partial cloture. He said:

> I shall stand, while I am a Member of this body against any cloture that denies free and unlimited debate. Sir, the moment that the majority imposes the restriction contained in the impending rule, that moment you have dealt a blow to liberty, you will have broken down one of the greatest weapons against wrong and oppression that the Members of this body possess.

In this, Senator La Follette recalled the words of Senator Thomas Hart Benton, the strong "right right hand" of Andrew Jackson, the greatest liberal of a previous age. In 1841, when Henry Clay sought to impose a check on Senate debates, Senator Benton said that he and his friends would go to any possible extremity to resist such deplorable action.

Only a short time ago, when Vice President Charles Dawes attacked the Senate rules and demanded further limitation on debate, the national convention of the American Federation of Labor unanimously condemned this—

> campaign to abolish free speech in the United States Senate. * * * the Dawes scheme which does not come from the people but emanates from the secret chambers of predatory interests. * * * For several months the Vice President of the United States has conducted an agitation for the purpose of abolishing free speech in the United States Senate, the only forum in the world where cloture does not exist and where Members can prevent the passage of reactionary legislation.

One may fairly say, therefore, that the filibuster is not merely the friend of reaction, and that to abolish it is not necessarily a form of progress.

One may say that in the modern world it is necessary for legislatures to act quickly. I reply that when it is necessary, we do act quickly. When the Nation feels itself in danger from war or from depression, the Congress of the United States can do whatever is necessary in a day's time. But let us not give away our freedom of speech merely because in a dark hour we may not choose to indulge in it.

Mr. President, if the Senate were governed by the same rules that govern the other body of Congress, I can see no good reason to have the Senate. Our principal contribution to the welfare of the country has been our power to prevent the enactment of bad legislation—in short, to prevent the passage of ill-considered bills which often are brought to Congress under the influence of high emotional stimuli or as a result of improvident campaign promises. This body is the principal protection of the people against such legislation.

So, Mr. President, rather than apologize for the right of Members of this body to speak at length when bad legislative proposals are presented, I say that I am proud that we have that right. I often boast of it, for in truth it is the principal excuse and justification for our existence as a legislative body.

Mr. President, I am not without very respectable support in this view. Let me cite a few authorities whose patriotism and wisdom deserve the respect of all Members of this body and of the American people. The authorities I shall cite relate to the spirit of our government, as I defended it a moment ago.

For example, James Madison said:

> The use of the Senate is to consist in its proceedings with more coolness, with more system, and with more wisdom, than the popular branch.

To Moncure D. Conway, who was a very prominent clergyman in the last century, there is attributed the following anecdote: There is a tradition that upon Jefferson's return from France, he called Washington to account at the breakfast table for having agreed to a second chamber. He had reference to the Senate.

"Why," asked Washington, "did you pour that coffee into the saucer?"

"To cool it," quoth Jefferson.

"Even so," said Washington, "we pour legislation into the senatorial saucer to cool it."

Mr. President, that is exactly what we are trying to do in the case of the pending legislative proposal, namely, to cool off a little of the enthusiasm carrying over from the last election.

Edmund Randolph, discussing the Senate, said:

> The general object was to provide a cure for the evils under which the United States labored; that in tracing these evils to their origin every man had found it in the turbulence and follies of democracy; that some check, therefore, was to be sought against this tendency of our governments; and that a good Senate seemed most likely to answer this purpose.

James Wilson said:

> It is a maxim that the least numerous body is the fittest for deliberation; the most numerous, for decision.

More recently, one of our famous and, I think, very able Vice Presidents described the situation quite well. Adlai E. Stevenson, Vice President of the United States from 1893 to 1897, said:

> It must not be forgotten that the rules governing this body are founded deep in human experience; that they are the result of centuries of tireless effort in legislative halls to conserve, to render stable, and secure the rights and liberties which have been achieved by conflict. By its rules the Senate wisely fixes the limits of its own powers. Of those who clamor against the Senate, and its methods of procedure, it may truly be said: "They know not what they do." In this Chamber alone are preserved, without restraint, two essentials of wise legislation and of good government—the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words.

Finally, Mr. President, I wish to cite to the Senate again some very profound words of a former very illustrious Member of this body. I fully recognize that this opinion has been cited before, but it is a very short passage, and, in my opinion, it cannot be cited too often to this body and to the people. As a matter of fact, there are at present certain developments, partly in the Senate and partly outside, which make this particular statement especially appropriate. There is a tendency toward restriction upon the freedom of individuals, whether they be in this body or out of this body, to speak freely what they think about public matters; so I think this particular passage is well worth repeating, not only with regard to the question of the practices within the Senate, but also with regard to the growing intolerance of freedom of thought within the country as a whole. I may say this is a subject on which I shall have a few words to say later in another connection. But I desire to quote former Senator James A. Reed, who was a Senator from Missouri from 1911 to 1929. I read:

> Majority rule. Where is the logic or the reason to be found back of majority rule except in the mere necessity to dispatch business? The fact that a majority of 1 or 10 votes for a bill in the Senate is not a certification that the action is right. The majority has been wrong oftener than it has been right in all the course of time. The majority crucified Jesus Christ. The majority burned the Christians at the stake. The majority drove the Jews into exile and the ghetto. The majority established slavery. The majority set up innumerable gibbets. The majority chained to stakes and surrounded with circles of flame martyrs through all the ages of the world's history.
>
> Majority rule without any limitation or curb upon the particular set of fools who happen to be placed for the moment in charge of the machinery of a government. The majority grinned and jeered when Columbus said the world was round. The majority threw him into a dungeon for having discovered a new world. The majority said that Galileo must recant or that Galileo must go to prison. The majority cut off the ears of John Pym because he dared advocate the liberty of the press. The majority to the south of the Mason and Dixon line established the horrible thing called slavery, and the majority north of it did likewise and only turned reformer when slavery ceased to be profitable to them.
>
> THE PUBLIC BUSINESS
>
> Oh, but somebody says—and we have heard it ad nauseam, indeed, until the gorge would rise in the gizzard of an ostrich at the sheer idiocy of the statement—"We must speed up the public business. We must enact more laws." We must not consider them. We must not analyze them. We must not talk about them. Of course, if we cannot talk about them we ought not to think about them. There are a good many men who do a good deal of talking in favor of stopping talking who never stop long enough talking themselves to do any thinking themselves.
>
> THE NEED FOR CONTINUED DEBATE

The need for continued debate of this issue is demonstrated very clearly by an article which appeared in the Washington Evening Star yesterday, Monday, April 20. Everyone is aware of the reputation for fairness and objectivity which this newspaper deserves. Yet last night, after approximately 2 weeks of debate on this issue, this great newspaper opened its news article with the following statement:

> Opponents of a bill to return oil rich submerged coastal lands to the States blocked another attempt to limit debate on the measure in the Senate today.

The PRESIDING OFFICER. The Chair would beg to interrupt the Senator from Arkansas to inquire whether the confusion in the galleries is disturbing him? There is quite a little conversation taking place.

Mr. FULBRIGHT. Mr. President, I think it is only in the Press Gallery that there is a good deal of talking.

The PRESIDING OFFICER. The Chair would suggest that, whoever is talking, the conversations, if necessary, should be conducted in the form of whispering.

Mr. FULBRIGHT. I would not want the Chair to reprimand the occupants of the galleries.

The PRESIDING OFFICER. The Chair does not intend to reprimand anyone. We do not even know whom we are talking about.

Mr. FULBRIGHT. I do not want to discourage the occupants of the galleries, so long as they want to remain to listen to my part of the discussion. I find that the press is very badly informed about the matter which I have just been discussing. Many newspapers have long had a misconception about the whole purpose of Senate rule XXII, its history, its very great merit, and its great value to the country.

Mr. GORE. Mr. President.

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Tennessee for a question?

Mr. FULBRIGHT. I yield to the Senator from Tennessee for a question only.

Mr. GORE. Is the Senator from Arkansas aware of the fact that the word "restore" has also been used frequently in describing the pending measure, in the sense that it has for its purpose the restoration of a right which the States originally had?

Mr. FULBRIGHT. The Senator is entirely correct. It amazes me that a great newspaper like the Washington Star, with unlimited funds, with extraordinarily able reporters, can still be under the misapprehension that we are opponents of a legislative measure to return something to the States which the States never had. I shall deal with that subject later in the course of my remarks. It is amazing to me that, even now, after 2 weeks of debate, the Washington Star, a local newspaper, still does not understand what is the issue involved in the pending legislation. Of course, if the Washington Star does not understand it, how can we expect newspapers 100, 1,000, or 3,000 miles away, that cannot afford to have their best reporters present on the scene to study this legislation, to understand it? So if the Washington Star is still under a misapprehension as to what is involved in this controversy, I would say there certainly must be a great deal of explaining done on the Senate floor before certain other newspapers are enlightened on the subject.

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

Mr. FULBRIGHT. I yield to the Senator from Tennessee for a question only.

Mr. GORE. Not being a reporter or writer by profession, it may be a little difficult for me to frame properly the question I have in mind to address to the distinguished Senator from Arkansas; but I shall try. Does the Senator think a different reaction by the public may have occurred, had the reporter described the opponents of the pending measure in this fashion: "The opponents of a bill to take away from the American people a vital part of their birthright rejected an arbitrary limitation of debate."

Mr. FULBRIGHT. The Senator could not be more correct. It is just such misrepresentation as this that has confused the American people about this entire subject. If the matter were presented properly—and, as I say, I shall have much more to say about the reference in the Washington Star, because I was amazed to find that the Washington Star felt as it did about the pending measure. I only saw this last night, and I did not have the opportunity to incorporate it into my regular, prepared speech. It only reaffirmed in my own mind the determination which I had, to some extent already formed, that the subject must be explained to the American people, and that we should first enlighten the reporters employed by the great newspapers, at least, or we could not expect the people to understand it.

Some Members of the Senate even, I think, are under the misapprehension that the pending measure seeks to return to the States something which they formerly owned, which, of course, is not true. I shall return to that point later, and I hope the Senator from Tennessee will be present and assist me in discussing that problem at that time. I thought it worthwhile to mention it in a preliminary way, in the hope that the Washington Star would review the matter and clarify it, possibly, in the next issue, or in the issue of tomorrow or the next day.

The Senator is entirely correct in saying that if all over the country the newspapers continue to present the question in a false light, as if something had been taken away from the States and that we are only returning it to them—if the newspapers continue to present it in that fashion, we shall be in great difficulty. Our proper course, as I see it, is to continue to endeavor to persuade them to present the situation in the proper way. The only place to do that is right here on the floor of the Senate. We cannot control directly the resources of publicity which the proponents of the measure can control and have controlled in the past.

Mr. GORE. Mr. President, will the Senator from Arkansas yield further?

Mr. FULBRIGHT. I am happy to yield for another question.

Mr. GORE. The Senator bears with me the high regard I have for great journals, such as the Washington Post and the Washington Evening Star. Does he not joint with me in the hope that an effort will be made not only by those great newspapers, but by all the press of America, to present this problem, not in the prejudiced light of returning or restoring that to which the three States in question never had title, but rather an effort on the floor of the Senate to repeal a ruling of the United States Supreme Court that not the States, not the people who are particularly interested in obtaining this great right, but the whole people of the United States, have now and have always had paramount right in the submerged lands?

Mr. FULBRIGHT. The Senator is absolutely correct.

Let me digress a moment with reference to the manner in which some of the sponsors of the proposed legislation have presented it. Of course, they have sought to spread the false theory I have already mentioned. Some of the persons who pride themselves upon their devotion to the Constitution have in days passed gone out of their way to say, "I am not just a Democrat; I am a constitutional Democrat," or "I am a constitutional Republican, and I believe in the Constitution above all"; but when they adopt a theory which, in effect, challenges the whole function of the Supreme Court, they should realize that the Supreme Court, under the Constitution, has held that the property belongs to the whole country, so the people of the whole country have an asset worth an untold amount of money. It is perfectly feasible to argue that the property should be given away to say, "All right; we own it, or the Federal Government owns it, and now we are going to pass a bill to give it away." If the newspapers should present the question in that way, I think there would be a very different reaction on the part of the people of the country.

Mr. DANIEL. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. If the Senator from Tennessee has finished. Did the Senator from Tennessee wish to address another question to me?

Mr. GORE. I will yield to the eminent junior Senator from Texas, whose able presentation of the question may somewhat fit one of the definitions given earlier by the distinguished Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I am complimented that the Senator from Texas wishes me to yield, and I yield for a question only.

Mr. DANIEL. I regret the inference of the Senator from Tennessee that the definition given by the Senator from Arkansas fits me, because I have not indulged in that kind of argument here. I am not one of those who wants to be included among pirates or freebooters.

In all fairness to the press, does not the Senator from Arkansas realize why they write about "restoring" the lands to the States? Does not the Senator from Arkansas remember that the Supreme Court said that the previous court decisions had been written so broadly as to indicate that the Court then believed the States owned these lands? Solicitor General Perlman testified before our committee that the States, for more than 150 years, claimed and used the lands in good faith? Does not the Senator from Arkansas realize that in Texas we dedicated the revenues to our public schools, and that for all these years we have been using the property, and, therefore, we have held it in good faith?

The members of the press, in writing about "restoring the property" to the States, are certainly within their rights in disclosing what the proposed legislation would accomplish. I think the press is correct in calling it a restoration, because we have held the lands in good faith for more than 150 years, but in recent years someone wants to take them away from us. Does not the Senator believe, in all fairness to the press, that it is proper to refer to the proposed legislation as restoring something to the States which they have always thought they owned, and which many officials of the Federal Government always thought the States owned?

Mr. FULBRIGHT. I regret that I cannot agree with the Senator. I do not think the people of Texas, Louisiana,

or Florida had the vaguest idea of owning the lands at all until oil was discovered in them. In my opinion, there is nothing to indicate that the submerged lands to the edge of the Continental Shelf or beyond the 27-mile limit or any other limit were included in their computations with reference to their public lands until oil was discovered there. Then, of course, they suddenly realized that it was a matter of importance, and they all began to claim the lands. It is my information that the States did not lease any of the land until after the decision in the California case.

I do not know whether the Senator from Texas understood my point. It is quite all right if he wishes to challenge the correctness of the decision of the Supreme Court. I have heard Members of this body on the other side of the question say, "The Court made a foolish decision and we have to rectify it." I say that is a revolutionary attitude for Members of this body to take.

The Supreme Court was established for a definite purpose. It is one of our three basic institutions of government. If we reach the point where we say we will not accept its decisions as being the final arbiter on questions of law, we shall be well on the way to totalitarian government or some other system of government, not a constitutional system.

I was just about to read the language of the Court in order to complete the record.

Mr. DANIEL. Mr. President, will the Senator from Arkansas yield further?

Mr. FULBRIGHT. Let me make one further statement, and then I shall be glad to yield for another question.

The PRESIDING OFFICER. The Senator from Arkansas declines to yield.

Mr. FULBRIGHT. I should like to read from the decree of the Supreme Court:

> The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California, and outside of the inland waters extending seaward 3 nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California.

This is another sentence that is very significant to me:

> The State of California has no title thereto or property interest therein.

As I read the decree, that means California does not have it now and never did have it. Nothing was cited to change that opinion or that legal statement.

I say to the Senator from Texas that, pursuing the theory he is raising, he is merely saying that the Supreme Court is wrong. The Supreme Court did not say that the use of the property belonged to the Federal Government in time of some national emergency, or was dependent on some other factor, but that it now belongs to the States. It said, "At all times pertinent hereto." So far as I can see, that refers to all time. I do not know whether the Supreme Court meant back as far as 5,000 B. C., but at all times, I should say, since we have been organized as a nation, certainly under the Constitution.

I now yield to the Senator from Tennessee.

Mr. GORE. I trust that the Senator from Arkansas understands that the reference which I earlier made to the junior Senator from Texas [Mr. DANIEL] carried no implication of impropriety. The junior Senator from Texas may have thought I was using one of the definitions which the Senator from Arkansas earlier used, whereas I may have had in mind another. Let me assure the Senator that I did not intend to make an unfavorable reference. In fact, the junior Senator from Texas, for whom I have a warm personal regard, has well impressed the Senate with his ability, his courage, and his own conviction that he is right. But the fact that a man may have a conviction upon the rectitude of the position he holds does not necessarily mean that that position is right. One can be wrong enthusiastically.

As an example—and I hope the Senator will agree it is an example—the junior Senator from Texas made the statement that only recently have certain persons or forces sought to take away from the people of the great State which he has the privilege of representing one of those properties. Again, the junior Senator from Texas shows that he is laboring under a misapprehension. I may point out further that only recently the legislature of that great State sought to lay claim to an even larger portion of the Gulf of Mexico than is contemplated by the pending joint resolution.

Mr. FULBRIGHT. The Senator from Tennessee is quite right. I desire to have the record clear that the portions of the decree which I read were from that in the California case.

It is quite true that for a short period of its history, just prior to its admission to the Union, Texas had sovereign rights, whether to a 10-mile or a 3-mile limit, I cannot say, but Texas was admitted into the Union, and, in my interpretation, her legal status is on a parity with that of all the other States. The theory of admission of the States has been that they were equal; they came in on equal footing; that none of them is given any special privileges, unless they are spelled out, as in the case of Texas with respect to the question of its debt. But the history of Texas subsequent to its admission does not indicate that she herself believed she owned this land or was even concerned about it. When she listed so many acres of public land, she did not include submerged land, until oil was discovered: Then she became conscious that oil might exist under the submerged lands.

I hope the Senator from Texas does not take personally any remarks made by me. I do not know whether in his remarks he was referring to the earlier statement I made with reference to the definition of "filibuster." I was commenting upon a statement made by the senior Senator from Ohio [Mr. TAFT], the distinguished majority leader, who had used that word, which unfortunately, in some quarters, has developed an unpopular or an unsavory connotation. I do not believe it is an unsavory word, but I recognize that many people use it as a word of opprobrium. I was only elucidating, as best I could, in a very feeble way, just what that word meant according to its history. I certainly was not trying to call the Senator from Texas anything derogatory at all. I have the highest respect for him. If I were from Texas, I, by no means, would consider that I should not do everything I could in the interest of Texas. The reason why we have debated this measure is so that all interests may have an opportunity to be represented. The Senator from Texas is entirely within his rights. I in no way criticize him for getting anything for Texas which he is able to get.

I have to admit that I think Texas needs better education. I do not criticize the Senator from Texas for trying to get more money for the education of Texans. I think education is one of our greatest needs. Sometimes I think that betters schools, and not such good football teams, would be more agreeable to the Senator's neighbors, who play football with Texans.

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

Mr. FULBRIGHT. I yield.

Mr. DANIEL. I am sure the Senator from Arkansas knows that the purpose for which I rose was to try to defend the press and others who speak of the pending joint resolution as one restoring lands to the States which have claimed them in good faith for more than 150 years. Will the Senator permit me to read another passage from the same decision from which he read, which explains exactly what I am trying to say?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that, without in any way prejudicing my rights to the floor, the Senator from Texas may be permitted to read anything he desires.

The PRESIDING OFFICER (Mr. BUSH in the chair). Without objection, the Senator from Texas may proceed.

Mr. DANIEL. From Justice Black's opinion in the California case, it is stated:

> As previously stated, this Court has followed and reasserted the basic doctrine of the Pollard case many times. And in doing so, it has used language strong enough to indicate that the Court then believed that States not only owned tidelands and soil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not.

That is the wording of the Supreme Court of the United States, which I think shows that the States have been in good faith all this time.

Will the Senator from Arkansas yield for another question?

Mr. FULBRIGHT. Certainly; the Senator from Texas has unanimous consent to say anything he likes, whether in the form of a question or otherwise.

Mr. DANIEL. The Senator from Arkansas made a statement a moment ago that Texas made no claim to these lands until oil was discovered; that they were not listed among our public lands. Is it not true that our list of public lands

was confined to dry land and did not include rivers or any submerged lands which were not subject to general sale and homesteading?

Mr. FULBRIGHT. I think the Senator's statement is correct.

Mr. DANIEL. It is correct. Is not the Senator familiar with the fact that as early as 1880, the Federal Government asked Texas for some of our submerged lands below low tide? If Texas did not claim them, why would the Federal Government have asked for 9 acres on which to build a lighthouse? Is the Senator from Arkansas familiar with that?

Mr. FULBRIGHT. I heard the Senator's statement, but it does not seem significant to me, because the matter was of very little importance. The Senator's State had not regarded it as of any particular importance, because his State did not list that land.

All I am trying to say is that this is a matter of legal technicalities and interesting cases. I heard much of the discussion of the subject by the Senator from Illinois [Mr. DOUGLAS] and by the Senator from Texas [Mr. DANIEL], who have gone over and over the question.

My position is that the Supreme Court in 3 cases, if not 4, has settled this matter. I think the only proper attitude on the part of persons who believe in our constitutional system is to accept the decisions of the Supreme Court. If every time the Supreme Court makes a decision some do not agree with, and they consider it necessary to come to Congress to settle the matter all over again, I think we will have a completely unworkable and chaotic system, one that will lead to a breakdown of our whole constitutional system.

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

Mr. FULBRIGHT. All the Senator is doing, as I see it, is challenging the three decisions of the Supreme Court. I say that is bad practice. It is not according to our tradition, and I am unwilling to accept it. I say that it is a revolutionary doctrine, a radical doctrine. The supporters of this bill want to upset established traditions of government.

I think there is a way for the Senator to approach his objective, and that is to say, "Yes; the Supreme Court said this, but we have equities, and we want you to give to us something we never did own." That is sound theory. But the Senator is saying, in effect, "It is still ours. The Court was wrong."

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

Mr. FULBRIGHT. I yield for a question.

Mr. DANIEL. Evidently the Senator has never heard me discuss the subject. I always say that I accept the Supreme Court decisions as the law of the land today. But the decisions themselves say that Congress can write the law for the future differently from what it is found to be today, and can restore this property——

Mr. FULBRIGHT. I think the Senator is overstating the case.

Mr. DANIEL. That is what I have said in my speeches on the subject. I do not ask that the Supreme Court be ignored, or ask that we say, "The Supreme Court is not the final word as to the law as it finds it to be."

Will not the Senator from Arkansas admit that what I rose to challenge was not the decision of the Supreme Court, but the statement of the Senator from Arkansas that Texas never claimed these lands until oil was found? I say that if the Senator will read the record before the committee he will find that in many instances Texas claimed these submerged lands, and that the Federal Government acknowledged our claim to these lands below low tide, and came to Texas to get deed after deed to portions of the lands. That is the point I rose to make. It was the Senator's statement that I rose to challenge. If the Senator will read the record he will not allow his statement to stand, that Texas did not claim these lands until oil was discovered.

Mr. FULBRIGHT. Is the Senator relying on some theory of laches, that because some employee of the Federal Government went down there and obtained a deed, therefore the Supreme Court is foreclosed from passing on the question? Is the Senator's position based upon some theory of that kind?

Mr. DANIEL. Not at all.

Mr. FULBRIGHT. The Senator does not pretend that any judicial decision has ever held that the lands belong to Texas, does he?

Mr. DANIEL. Yes; there are some judicial decisions in our own State.

Mr. FULBRIGHT. What decision is that?

Mr. DANIEL. In our own State.

Mr. FULBRIGHT. Wait a minute. I am talking about the Supreme Court. We cannot go off into every State court decision on this question. The only final authority is the Supreme Court. We have three decisions of the Supreme Court which determine the question. I do not think any Member of the Senate should be required or expected to go beyond the decisions of the Supreme Court and consider the decisions of the State courts of Texas. Does the Senator maintain that there is any decision of the Supreme Court of the United States which says that these lands belonged to the State of Texas at any time?

Mr. DANIEL. No. The Senator from Texas does not make that contention. At the time I rose I did not make any such contention, and I make no such contention now. What I do contend is that the Senator from Arkansas is mistaken in saying that the State of Texas did not claim these lands until oil was discovered. I still maintain that the Senator from Arkansas is mistaken. If he will read the record he will see that I am correct. I did not rise to argue whether the Court was mistaken. My statement was that the Senator from Arkansas is mistaken when he says that Texas did not claim these lands until oil was discovered. That is all I rose to say, and it is the only point I make.

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

Mr. FULBRIGHT. I yield for a question.

Mr. KEFAUVER. Is not the position of the Senator from Arkansas substantiated to some extent, at least, by the fact that in the United States Senate, in 1938——

Mr. FULBRIGHT. Nineteen thirty-seven, I believe it was.

Mr. KEFAUVER. A resolution was passed which I am sure the Senator intends to discuss in detail later.

Mr. FULBRIGHT. I think the Senator is correct. I may say for the purpose of the record that I have no intention of going into all the legal details which have been covered so specifically and completely by the Senator from New Mexico [Mr. ANDERSON], who is the outstanding authority on this subject. He is a member of the committee. I think if our press had been at all well advised it would have paid more attention to what the Senator from New Mexico said about this question.

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

Mr. FULBRIGHT. I yield.

Mr. ANDERSON. Reference was made a moment ago to the decision of the Supreme Court. What was then quoted was the opinion of the Supreme Court. Does not the Senator recognize that the decision of the Supreme Court in the California case reads as follows:

> And for the purpose of carrying into effect the conclusions of this Court as stated in its opinion announced June 23, 1947, it is ordered, adjudged, and decreed as follows:
>
> 1. The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California, and outside of the inland waters, extending seaward 3 nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California. The State of California has no title thereto or property interest therein.

Regardless of all the nice language the Supreme Court used to soothe ruffled feelings, regardless of all the generalities, did not the Supreme Court say "The State of California has no title thereto or property interest therein"?

Then did not the Supreme Court say:

> 2. The United States is entitled to the injunctive relief prayed for in the complaint.

The United States has not obtained such relief yet.

Mr. FULBRIGHT. The Senator is absolutely correct.

I should like to add one further word with regard to the comment of the Senator from Texas [Mr. DANIEL].

Leaving out for the moment the period when Texas was a republic, prior to her becoming a State, whatever her rights might have been, in my opinion when she became a State she came in on an equal basis with all the other States, except for such specific exceptions as were made to that principle. That was the principle on which all States were uniformly admitted. I think a special provision was made with regard to the payment of the debt of Texas, because of special circumstances. However, nothing was said about submerged lands. There is no doubt about that. There is nothing in her subsequent history, during the time she has been a State, to indicate that she was claiming

the submerged lands until oil was discovered.

So far as the Federal Government is concerned, what some agency of the Government might have said or done is in no way binding or significant, in my judgmnt. The significant and controlling fact is the opinion of the Court.

It is my information that all the issues presented on this floor were submitted to the Supreme Court. All the testimony which was submitted to the committee was submitted to the Supreme Court, because the parties were the same. Is not that correct?

Mr. ANDERSON and Mr. HOLLAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas yield; and, if so, to whom?

Mr. FULBRIGHT. I yield first to the Senator from New Mexico.

Mr. ANDERSON. Will the Senator please check that statement? I think he will find that the State of California, for example, did not submit evidence. Neither did the Federal Government. The State of Texas did not submit evidence. The Supreme Court declined to hear it. But the very issues which are being raised here were raised before the Supreme Court. What I was hopeful the Senator might do was not to continue to quote from the opinions but to emphasize what the final determination, the decision, was. Regardless of the opinion, is it not true that the final decision is always the same? The decision is that the State has "no title thereto or property interest therein." Therefore, is not the Senator correct when he says that this is not a measure to restore anything to the States?

Mr. FULBRIGHT. The Senator is correct.

Mr. ANDERSON. That is why the terminology "quitclaim" was dropped. If one quitclaims nothing, he still has nothing.

Mr. FULBRIGHT. The Senator is entirely correct. I think there is no question that the idea of restoration of property to the States is not in accord with the facts of this case and the opinion of the Court. As the Supreme Court has said, the State did not have the lands. It never had them. They belong to the United States.

I am not saying, necessarily, that the sponsors of this legislation are pirates. That was a word which was used in the definition of filibuster pertinent to another matter. I do not criticize anyone who tries to obtain advantages for his States. There are certain equities in particular cases, which I shall discuss in a moment if I am permitted to get started on my speech. These equities are recognized, I think, in the Anderson bill. I am not critical of any Senator who comes forward to represent the interests of his State. I am only saying that the idea of restoration contravenes one of the basic principles of our constitutional system, because the Court said the States did not own the lands.

Of course, one can say that the Court is wrong. I would not maintain that it has always been right; but I think we must accept its decision as the law under our constitutional system. What we do about it on the basis of the finding of the Court is another matter. If this issue were presented to the people of the United States in its true light by the press, by such great newspapers as the Washington Star, in which most persons have great confidence, I think we would get a very different reaction from the people. Many would change their opinion if they once realized that the fact of the matter is that here is involved a great national asset, worth we do not know how much. In fact, the very violence of the fight that is being made is evidence that a great deal of wealth is involved. Therefore, the true situation is that here we have a national asset, and the question is raised as to what is the best policy to adopt with regard to it, namely, should we give it to three or four States, or should we use it for the benefit of the people of the country as a whole? The question is as simple as that.

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

Mr. FULBRIGHT. I yield for a question only.

Mr. KEFAUVER. I wish to ask the Senator from Arkansas whether he thinks this is a sound rule for legislative action, namely, that the basis, as I understand, of the proponents of the joint resolution is that a claim may have been made which would justify the legislative branch in overruling the Supreme Court and changing its decision.

Is it not a fact that every case that goes to the Supreme Court, by the fact that it is there, presupposes that there was a difference of opinion, and that a claim was made on the other side; and that if we use the fact that a claim may have been made as the justification for overruling a decision of the Supreme Court, then every case decided by the Court would be put in the same position?

Mr. FULBRIGHT. The Senator from Tennessee is absolutely right. What he says is the reason why, if we do not accept as final the decision of the Supreme Court, we will have a chaotic and unworkable system of government. All that we could resort to then would be a dictatorship. Certainly there must be an orderly way to reach a final decision. If this body is to change a Supreme Court decision every time a majority does not like it, we will inevitably have a breakdown of our constitutional system of government.

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

Mr. FULBRIGHT. I yield to the Senator from Florida for a question, or a statement.

Mr. HOLLAND. Mr. President, I should like to make a statement.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Senator from Florida may be permitted to make a statement without prejudicing in any way my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Mr. President, reserving the right to object—and I shall not object—I hope that the same generosity of spirit will be extended to other Senators when similar requests are made. I recall that the Senator from Alabama [Mr. HILL] lost the floor one evening merely because the Senator from Minnesota asked if he would yield, without adding "for a question."

Mr. President, I do not object.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Florida may proceed.

Mr. HOLLAND. Mr. President, first adverting to the comment made by my friend the Senator from Minnesota, I want to say that those of us who support the pending measure were quite content to allow 3 days for argument to the distinguished Senator from Alabama [Mr. HILL], all on the same speech; 2 days to the distinguished Senator from Illinois [Mr. DOUGLAS], in the same way; and in other ways we have shown a complete unwillingness to enforce the drastic rule up to this time in the course of the debate.

Mr. President, the reason that I asked for the right to comment is that I believe the distinguished Senator from Arkansas, in stating what he did a moment ago—and he stated it unequivocally—that the Supreme Court in the Texas case and in the California case had the facts shown to them in exactly the same way that they have been brought forth in the hearings and in the debate on the floor of the Senate, shows conclusively, either that the Senator from Arkansas has not read the decisions in those cases, or that he has not attended the arguments during the course of the debate, or both. In both situations he would have discovered that the exact truth is completely contrary to his statement.

I wish to invite the attention of the distinguished Senator to the fact that in the Texas case, at page 7 of the decision there appear these words:

> In the California case—

Mr. President, I ask the attention of the distinguished Senator from Arkansas.

Mr. FULBRIGHT. I was looking for a copy of the decision. Does the Senator from Florida have another copy of it?

Mr. HOLLAND. I will furnish him a copy, and he can follow my reading of it.

I am reading the recital of the Supreme Court in the opinion written by Mr. Justice Douglas for the majority of 4 members of the 7 members of the Supreme Court who passed on the case, though they are less than a majority of the Court's full membership of 9. Mr. Justice Douglas says, among other things:

> In the California case neither party suggested the necessity for the introduction of evidence.

The Senator from Arkansas would have found, by pursuing that statement, that there was no evidence whatever submitted in the California case.

In the Texas case there was a specific request made by counsel for the State of Texas, then the distinguished attorney general of Texas, now the distinguished junior Senator from Texas [Mr. DANIEL]. His position is shown, and I again quote from the decision of the Supreme Court, written by Mr. Justice Douglas, in the Texas case:

> Texas then moved for an order to take depositions of specified aged persons respective the existence and extent of knowledge

and use of subsoil minerals within the disputed area prior to and since the annexation of Texas, and the uses to which Texas has devoted parts of the area as bearing on her alleged prescriptive rights. Texas also moved for the appointment of a special master to take evidence and report to the Court.

The United States opposed these motions and in turn moved for judgment asserting that the defenses tendered by Texas were insufficient in law and that no issue of fact had been raised which could not be resolved by judicial notice. We set the case down for argument on that motion.

The case was set down for argument on that motion. The case was decided on that motion.

The decision of the Court, by a vote of 4 to 3, was:

We conclude, however, that no such hearing is required in this case. We are of the view that the equal footing clause of the joint resolution admitting Texas to the Union disposes of the present phase of the controversy.

I wanted the Senator from Arkansas to have these quotations in mind, because they show very clearly that the United States Supreme Court did not have the facts before it; furthermore, that it declined to receive the facts; and, furthermore, that for the first time in all of the long and distinguished history of the United States Supreme Court, in a case in which a State was a party, and in which a State asked to have evidence heard, the United States Supreme Court, for the first time, declined to hear the facts. Instead, it ruled as matter of law, notwithstanding all of the things set up by way of affirmative defenses in the pleadings by the State of Texas and notwithstanding the fact that those things might be sustained by evidence, nevertheless the Supreme Court would not hear that evidence. The Court was of the view that, regardless of what had been done by Texas in the years since its admission as a State, in 1845, up to the time of this case, a little over 100 years later, that regardless of the things that had been done for Texas by those who were serving it and by those who were serving the United States Government in its dealings with Texas, and no matter how complete use was made by private parties or the public of the claims raised and asserted by the State of Texas during those 100 years, it would not hear the evidence.

It has been our position in the course of this debate, and is now our position in this debate, that there is only one forum existing in the United States in which the case of Florida and the case of every other State—the twenty-odd States which are coastal States, and all the other States, which have great values involved because they have inland waters or Great Lake waters—can be heard and can be acted on under the conditions that now exist, and that place is in the Congress of the United States.

The Court has held very clearly that it will not hear equitable defenses of five different classifications in a case of this kind, and the Court has declined to hear evidence upon such defenses, and in effect has ruled that the States are relegated to the Congress of the United States as the only place where their rights can be adjusted. It is because of that situation that the Senators who represent the many States that are affected in this matter are here presenting their case.

I appreciate the courtesy of the Senator from Arkansas in permitting me to make a statement at this time. I should like to state further that I believe he said Texas asserted no right of ownership to her submerged lands until oil was discovered there. Of course, the distinguished Senator from Texas has very clearly controverted that statement, and I do not believe the Senator from Arkansas would now contend further that no right of ownership was asserted by Texas in those submerged lands until oil was discovered there, for in the light of the facts which have been brought out, I believe the contrary has clearly been established.

I wish to remind the Senator from Arkansas that oil has not yet been discovered in the submerged lands off the State of Florida, in spite of great effort and heavy expenditures, but certainly Florida claims those submerged lands now, and has been claiming them for over 100 years.

Mr. FULBRIGHT. Florida is hopeful that oil will be discovered in those lands, is she not?

Mr. HOLLAND. The evidence shows that at the request of the United States Government, numerous deeds to some of those submerged lands have been given by the State of Florida to the United States Government. The evidence shows that, repeatedly, Cabinet officers have ruled that the Federal Government has no claim to our offshore lands. We know that, as a matter of fact, for decades the State of Florida has issued leases for the taking of sand and shells and oysters and various kinds of vegetable and animal life from the part of the ocean that is within Florida's boundaries. Ever since its beginning, the State of Florida has effectively asserted a claim to those areas, and has maintained the right of her coastal cities that are established on the lands adjoining the coasts, to develop the areas adjacent to those cities, bordering on the coasts. The evidence shows that our cities, under grants from the State, have developed those areas in many, many ways, and that multimillion-dollar developments have been made in those areas. Some of those developments have been made under the water—as, for instance, the sewage system for the city of Miami Beach and the system for the disposal of the waste and pollution coming from various paper plants and other industries. In the absence of the development of such disposal plants and facilities, those wastes and that pollution would contaminate our shores.

The evidence also shows the development on those lands of many public projects and many private projects which have added greatly to the wealth of our people and the wealth of the cities of Florida and of the State of Florida and of the Nation itself. We have made a great contribution, and we have made it by asserting our sovereignty over these very same bottoms and to the valuable resources existing there. That shows clearer than anything I could say that Florida has claimed these rights, and that Florida has not yet found any oil in her submerged lands, and that Florida has not yet had her day in court, or has not had the Supreme Court pass upon her case.

The State of Florida is here placing her case in the lap of the only high court which will do equity and will hear the equitable defenses which are many and impressive. We believe this body is only awaiting the chance to cast its vote in order to show that it believes in the restoration—which is what it amounts to—and in the retention—which is also what it amounts to—and in the clarification and firming up of the rights of the State of Florida to her submerged lands. This issue amounts to all of that, because those submerged lands have not yet been taken away from Florida, and Florida has not yet had her day in court. Florida is asking for confirming action which will establish and give assurance to her title to these lands, and again will release the hand of progress, which has been stayed by the decisions of 1947 and since then. No heavy piers have been built into the ocean since that time and no great filling programs or projects offshore of our State have been developed since then, because now our people do not know where they stand and our titles are clouded.

We think it atrociously wrong that there be withheld from us the right to move ahead in the traditional American way—the right to continue to develop those values, which are so great, and which are not wholly selfish ones, because they contribute to the wealth of the entire United States. Our tens of thousands of citizens who are property owners along the 1,200 miles of our coast line are asking for the right to be released, so that once again they can proceed in their efforts to make our country a mightier and a richer one, by virtue of the utilization of our submerged lands, which have not been taken under any Supreme Court decision, and in which no oil has been discovered. We have claimed those lands ever since 1845, when we entered the United States; and we have claimed on a little broader scale the lands extending into the Gulf of Mexico, since the time in 1868 when Congress supported the extension of our boundaries for a distance of 3 leagues into the gulf. We have continued those developments unceasingly, up to the time when the staying hand of the Court was placed upon our efforts to continue those developments. That action of the Court was taken in such a way as to leave nothing but a big question mark from that time until now, as to what the permanent situation there will be.

So I hope the Senator from Arkansas no longer will say that the States found that they had rights in the submerged lands and the States began to assert those rights only when oil was discovered there, for it so happens that oil has not been discovered in our submerged lands; but we have been asserting for a long time our rights to those submerged lands. We assert our rights to them here, because we think this is the peculiar place where equity can be done and where our rights can be restored to us.

after they have been questioned and have been clouded by these three decisions of the Court.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Mr. President, I think I should comment on a few of the statements which have been made by the Senator from Florida.

In the first place, he says the State of Florida has not had its day in court. Of course, I believe it would be very easy for the Federal Government to induce a test of Florida's rights in the Court. I believe it is quite clear that Florida does not want her rights tested in the courts. Florida wants a decision by the Congress, a political body. Florida particularly wants a decision at this time, just after Florida has been so fortunate as to have been on the winning side in the last election. Florida now expects a favorable decision from this political body.

What the Senator from Florida says in no way contravenes the theory I was advancing. I am not sure that the Senator from Florida had entered the Chamber at the time when I was criticizing a statement, as published in the Washington Star, that the pending joint resolution is for the purpose of returning the right of ownership in certain oil.

The Senator from Florida says that evidence was not permitted to be submitted in the cases which have been decided. Certainly from his own statement it is quite clear that the law in this case is so clear that the Court did not wish to bother with all the arguments that the Senate has to bother with.

Inasmuch as the Court has some control over its procedure, the Court simply demurred in the case of the attempt to submit such arguments. Of course, the Senator from Florida is a far abler lawyer than I am; and he knows that many cases are, in effect, demurred out of court simply because a case is not stated.

If the case of Florida is so clear in the law, of course no court would be bothered by all the picayunish and little matters of evidence that might be alleged in regard to the asserted equities.

The Senator from Florida has referred to the equities of the case. In my prepared remarks, which I am about to begin to deliver, I shall state that the Anderson bill will take care of the equities. The Anderson bill makes provision for the various items which have been mentioned by the Senator from Florida. But the Senator from Florida is unwilling to accept what I consider to be a reasonable adjustment of the equities. He wants his State to have the lands which are 10½ miles off the coast, in the ocean. He knows that no really substantial investment has been made in the lands 10½ miles off the coast, in the Gulf of Mexico. I do not say this in a critical way. If I came from Florida and if my State had gone Republican and if there were a Republican administration in the Federal Government, I would expect that administration to give my State "a good, equitable decision" in the case of such proposed legislation. So that is what the "equities in the case" amount to.

However, the Anderson bill will give Florida all she is entitled to from an equitable point of view. The Anderson bill does not cut off Florida from the rights to which she is entitled.

In a moment I shall place in the RECORD the very fair provisions of the Anderson bill, which takes care of the filled lands of Florida and the piers and other developments in Florida.

It is my general principle, and I shall be willing to follow it to the end, that even though Florida were not entitled to believe she owned the land upon which any investment or any change of position on the part of the citizens of Florida or on the part of the State of Florida had been made, in reliance upon a misconception, nevertheless I would be willing to have full allowance made for that; I would go along the whole way in such case.

Where I stop is when the claim to title is made because oil has been discovered in the sea bottom at a long distance from the coast. I am sure any reasonable man expects oil to be found off the coast of Florida. Although oil may not yet have been found there, it is reasonable to expect that oil will be found there. After all, it was only recently that the oil field in west Texas was discovered. That field suddenly blossomed into one of the largest oil fields known. Of course, "oil is where you find it"; and I expect some oil to be found off the coast of Florida.

All that is very well; but I see no reason why we should blindly say, when we do not know how much oil may be in these submerged lands or what the oil may be worth, "We give it to 3 or 4 States; those States can take it." It may be worth $5 billion, it may be worth $500 billion; no one knows. Depending upon the argument one may happen to be making, he may say on one day that it is worth less; on another day he may say it is worth a great deal more. That is human nature, I suppose. But the Senator from Florida has only pointed out that the court did not go into all the minor considerations, because the law is so clear. The court said there was no point in going into all the details. The point was clear to any lawyer who understood the principle of the joint resolution, and who understood the question of property claimed by a sovereign State belonging to the Federal Government.

Mr. President, let us not think arguments were not made about that. I am sure the Senator from Florida does not want the Senate to believe that the Attorneys General of the States of Florida, Texas, and Louisiana, and the representatives of other interests, did not make very vigorous arguments to the Justices of the Supreme Court, trying to persuade them to spend hours and days listening to testimony from the old folks, one of whom said, "Yes, I used to go out to fish and pick up a shell, now and then." The court simply held that to be immaterial, saying that the law was very clear.

The situation was very similar to the interposing of a demurrer, a well-recognized procedure, employed in many cases. When one goes to court to bring a lawsuit against another man, if he fails even to make a prima facie case, the defendant interposes a demurrer, and, if sustained, the case is thrown out of court. The decision stands, yet there was no evidence on it. The cases involved familiar legal principles, and, in effect, what the court did, apparently, from what the Senator from Florida has told the Senate, was something like sustaining a demurrer.

I hope the Senator from Florida will not think there is anything personal in what I am saying. I recognize that the Senator is very conscientious, though he gives me the impression that he thinks I am being personal in what I say. I have no personal feelings at all, in that sense. To me, what we are discussing is a constitutional question.

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

Mr. FULBRIGHT. I will yield in a moment.

The assets involved in this controversy belong to the United States. The Supreme Court has said so. The question for the Senate to decide is, "What shall we do with them? Shall we do anything? Shall we devote the revenues in question, as proposed under the Hill amendment, to educating the hundreds of thousands of illiterates in this country?" That is a matter with which I shall deal presently. "Or shall we give them to Texas, Florida, California, and Louisiana?"

It is all very well for the 3 or 4 States to want Congress to vest in them the rights that are involved. I do not criticize the Senator from Florida for taking that position. I think that is the position underlying the Anderson bill. If the Senator from Florida can point out that that is not the case, I shall be willing to propose an amendment to the Anderson bill, to do equity to anyone within the State of Florida or any other State who has invested money or who has changed his position to his detriment in reliance upon a belief that the rights in question belonged to him, and assuming he would therefore suffer a loss if the Anderson bill did not make suitable provision to protect him. In my opinion, the Anderson bill does so; therefore, I support it, with the Hill amendment. So I do not want the Senate simply to reject the claims of anyone without giving consideration to the equities. But I think the sponsors of the pending measure go far, far beyond what any reasonable person could call equity.

I now yield to the Senator from Florida. Does the Senator wish to make a statement or to ask a question?

Mr. HOLLAND. I shall ask a question, but I should like to make one short statement as a preliminary to asking the question.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Senator from Florida may be permitted to make a statement, without prejudice to my rights to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Florida is recognized for the purposes stated.

Mr. HOLLAND. First, Mr. President, I merely wish to say to my distinguished friend that I know perfectly well there is nothing personal in his position; and

nothing is further from my mind than to feel that such is the case. I suspect that if the distinguished Senator would really search his conscience a bit, he would find that it is the stirrings of conscience within him that have brought him to such a feeling, rather than anything which has been said by the Senator from Florida.

My question to the distinguished Senator is this: He has stated that he supports the Anderson bill and believes that it does equity. I am asking him whether it is not true that the Anderson bill does not permit the continued filling in of submerged coastal lands, and construction thereon, when such submerged lands are privately owned, but instead holds up the date to some indefinite time in the future when the hand of progress will again be released to permit further development along the 5,000 miles of our coastal States?

Mr. FULBRIGHT. Is that the question? Has the Senator finished?

Mr. HOLLAND. That is the question.

Mr. FULBRIGHT. As I recall, the Senator from Florida and the Senator from New Mexico had a very long discussion about this very matter about a week ago. I may be in error as to the details, but I believe it was stated by the Senator from New Mexico, who is my authority on this aspect of the problem—I accept his view of it—that in the case of filled land as to which there is opportunity in the future, he thinks he deals with it quite adequately in his bill. If I recall correctly, he stated he was quite willing to draft an amendment, if that really is a matter of substance to the Senator from Florida. With my lack of legal knowledge, I am unwilling to make a decision as to what is the effect of his bill.

I may say to the Senator from Florida that, within reasonable bounds, I think I somewhat understand his problem, since I have been in his very beautiful State. I think the problem is present in his State more than in any other State. I have no difficulty whatever in going along with the Senator in that respect, and I think I am also in accord with what the Senator from New Mexico said. I would say in general that the Anderson bill seeks to do equity. It seeks to protect all who, in reliance on a situation which they deemed settled in good faith, made expenditures under a misapprehension and misunderstanding. Certainly that is its clear objective. But, because of the peculiar circumstances in Florida, perhaps a further provision about making fills in tidelands, such as the fills which have been made off Miami, is warranted; and I would have no objection to it.

Let me make one other comment. The Senator from Florida says he is anxious to settle this question. I would say my best judgment is that, if the Anderson bill should be passed by the Senate and enacted into law, with an adjustment, if the Senator can make proper a case—and I think he might very well do so—that bill would be very much more likely to settle this matter satisfactorily than would the Holland measure. It is inevitable that the issue is going to be argued on constitutional grounds for a long while. The Senator already knows of the action of the State of Rhode Island. It was outlined in the Senate a few days ago. The Senator also knows, of course, the action of the legislature in my State, to which I shall refer in a moment, since I have the material. The Senator is causing me to get a little ahead of my prepared statement, but the legislature of my State took action only a short time ago in support of the Hill amendment and the Anderson bill. In other words, one may almost guarantee that there will be a thoroughgoing test of the constitutionality of legislation affecting this subject. My reason for saying that is that I know more and more people are going to feel that they have been treated unfairly in the taking away of this vast and unknown asset. Furthermore, if anything of great value should develop, as many people believe it will, the more bitterly are people going to contest it.

Let us assume that the submerged lands are developed, as many well informed people believe they will be, and money is to be poured out on this land at the rate of $5 billion a year. What are the people who do not yet understand its importance going to say if the Congress passes the measure? They will say just what a great many of them have said when they discovered what happened to the public lands of the West, when so much was given away there. They are not going to like it. They will feel exactly as the people of the country felt when they learned about the Teapot Dome situation. They did not like it. At the moment, they do not know much about the submerged lands issue. No one knows how much oil is in the offshore lands. The Senate is being asked to foreclose this matter for all time in the future. Why not take the Anderson bill, and then perhaps we can take a second look at the matter, explore it a little, and ascertain what the property is worth? I cannot see the emergency which would justify giving the property away irrevocably. I personally have the feeling that the Court would hold the law, if the Holland measure becomes law unconstitutional. But the Anderson bill meets the question the Senator asks about and settles a difficult question in order to assure progress. I do not think it would be settled at all by the passage of the Holland joint resolution.

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

Mr. FULBRIGHT. I yield for a question only.

Mr. HOLLAND. Do I correctly understand that the distinguished Senator is admitting that the Anderson bill, as drafted, does not furnish machinery by which private owners of coastal properties may continue to improve and develop their property by filling in the submerged areas?

Mr. FULBRIGHT. No; I do not admit that at all. I merely say that this matter was discussed with the Senator from New Mexico, who is the author of the bill.

Mr. HOLLAND. Then, do I correctly understand that the distinguished Senator is admitting that the Anderson bill as framed does not furnish machinery by which private owners of coastal properties can continue to improve and develop their property?

Mr. FULBRIGHT. No, I do not admit that at all. I merely say that the matter was discussed with the Senator from New Mexico [Mr. ANDERSON], and he felt that maybe there are special cases in Florida about which something ought to be done. I am neither admitting nor denying it. I do not think it has any bearing whatever on the position I am taking. I have already stated that there appeared before the committee persons who were familiar with special cases in Florida. I have no great objection to providing for such cases. No one, I think, is seriously objecting to the protection of the immediate coastline of Florida, the jetties, the sewage disposal systems, the piers, the filled islands, and so forth. The only ones I know anything about are those at Miami. I would not want to prevent the development of that type of construction, and I do not think anyone else would. If the Senator wants to make a point of it, very well, but I would not want to argue with him about it. I have paid no particular attention to it. I leave it to the Senator from New Mexico when it comes to the details of the question.

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

Mr. FULBRIGHT. I yield for a question only.

Mr. LEHMAN. I think the Senator from Arkansas will remember that the distinguished Senator from Florida made the statement that Florida has not had its day in court. That, of course, has been due to the fact that no case affecting Florida has been pending in the Supreme Court on this question.

But will the Senator from Arkansas not agree with me that the States of Texas, California, and Louisiana have had their day in court and that decisions have been handed down by the Supreme Court in three separate cases affirming the paramount control, ownership, and full dominion of the lands in the Federal Government? Is it not a fact that what is being attempted by the Holland joint resolution is to retry in the Senate of the United States cases in which the Supreme Court in three well thought out decisions has decided in favor of the Federal Government?

Mr. FULBRIGHT. The Senator from New York is absolutely correct. Of course Florida has not taken its case to court—because it knows very well what the answer would be. There have been three cases, all on practically the same question, and I think the same reasoning was followed by the Court in each of them. As the Senator from Florida has pointed out, the decisions are so clear that Florida did not even bother to go into little details about piers. They do not want to waste the time of their employees or of themselves. They said, "This is the law; this is the way it is."

What I want to reemphasize is that what is wrong with the theory of the sponsors of the proposed legislation is that they insist it is a restoration of something they had, when the Court has stated clearly that that is not the fact.

Apparently, some members of the press have made a special study of the question and understand the issue, but the Washington Star, as late as last evening, was still laboring under a misap-

prehension of the significance of the matter. The issue is whether we shall give to the States something which in the past has belonged to the people of the whole United States.

If newspapers will present the question in the proper light, the people of the country can understand it. I do not blame persons who read newspapers, when they pick up a reputable newspaper such as the Washington Star, for thinking that if they read it in the Star it must be so, and that certain people are being deprived of their property. The Court said they never owned the property.

Mr. GORE. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield.

Mr. GORE. Has not the Senator from Arkansas had experiences similar to my own, of having people question him about this problem, not only in the light of restoring or of returning lands, but of restoring and returning tidelands?

Mr. FULBRIGHT. That is perfectly true. There are many other sources of confusion. That is one of the worst ones. When they started out—when I say "they," I do not mean the present Members of the Senate; I think it was the Association of Attorneys General—they confused the people by using the term "tidelands." It is agreed by both sides that tidelands are not involved at all. That illustrates the power of words, to which I referred in the beginning, such as the way in which the Russians have corrupted our language. Those of use who know better will, in spite of it, use the expression "tidelands," when we know that is an incorrect designation. But the propaganda has been so strong and continuous that even the best students of the question will find themselves saying "tidelands."

PUBLIC LANDS CONGRESSIONAL POLICY OVER THE YEARS

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

Mr. FULBRIGHT. I yield.

Mr. MALONE. The Supreme Court ruled that the seabottom lands off the shore of California did not belong to California, and the general interpretation of the language—paramount rights, the highest title—is that they are public lands belonging to the Federal Government.

STATES RIGHTS

The State of Nevada has approximately 65 million acres of public lands, and there is no question that a bill could be introduced to give the 65 million acres to Nevada and the Congress of the United States could pass it and if the President signed it the State would own the lands.

There is no question that, if we pass the proposed legislation, Senate Joint Resolution 13, that the seabottom lands can be given to California. However, it cannot be said that there are State rights involved.

Mr. FULBRIGHT. The Senator is correct. This is not a States rights matter at all from the point of view of the proponents of the joint resolution. I would make only one reservation: I think there is some question as to whether the Federal Government, as trustee for the people of the United States under the Constitution, can give away the substantive assets or possessions of the people without consideration, without there being some reasonable public purpose served. We cannot make a deed and give it to the State of Nevada for no reason at all. In the past there have been grants of public lands, but there was some reasonable connection with some public service. I cannot see any public service to be served by giving away these great assets to States.

Mr. MALONE. Mr. President, will the Senator from Arkansas yield for another question?

Mr. FULBRIGHT. I yield.

SETTLED POLICY—TRANSFER PUBLIC LANDS TO ACTUAL USERS ON TAX ROLLS

Mr. MALONE. Perhaps the Senator remembers, if he has read the history of public lands legislation in the United States from the time of the Preemption Act of 1841, and then later the Homestead Act, that it became the settled policy to hold in trust the public lands for the States until there could be some way worked out through Federal legislation to put the lands into the hands of the actual users and on the tax rolls in amounts that would support a family.

It will be remembered that the Homestead Act provided for a $16 filing fee for a homesteader to settle upon 160 acres, and all the lands in Iowa and the other corn and wheat lands west were transferred to the individuals and to tax rolls for living on such lands and doing the specified development work each year. In the desert areas, in eastern Colorado, western Kansas and Nevada, it later became the slogan that the Government was betting 160 acres against $16 that the settler could not make it. And where water was too scarce, the Government soon was winning most of the bets.

Would it not be a good idea to review the whole public land question and see if there is not some way of ultimately putting the public lands into private ownership, into the hands of the actual users of the lands and on the tax rolls? It requires an average of 140 acres, on the average, to run a cow unit 1 year in my State of Nevada. That is about as far as a cow can walk in a day and get enough to eat. So I am not referring to sections or quarter sections of land, but to townships for enough land to support a family and 250 head of cattle or a band of sheep. Therefore, would it not be a good idea to take up the whole question of public lands to see if we could not put them all on the tax rolls through individuals, just as has been done throughout the middle West and the tillable irrigated land in the Western States?

Mr. FULBRIGHT. If the pending joint resolution, which proposes to give away submerged lands off the coast, should be passed, I see no reasonable prospect of our preventing the giving away of all public lands to any group of interests which chooses to come to Congress and ask for them. I see no logical distinction, so I anticipate that there will come a time when private interests will get the land.

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

Mr. FULBRIGHT. I yield for a question.

Mr. MALONE. Then the Senator knows that we gave away farmland, under the 160-acre Homestead Act, for a $16 filing fee?

Mr. FULBRIGHT. I know that a great deal of it was given away in the early days in an effort to develop the country.

Mr. MALONE. In order to develop taxable property and national income. The State of Nevada is one of the larger States, the sixth largest in size in the Union, and has the most public lands. Not to exceed 3 percent of our land is under intensive cultivation. The remainder is comprised of wide areas of grazing land, where an area the size of a township or two townships is required for a band of sheep. Would it not be more logical to try to work out some way of putting the land in the hands of the people who actually use it, and get the land on the tax rolls? Then the amount of taxable property would be increased, and people would improve what is now public land.

In 1934, Mr. Ickes, the Secretary of the Interior, who was in office for several years, changed the policy. He suddenly discovered that the Government owned about three-quarters of a million acres of public land in the western United States. He did not stop to think that it was public land simply because it was so poor that no Federal law had been devised for its transfer to private uses.

So, under the Ickes policy—the Taylor Grazing Act—the livestock growers became permanent tenants on the public land. That was the land which the Government leased to the settlers to use, but holding in perpetuity the land in Federal ownership. In other words, Mr. Ickes' recommendation changed the congressional policy from one of holding lands in trust for the States until it could be placed on the tax rolls.

Under the changed policy, 85 percent of the area of the State of Nevada remained under Government ownership in perpetuity administered from Washington, D. C.

Mr. FULBRIGHT. Certainly I think that matter should have the consideration of Congress. Frankly, I am not sufficiently aware of the situation. I do not know whether any minerals are in the land, whether the land is a part of a reserve, whether it is a basin for flood control, whether there are any forests on it. All those questions should be considered. If there is a reasonable chance for people to make a living on the land, and a farmer could operate it, that would be consistent with the original Homestead Act.

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

Mr. FULBRIGHT. I yield for a question.

Mr. MALONE. For 50 or 75 years, depending on the time when it was first settled in the early days, livestock growers have used whatever water there happened to be in the streams and springs for headquarter ranches. When the

ranches are too far from town to transport to town whatever is produced on the land, the only market for the produce is through the livestock.

The only way in which feed from these areas can be utilized is through the livestock. So owners of the livestock units worked out the use of the range themselves on the basis of customary use. There are three parts to a livestock unit: the feed producing ranch; the water rights for irrigation and stock watering; and the use of the range making up a balanced outfit—running a certain number of livestock.

In 1934 the Government took over supervision and administration of all of the range—public lands. It announced a policy of Government ownership in perpetuity, making permanent tenants out of the people who had always looked forward to the right to the use of the lands and obtaining ownership of the land whenever a Federal act should be passed providing that they could obtain it in such family-size allotments. The Government changed the policy so that the Government controls the range part of the three-part unit and any one who controls one part of a unit controls the whole unit.

They control it in that they can always raise the price for use of the range and can always cut down the carrying capacity. When that is done without cutting the investment, they ruin or irreparably injure the livestock owner.

I should like to ask the distinguished Senator from Arkansas, whom I have always found to be fair, whether, if we are going to set a precedent by giving away public lands to 1 State, 2 States, or 3 States, we should not treat all States alike?

I have an amendment which, if agreed to, would transfer the mineral rights of public-land States to the public-land States, and treat all public-land States alike.

My amendment has been printed and I shall present it at the proper time, and debate it.

Mr. FULBRIGHT. The Senator is entirely logical. I see no real answer to such a situation as he suggests other than to give the public lands in the Senator's State to his State, if the pending joint resolution shall be passed. The Senator has said he would introduce a bill to return to the States all mineral rights within the public lands.

Mr. MALONE. Yes, on all the public lands.

Mr. FULBRIGHT. Of course, the Senator well knows I am opposed to the Holland joint resolution. But it would seem to me that those who favor it and support it would have to favor the Senator's bill.

I wish to be very careful not to violate the rules. In view of the fact that the majority leader is present, perhaps I should ask unanimous consent that the Senator from Nevada [Mr. MALONE] might be permitted to make a statement, if he wishes to do so, without prejudicing my rights to the floor.

The PRESIDING OFFICER (Mr. MARTIN in the chair). Is there objection to the Senator from Nevada making a statement on the issue before the Senate, provided the Senator from Arkansas does not lose his right to the floor? The Chair hears none, and the Senator from Nevada may proceed.

Mr. MALONE. Mr. President, I certainly would not wish to jeopardize the floor rights of the Senator from Arkansas. I simply wish to say that I myself am opposed to the joint resolution in its present form. It seems to me the question is one of disposal of public lands.

Some Senators have raised the point that since the States in question have claimed these lands for a considerable time, they really own them. The Supreme Court said however that the States did not own them—of course they had never owned them—and it would require an act of Congress to give the lands to the States. The Supreme Court said that the land did not belong to the State of California. I am not debating the question with respect to Texas because Texas did come into the Union under a somewhat different category as regards public lands.

However, when there is an attempt to dispose of public lands, I myself feel that a way must be found to treat all of the public-land States alike. All the lands in the States, except the national parks, the forest reserves, game preserves, and other areas which are reserved for special public purposes should eventually be privately owned.

I see no reason for changing the principle that has been adhered to by Congress for 140 years, and that is providing Federal legislation providing for families to obtain enough land to support themselves for a nominal filing fee. However, if we are going to debate the disposal of public lands, then let us debate a public lands bill applicable to all public-land States. I have an amendment printed and lying on the desk which would do just that.

Mr. FULBRIGHT. I believe the Senator is absolutely justified in taking the position that the States ought to be treated alike. The Senator's opposition to the pending joint resolution, the same as my opposition, is on the basis of the view that all States ought to be treated alike.

Mr. MALONE. I thank the Senator from Arkansas.

Mr. FULBRIGHT. I appreciate the contribution the Senator from Nevada has made. His basic theory is in exact accord with my own, that there is no room for favoritism in dealing with the three States in question. There is no justification whatsoever.

As I was saying a moment ago, Mr. President, this erroneous belief on the part of newspapers like the Washington Evening Star is a clear indication of the need for further debate on this issue. When a newspaper of the standing and reputation of the Washington Evening Star refers to this measure as a measure to return the oil-rich submerged coastal lands to the States, it is obvious that the real issues involved in this giveaway legislation are not fully comprehended either by the public at large or by newspaper reporters and editors, whose business it is to inform the public on such matters. This serves to illustrate the truth of the statement made by Woodrow Wilson in his great work entitled "Constitutional Government in the United States," when he said:

> Indeed, the Senate is, par excellence, the chamber of debate and of individual privilege. Its discussions are often enough unprofitable, or too often marred by personal feeling and by exhibitions of private interests which taint its reputation and render the country uneasy and suspicious; but they are at least the only means the country has of clarifying public business for public comprehension.

I ask unanimous consent that the article to which I have referred be printed in the RECORD at this point as a part of my remarks, for the information of the Senate.

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

NEW MOVE TO LIMIT SENATE DEBATE ON TIDELANDS BLOCKED

Opponents of a bill to return oil-rich submerged coastal lands to the States blocked another attempt to limit debate on the measure in the Senate today.

This left administration leaders with no alternative but to apply the pressure of day and night sessions all this week.

Even this offered no assurance the bill can be passed this week. Senator KEFAUVER, Democrat, of Tennessee, who is prepared to hold the floor today for the opposition, estimated the debate would go 2 more weeks. The discussion is now nearing the end of the third week.

Acting Majority Leader KNOWLAND proposed today that debate be limited, starting Wednesday, but Senator HILL, Democrat, of Alabama, said he would have to object because a number of Senators are still waiting to explain their opposition.

The current battle of parliamentary wits has one new twist. It finds the teams reversed from the lineup that usually prevails in these battles over Senate rules.

Opponents of the tidelands bill, who say they must speak at length to make the country see what is wrong with the measure, are led by Senators who have done most in recent years to tighten the rules against filibustering.

The group supporting the tidelands bill includes southern Senators who have been on the talking end of most filibusters in recent years over civil-rights legislation. The southerners are not unanimous on this issue, however.

Mr. FULBRIGHT. Mr. President, for the record, I wish to state what my position has been on this legislation since I have been a Member of the Senate.

This issue first came up for a vote in the Senate on July 22, 1946. I was at that time a member of the Senate Committee on the Judiciary, and as such I had an opportunity to study the issues involved. On October 19, 1945, the Attorney General of the United States had filed a motion for leave to file a complaint against the State of California in the Supreme Court of the United States. Therefore the issue was pending in the Supreme Court at the time when the Congress was considering legislation to divest the Federal Government of its rights and interests in the property. I took the position then that the issue was one of law which should be decided by the Supreme Court, and that has been my position ever since. In other words, I did not believe that the Congress should usurp the functions of the Supreme Court by attempting to decide the legal issue involved in the question of ownership of property. Having taken

this position at that time, it would be obviously inconsistent and illogical for me to say now that the Supreme Court has decided the issue that the Congress should overrule the Court.

I ask unanimous consent that there may be inserted in the RECORD at this point the record of the vote on the passage of House Joint Resolution 225; CONGRESSIONAL RECORD, volume 92, part 8, pages 9641 and 9642.

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

Yeas, 44: Andrews, Ball, Bilbo, Brooks, Buck, Burch, Byrd, Capehart, Capper, Connally, Cordon, Downey, Eastland, George, Gerry, Gurney, Hawkes, Hoey, Knowland, McCarran, Maybank, Millikin, Moore, O'Daniel, Overton, Pepper, Radcliffe, Reed, Revercomb, Robertson; Shipstead, Smith, Stanfill, Swift, Taft, Thomas of Oklahoma, Vandenberg, Walsh, Wherry, White, Wiley, Willis, Wilson, Young.

Nays, 34: Aiken, Barkley, Brewster, Carville, Chavez, Donnell, Ferguson, Fulbright, Green, Guffey, Hart, Hayden, Hill, Huffman, Johnson of Colorado, La Follette, Langer, Lucas, McClellan, McKellar, McMahon, Magnuson, Mead, Mitchell, Morse, Murdock, Murray, Myers, Russell, Taylor, Thomas of Utah, Tobey, Tunnell, Wagner.

Not voting, 18: Austin, Bailey, Bridges, Briggs, Bushfield, Butler, Ellender, Gossett, Hatch, Hickenlooper, Johnston of South Carolina, Kilgore, McFarland, O'Mahoney, Saltonstall, Stewart, Tydings, Wheeler.

Mr. FULBRIGHT. The senior Senator from Oregon [Mr. CORDON], who was chairman of the subcommittee which considered this legislation, opened this debate on April 1, 1953.

The Senator, in my opinion, set the proper tone for the debate when he made the following statement, appearing on page 2615 of the CONGRESSIONAL RECORD. I quote him as follows:

I desire to suggest that the proper approach to the proposed legislation is to have in mind that in our system of government there are three coequal and wholly separate departments. One department deals wholly with the interpretation and determination of laws. Another department, of which the United States Senate is a part, deals with the making of laws. When equities arise as between the United States and its citizens or member States, the equities as such are not determinable by any court. When a court decides a question with respect to the United States Government, it can only enunciate what it conceives to be and declares to be the law. When our courts determine matters between citizens, they may then go into the field of equity. The courts then are clothed with the chancellor's conscience. But that is not an attribute of a court when one of the parties before it is the United States of America.

So, when the Supreme Court had before it a case involving rights to submerged lands, while it recognized the equities and recognized also the vast expenditures, it could do nothing about them, but could only enunciate what it took to be the law, and then do as it did, namely, suggest that, so far as equities were concerned, they could be handled by the Congress of the United States. Congress now, in Senate Joint Resolution No. 13, has an opportunity to deal with the equities. That is the position which the senior Senator from Oregon takes on the basic proposition involved in the proposed legislation.

I agree with the senior Senator from Oregon that the proper function of Congress in dealing with this matter is one of equity. In other words, we should provide protection for those interests which arose under the belief that the resources involved belonged to the States, and we should protect the States themselves against inequities arising from the Supreme Court decisions, in instances in which the States, in good faith, have expended money in the development of programs for administering certain activities and interests in the lands involved.

This is exactly the point which the Senator from Florida [Mr. HOLLAND] made. I go along with that principle, but I submit—and I shall reiterate in the course of my discussion—that the Holland joint resolution goes far beyond the equities. It has no relation to the equities, as I understand the word "equities." As I understand the legal situation, if some one is acting in good faith, without negligence, with some good conscience excuse, under circumstances in which, had he known the legal situation, he would not have done a certain thing which a law-abiding citizen would not do, and his situation is changed, the equities should be considered.

The fact of the matter is that, to a very great extent, as I understand, particularly with respect to Texas, Texas did not make leases and collect very large amounts of royalties until the Court had already decided the California case. Not only does Texas not come in with clean hands, but it flies in the face of the Court's decision. It defies the Court in a very real sense. It is true that Texas was not technically a legal party to the California case, but any reasonable person would have known that the principles involved in the California case were very likely to apply to other States. That is not a case involving equities.

There is another principle involved which the Senator from Florida understands very well, and that is that when one is seeking equity he must do equity. He also knows that Texas and Louisiana have, in effect, practically ignored the decision so far as their own conduct is concerned. So there is a great deal of room for argument as to what is equity.

I am unable to see that Congress meets the test set down by the Senator from Oregon by simply giving to a few States all its rights and interests in the land involved. There is no reasonable connection between the case made for equity and the remedy asked in the Holland joint resolution.

I think the Anderson bill fully meets the test of equity. For the record I wish to outline very briefly the main provisions of the Anderson bill.

I hasten, of course, to accept the possible criticism. I am unwilling to admit or deny its validity. The Anderson bill may not be perfect. It may be lacking in some details. Although it covers filled lands which have already been filled, it might make provision in certain very unusual cases, such as the situation in Miami, between Miami Beach and Miami, and in Palm Beach, where there are reefs, and so forth. I am perfectly willing to agree that the Anderson bill is not perfect. No bill is. It is only reasonable to suppose, if we accept the Anderson bill, and even if we accept certain amendments offered by the Senator from Florida, that undoubtedly some additional amendments may well be warranted next year. That is the course of all legislation. It is never perfect. All I say is that the approach of the Anderson bill is correct. It seeks to establish a reasonable relationship between the injuries which have been alleged and which give rise to the need for equitable treatment. It seeks to achieve that purpose. The theory of the bill is correct.

In the first place, the Anderson bill dispels completely the unwarranted fears that the Federal Government is threatening to encroach on the rivers, lakes, harbors, ports, and beaches. I believe there is no ground for such a fear, but it has been asserted by those who are sponsoring the joint resolution. Since the idea is abroad, in order to fully quiet those unwarranted fears, the Anderson bill takes care of that situation.

The Anderson bill reasserts the fact that the States have unquestioned title to lands beneath inland navigable waters and to what are truly the tidelands—that is the lands covered and uncovered by the tides.

The Anderson bill confirms State, municipal, or individual control of docks, piers, wharves, jetties, and other structures which have been built on submerged lands, and it also confirms State rights to existing or future filled-in and reclaimed lands where such work is for public purposes—such as the waterfront beach developments in several States.

I assume it is in that particular area in which the Senator from Florida [Mr. HOLLAND] thinks there should be some further amendment relating to private filled-in land. As I say, I would have no difficulty accepting an amendment if a reasonable case for it is made. In Florida I think there is a situation which we find in very few other States.

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

Mr. FULBRIGHT. I yield for a question.

Mr. HOLLAND. Does not the same situation which the Senator from Arkansas has so graciously stated exists in Florida, and which does require a badly needed affirmative provision in the Anderson bill, so that the filling in and development of submerged lands may go ahead, also obtain in Massachusetts, Long Island, Staten Island, on the shore of New Jersey, on the shore of Texas, at Los Angeles and Long Beach, and in many other places on the 5,000-mile coastal perimeter of the United States?

Mr. FULBRIGHT. I would not want to question the Senator's statement. All I say is I am not familiar with the situation. I am not familiar with those areas. I have been in the Senator's State of Florida. I have often envied him the beauty of the topography along the beaches there, and the rather odd arrangement of little inland lakes between the beach and the city of Miami.

I say that it is a very easy matter for me, as one member of the opposition, to accept an amendment which would take care of the Florida situation and by means of slight changes, could be made applicable to other States as well. I do

not see that there would be any difficulty about it. I do not think it is a matter of any real significance, from my point of view. Of course, I understand it is significant to the individuals in the State concerned, and I have no question about doing equity in such cases. However, it does not concern the main objection to the joint resolution. I have no doubt that if we looked over the Anderson bill, one or two things in it could be changed, and I am sure the Senator from New Mexico would agree to them. It is the nature of a bill that it never reaches a state of perfection. Usually amendments become necessary because of the acquisition of new knowledge. Unfortunately none of us has perfect wisdom and knows all the facts. Of course, I do not want to speak for the Senator from New Mexico——

Mr. ANDERSON. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. ANDERSON. Is the Senator from Arkansas familiar with the executive hearings on the joint resolution, which have been published and which show that the Committee on Interior and Insular Affairs had to choose between two bills on which it would work, and that it chose Senate Joint Resolution 13 for perfecting purposes. The record will show that page after page of the joint resolution has been changed. A vote to consider Senate bill 107 was unfavorable, which may account for the fact that there may be minor imperfections to be found on it.

Mr. FULBRIGHT. Mr. President, I will say to the Senator from Florida that I heard the discussion the other day. I forget now whether I read it or heard it. However, I recall that there was a discussion on this point with the Senator from New Mexico. I am more than willing to accept his position on it. I am sure that the whole spirit of the Anderson bill is to do equity to people who have any claim at all. That is an important feature of his bill, and what the Senator is saying in no way is inconsistent with the whole spirit and purpose of the Anderson bill.

The Anderson bill gives the States the unquestioned right to regulate and develop fishing industries, and the taking of oysters, sponges, kelp, and so forth, within the seaward boundaries of the States.

The Anderson bill protects lease holders who acquired their leases from the States.

The Anderson bill gives what I believe to be a very generous share of the revenues from oil and gas operations within the State boundaries—37½ percent of the revenues.

In short, I believe that the Anderson bill fully meets the test laid down by the Senator from Oregon, when he said that Congress now has an opportunity to deal with the equities.

As I said before, there is no reasonable relation between the equity in which the Holland bill seeks to do and the damage or injury to the States which has resulted from the decisions of the Supreme Court, if any.

Over the years throughout this controversy a great deal has been said about the supposed threat to the State's rights to lands beneath the inland waters.

I have never believed that the Supreme Court decisions constituted such a threat; and, as a matter of fact, I think a very good case can be made that these decisions clarify even more the fact of State ownership.

As I have stated, the Anderson bill, in order to prevent there being any question about it, will settle the matter by action of Congress.

In the California case, the Court announced again that the States are possessed of ownership of lands under inland navigable waters, such as rivers, harbors, and even tidelands down to the low-water mark.

At any rate, notwithstanding the continuing assertions that the Supreme Court decisions do constitute threats to the States' titles to inland navigable waters, the people of Arkansas, in my opinion, have never been aroused by this so-called threat despite the fact that the State has many thousands of miles of navigable streams. It is frequently said, and I have not heard it disputed, that the State of Arkansas has more miles of navigable streams than any other State in the Union.

This year the General Assembly of the State of Arkansas adopted a resolution calling upon the Congress of the United States to enact legislation providing that revenue accruing to the United States Government from the production of oil in the offshore lands be apportioned to the States for aid to schools. In other words, the people of my State, through their State representatives, are calling upon the Congress to enact the Hill amendment, as I interpret this resolution.

This resolution, senate concurrent resolution No. 10 of 1953, introduced by State Senator Garner, of Fort Smith, an old friend of mine, was adopted by the State senate on February 24, 1953; by the house of representatives on February 26, 1953; and was approved by the Governor on March 11, 1953. It reads as follows:

Whereas the United States Supreme Court has ruled that offshore oil deposits, also known as tideland—

Even here there is a recurrence of the word "tidelands"—

oil deposits, belong to all the people of the United States; and

Whereas in recent years the cost of building, maintaining, and operating schools has increased to an extent rendering it extremely difficult for State and local taxing units to provide adequate facilities for the growing number of children of school age: Therefore be it

Resolved, That the Senate of the General Assembly of the State of Arkansas, the House of Representatives concurring therein, urgently requests of the Congress of the United States that legislation be enacted providing that revenue accruing to the United States Government from the production of offshore or tideland oil be apportioned to the several States for aid to schools on a per capita basis; and be it further

Resolved, That a copy of this senate concurrent resolution be forwarded to each member of the Arkansas delegation in the Congress of the United States.

For the purpose of emphasizing the fact that the States do not own or control these lands, I wish to call attention to the order, judgment, and decree of the Supreme Court in the case of the United States against California. At 332d United States Reports, at page 805, the following appears:

And for the purpose of carrying into effect the conclusions of this Court, as stated in its opinion announced June 23, 1947, it is ordered, adjudged, and decreed as follows:

1. The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over the lands, minerals, and other things underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California, and outside of the inland waters, extending seaward 3 nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California.

The State of California has no title thereto or property interest therein.

2. The United States is entitled to the injunctive relief prayed for in the complaint.

Mr. GORE. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. I did not quite understand the citation of the decision from which the Senator from Arkansas is reading. Is he reading from the decision in the Texas case?

Mr. FULBRIGHT. No; I have been reading from the decision in the California case. The citation is 332d United States Reports, page 805. During the debate, so much has been said by the proponents of the joint resolution about the opinion of the Supreme Court, as distinguished from its decision and its decree, that I believe it is well worth while that these decisions and decrees be read into the RECORD.

The decree in the Louisiana case appears in 340th United States Reports, at page 939, as follows:

For the purpose of carrying into effect the conclusions of this Court as stated in its opinion announced June 5, 1950 (339 U. S. 699, 70 S. Ct. 914), it is ordered, adjudged, and decreed as follows:

1. The United States is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico, lying seaward of the ordinary low water mark on the coast of Louisiana, and outside of the inland waters, extending seaward 27 marine miles and bounded on the east and west, respectively, by the eastern and western boundaries of the State of Louisiana.

The State of Louisiana has no title thereto or property interests therein.

2. The State of Louisiana, its privies, assigns, lessees, and other persons claiming under it, are hereby enjoined from carrying on any activities upon or in the submerged area described in paragraph 1 hereof, for the purpose of taking or removing therefrom any petroleum, gas, or other valuable mineral products, except under authorization first obtained from the United States. On appropriate showing, the United States may obtain the injunctive relief prayed for in the complaint.

3. The United States is entitled to a true, full, and accurate accounting from the State of Louisiana of all or any part of the sums of money derived by the State from the area described in paragraph 1 hereof subsequent to June 5, 1950, which are properly owing

to the United States under the opinion entered in this case on June 5, 1950, this decree, and the applicable principles of law.

The order, judgment, and decree in the case of United States against Texas follow the language of those in the Louisiana case, except, of course, in the description of the geographical area. The decree in the Texas case states, in paragraph 1, that the State of Texas has no title or property interest in the area involved in this debate.

Mr. President, it seems to me that, beyond the slightest shadow of doubt, the question of who owns the submerged lands off our coastline has been settled positively and definitely. Certainly the States do not have any property rights therein. Congress has no legal, constitutional authority to set aside a decision of the Supreme Court. It is indeed radical and revolutionary to maintain that Congress can reverse or set aside a decision of our Supreme Court. I am repeatedly astonished that some of my friends who pride themeselves upon their conservatism and upon their devotion to the Constitution are willing to suggest that such a theory is acceptable. Certainly we should not, for the sake of some short-term advantage, disturb one of the fundamental concepts of our constitutional system of government and our constitutional law.

A little earlier in this debate I referred to an article, as published in the Washington Star, in which the pending joint resolution was referred to as one to restore to the States their property. A few days ago I noticed that the United States Chamber of Commerce, in discussing the submerged lands and the oil situation, said that those lands belong to the States, and that the measure now before us is simply one to recognize the ownership of these submerged lands by the States. It is amazing to me that this highly respectable and conservative organization, which I am sure is regarded by its members as a law-abiding one, would adopt the revolutionary theory that the decisions of the Supreme Court are of no concern or validity. That organization simply brushes off those decisions as if they had no standing in our governmental processes. That is an amazing theory, and I can hardly get used to it. Of course, that theory materially confuses the issue that is before us.

Mr. MORSE. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield.

Mr. MORSE. Does the Senator from Arkansas agree with me that the attempt in this measure to reverse a series of decisions by the United States Supreme Court really threatens the doctrine of the separation of powers under our Constitution?

Mr. FULBRIGHT. Of course, that is true. I can see very little difference between the procedure here proposed and the procedure previously attempted, when an attempt was made very directly to "pack" the Supreme Court. Many persons who represent the conservative approach and the conservative elements—and I was one of them, although I was not then a member of this body—objected to the effort made at that time to "pack" the Supreme Court.

However, the same result, in net effect, is proposed at this time, when the position that these areas still belong to the States is taken.

Mr. MORSE. Mr. President, will the Senator from Arkansas yield for another question?

Mr. FULBRIGHT. I yield.

Mr. MORSE. Does the Senator from Arkansas agree that when the founding fathers drew up the Constitution, they designed and devised the Supreme Court to be the last court of resort and decision for the determination of the legal rights of the citizens of the United States and of the legal rights of the States, under the Constitution?

Mr. FULBRIGHT. The Senator from Oregon, who is a very able and distinguished lawyer, is entirely correct. That is one of the most valuable and one of the most important aspects of our entire system of government.

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

Mr. FULBRIGHT. I yield to the Senator from Oregon for a question.

Mr. MORSE. Does the Senator agree that there is no escaping the fact that one of the results of the pending measure—whether intended or not is immaterial—is to make the Congress of the United States a super Supreme Court instead of recognizing that the Congress of the United States is a coordinate equal branch of our Federal system?

Mr. FULBRIGHT. The Senator is entirely correct, especially in view of the circumstance that the advocates of the pending measure have been so eager to win in this battle that they have convinced many people that the properties involved still belong to the States; in other words, that the Court was wrong. That is what we are deciding. They have adopted an erroneous theory even of their own case. We discussed that a moment ago. The Senator has expressed it extremely well. He is entirely correct.

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

Mr. FULBRIGHT. I yield for a question.

Mr. MORSE. The Senator does not object, does he, to the Senator from Oregon asking a series of questions which have the effect of reiterating and reemphasizing the important legal point which I think the American people ought to be led to understand?

Mr. FULBRIGHT. I not only do not object; I welcome the opportunity to highlight this matter. The Senator from Oregon is very articulate. He is able to express an opinion in a way that very few people are. And what is absolutely necessary here is that such organs of communication as our great newspapers and the members of the press must realize just what is involved. So I welcome the Senator's questions on this point. I think this the most important question in the entire matter.

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

Mr. FULBRIGHT. I yield for a question.

Mr. MORSE. Does the Senator from Arkansas agree with the junior Senator from Oregon that it was not within the contemplation of the Founding Fathers that a decision of the Supreme Court, if it should be proved in the light of history and experience to be an erroneous decision, should not be a decision of finality, but that the way to change such a decision was in the courtroom, in a new case, or by a review of an old case on the basis of new legal argument presented to the Court, calling upon the Court to reverse itself, rather than make the floors of the Congress of the United States a political courtroom for a political reversal of the Supreme Court?

Mr. FULBRIGHT. The Senator is entirely correct. I do not think it would be possible to have a suitable system of private enterprise, such as has been developed in this country, if there were no trust in the decisions of the court. The people would not be willing to invest huge fortunes in private property, if they could not trust their titles, for example. So what I mean is that we have been able to generate considerable trust in the stability of our legal system. What is now urged is a revolutionary doctrine. The result will be to begin to cast doubt upon the finality of decisions rendered by the Supreme Court. The people should understand that here, merely because we have had an election in which certain promises were made, an effort is underway to reverse the decisions of the Supreme Court. What about the next election? From now on, this body would be the one to reverse the Supreme Court, according to the political wants of the people. That is a very revolutionary doctrine, in my opinion.

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

Mr. FULBRIGHT. I yield to the Senator from Oregon, for a question.

Mr. MORSE. Does the Senator from Arkansas agree that, if we accept the revolutionary doctrine which he has mentioned—and I agree it is a revolutionary doctrine—and it should be persisted in, it will have the effect of subordinating the Supreme Court of the United States to election results, a thing which was never intended by the fathers of the Constitution?

Mr. FULBRIGHT. The Senator is entirely correct. I do not see any way, really, in good conscience, to dispute that.

Mr. MORSE. Mr. President, will the Senator yield for one further question?

Mr. FULBRIGHT. I may merely add, I think the Founding Fathers did everything they could think of to avoid that very result. I yield to the Senator from Oregon for a question.

Mr. MORSE. Does the Senator from Arkansas agree with me, in view of the last comment he made, with which I find myself in complete agreement, that the constitutional fathers in creating our governmental system divided the power among three coordinate and equal branches of government, one of which was the judiciary, in order to have a Supreme Court which would be in a position to determine the law impartially, irrespective of waves of political hysteria that might sweep the country, such as happened last November?

Mr. FULBRIGHT. The Senator is entirely correct. All the provisions about tenure of members of the Court,

their pay, and their method of selection, were designed to insulate the justices from election returns.

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

Mr. FULBRIGHT. I yield for a question.

Mr. MORSE. Does the Senator from Arkansas agree with the junior Senator from Oregon that, if the supporters of the pending measure really want to get before the Supreme Court the issue as to title to the lands in question, it will not be at all difficult for them, from the standpoint of legal procedure, for, on the basis of a new set of operative facts which they could present in a new case, they could get the issue before the Court again, if they feel that they did not have it before the Court in the proper perspective on three occasions when it was previously before the Court?

Mr. FULBRIGHT. I have not looked into it, but I cannot believe that the State of Florida, whose position has been made so clear and which has been so vigorously and powerfully stated by the senior Senator from Florida, would be unable to get its case tested in the Supreme Court. I cannot imagine why that could not be done very quickly. But I understand they do not desire that it be decided.

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

The PRESIDING OFFICER (Mr. KUCHEL in the chair). Does the Senator from Arkansas yield to the Senator from Oklahoma?

Mr. FULBRIGHT. I yield to the Senator from Oklahoma for a question.

Mr. MONRONEY. I think a very important point which the Senator made has to do with the question of a new pattern in our Government, a pattern of being able to overturn the decisions of the Supreme Court through legislation. It is true, is it not, that the Supreme Court can overturn a decision of the Congress, but that it must do that by measuring it by the yardstick of the Constitution?

Mr. FULBRIGHT. That is correct.

Mr. MONRONEY. Is it not a fact, then, that thus our constitutional division of powers is safeguarded?

Mr. FULBRIGHT. The Senator is entirely correct. The only basis upon which the Supreme Court could invalidate an act of Congress would be on the ground that in their judgment the act of Congress contravened and was violative of the Constitution itself.

Mr. MONRONEY. Is it not true that an act of Congress can be voided only if it is in conflict with the Constitution, and with the Court's interpretation of the Constitution?

Mr. FULBRIGHT. That is my opinion.

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

Mr. FULBRIGHT. I yield to the Senator from Oklahoma for a further question.

Mr. MONRONEY. I ask the distinguished Senator from Arkansas whether, under the new pattern which seems to be set up, we are not adopting a policy of overturning the Supreme Court, with nothing more definite than a vague set of election promises and the assumed result of an election, because something was said in the election campaign about giving away the tidelands.

Mr. FULBRIGHT. That is the way it appears to the Senator from Arkansas, I may say to the Senator from Oklahoma.

Mr. MONRONEY. Is it not the most vague and transitory and impossible standard of measurement for overturning one coordinate branch of the Government by another body, that the Senator from Arkansas can possibly imagine?

Mr. FULBRIGHT. I think the Senator is entirely correct, it is not only vague in the sense in which he uses it, but it is also vague in respect to the promises which may have been made.

Mr. MONRONEY. I thank the Senator.

Mr. FULBRIGHT. I think the Senator from Oklahoma is entirely correct in his position, and I appreciate his contribution.

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

Mr. FULBRIGHT. I yield to the Senator from Tennessee for a question.

Mr. GORE. Is the Senator from Arkansas aware of the fact that it is said repeatedly that the issue now pending before the Senate was settled by the election on November 4 last year? If the Senator is aware of that, does he agree with the junior Senator from Tennessee that there were many issues before the American people upon which a decision was reached, and that the issue now pending played only a minor part in the national sweep of the successful candidate for President of the United States?

Mr. FULBRIGHT. I say to the Senator that I always hesitate to characterize Texas as being minor in any respect, but really the reason for the promise on the part of the candidate was a miscalculation of his own strength. Had the Republicans known of that strength, I think they would never have made the promise. They were not sure they would have such a big majority, but, having miscalculated as to how popular their leader was, they were overly anxious to get the votes of certain coastal States, and so these commitments were made. Unfortunately, the Nation is now called upon to pay for that promise.

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

Mr. FULBRIGHT. I yield to the Senator from Tennessee for a question.

Mr. GORE. Does the Senator from Arkansas recognize any valid reason why Members of the United States Senate should be bound by a premature commitment made in the heat and pressure of a political campaign by a candidate for the Presidency?

Mr. FULBRIGHT. I do not see any reason why a Member of this body should feel bound by that promise which was made in a presidential campaign. I certainly hope that some of those who have been troubled about the matter will re-examine it very carefully and be convinced that they are not bound by it. I think, if they have a free and open mind in approaching the promise, there will be no doubt as to where their real sentiments lie, because there is no reasonable ground whatever for this Nation giving away to 3 or 4 States unknown values, possibly very great values, in any case, substantial values. There is no reason for giving them away. I think Senators can feel free of any campaign promise of that kind.

Mr. MONRONEY. Mr. President, will the Senator from Arkansas yield for a further question?

Mr. FULBRIGHT. I yield for a question.

Mr. MONRONEY. Would the Senator say that the miscalculation as to the strength of the candidate himself and of his party was the sole miscalculation, or that perhaps the original statement by the candidate that he favored giving away these lands was also the result of a miscalculation?

Mr. FULBRIGHT. I think that what the Senator says is probably very true. I do not want to be in the position of being critical of candidates who make promises. Actually, I feel very sorry for candidates for any office in this country, because the custom is to make promises, and there is usually a contest as to who can make the most promises. I am always puzzled as to whether to blame the candidates or the voters. The making of campaign promises is an evil, I think, which inheres in our system. It is the custom to make rather extravagant promises. This is an example of it. I think the Nation is being called upon to make good on a very improvident and improper promise made by a candidate.

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

Mr. FULBRIGHT. I yield for a question.

Mr. MONRONEY. Does the Senator think that the candidate might be bound by his promise to recommend legislation to the Senate, but that the Senate itself, unless the majority of the Members bound themselves individually, would not have to vote for such legislation? There would then be no campaign promise broken by either the members of the party or by the President, who had fulfilled his obligation if he had recommended such legislation to the Senate and the House?

Mr. FULBRIGHT. Of course, I agree with the Senator. I do not think individual Senators who did not run on any such promise should be bound by such a promise on the part of a candidate.

Mr. MONRONEY. Is it not a fact that two-thirds of the Members of this body were not running at all in the last election?

Mr. FULBRIGHT. That is correct.

Mr. MONRONEY. Many of them were elected before tidelands became even a glint in the eyes of the Governor of Texas.

Mr. FULBRIGHT. I think that is correct. I might add that this measure goes beyond the policy of the administration itself. It does not even stay within that campaign promise, if I correctly understand what the Attorney General recommended. I assume he speaks for the administration as the principal legal officer. The Holland joint resolution is beyond the President's campaign promise. If any Republican Senator should, as a

party loyalty matter, feel that he should vote for the proposed legislation because it may have been mentioned in the convention or in the party platform, he is not bound to support this precise measure, because it is not in accord with the recommendation of the spokesmen for the present administration. He ought to vote against the measure and retrench his position to be in accord with what the Attorney General recommended to the committee.

Mr. MONRONEY. Mr. President, will the Senator from Arkansas yield for a further question?

Mr. FULBRIGHT. I yield for a question.

Mr. MONRONEY. Would it not be, perhaps, somewhat embarrassing to the distinguished, able, and truly great occupant of the White House if, as has been argued on the floor of the Senate, the tidelands issue was the principal issue in the campaign, and he should be forced to go to the country, if we accept the comments which have been made on the floor to the effect that he was elected President of the United States because of his position on tidelands?

Mr. FULBRIGHT. The Senator is absolutely correct. It was really an issue in only 3 or 4 States. I assume it helped to carry Texas and Florida for the Republican Party. I would not want to assert that, but there is a common feeling that it had an influence on the result in those two States.

Mr. MONRONEY. The Senator surely would not want to rule out the great sunny State of California which has a great number of electoral votes and also a great interest in the oil in the marginal sea.

Mr. FULBRIGHT. I overlooked that. It would have a great influence there.

Mr. HOLLAND. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. HOLLAND. Is not the Senator overlooking the fact that the Senate passed substantially the same measure last year by a vote of 50 to 35—and with Senators whose position was stated for the RECORD, bringing the total to 57 to 36—before the campaign had started and before the attitude of the President was generally known on this issue?

Mr. FULBRIGHT. The Senate often makes mistakes, but, given a little time, it usually corrects them. I feel that the principal obstacle to the rectification of that mistake is the campaign promise standing in the way of some Members of the Senate.

I think the Senator from Florida will recall discussions we have had in the past about the benefit of further debate. The Senator and I happened to be on the same side of a certain question, and we agreed at that time that, given sufficient debate on the matter, we could generally trust the Senate and the people to come around to a more enlightened view. I believe we have made progress since the last grevious error of the Senate, and I think that when this debate is over we shall have made further progress.

Even some of the newspapers still misunderstand what is involved. I hope that by tomorrow morning someone will have pointed out to the Washington Star that it is in error in saying that the marginal lands belong to the States and that the pending measure is for the purpose of returning them to the States. I am sure the Star will have sufficient interest to look into the question and find out that it is not a case of returning, but a case of giving these valuable lands to 3 or 4 States. As I have pointed out, the Anderson bill takes care of reasonable equities involved.

Mr. President, one of the recognized authorities on our constitutional system was Woodrow Wilson. I should like to read a couple of paragraphs from his great work entitled "Constitutional Government." It relates to the same matter which the Senator from Oregon [Mr. MORSE] mentioned a moment ago.

I read from page 142 of Woodrow Wilson's work on Constitutional Government:

> Our courts are the balance wheel of our whole constitutional system; and ours is the only constitutional system so balanced and controlled. Other constitutional systems lack complete poise and certainty of operation because they lack the support and interpretation of authoritative, undisputable courts of law.

I emphasize the words "undisputable courts of law."

> It is clear beyond all need of exposition that for the definite maintenace of constitutional understandings it is indispensable, alike for the preservation of the liberty of the individual and for the preservation of the integrity of the powers of the Government, that there should be some nonpolitical forum in which those understandings can be impartially debated and determined. That forum our courts supply.

Again I emphasize that the words Woodrow Wilson used were "undisputable courts of law."

That is the very element we have been talking about, because so many proponents of the Holland joint resolution are in effect disputing the courts of law in the way in which they have approached the whole problem.

I now read from page 162 of the book Constitutional Government, by Woodrow Wilson:

> And there has never been any serious friction between Congress and the courts. Occasional irritation there has been, of course. Congressmen have sometimes, forgettting their constitutional principles, spoken in sharp and resentful criticism of the presumption of Federal judges who have declared favorite pieces of legislation unconstitutional and refused to execute statutes by means of which politicians had hoped to store up credit to themselves or their party. Senators have shown a particular sensitiveness in the matter. There are many distinguished lawyers in the Senate whose opinion upon points of law ought no doubt to be regarded as individually quite as weighty and conclusive as that of a district or circuit judge of the United States who has declined to enforce acts which had passed under their scrutiny. Second-class lawyers, it has been said in heat, men who had themselves once been Members of the House or Senate and who had there shown their inferiority in legal discussion, venture, when appointed to seats on the bench, to set aside the judgments of the very men who formerly worsted them in debate upon those very questions. But Members of Congress must usually be patient under these crosses. They will often remember that it was upon their own recommendation that these very men, their one-time comrades, were appointed by the President; that the appointments passed the scrutiny of the Judiciary Committee of the Senate and were confirmed; and that the point of view of the lawyer in Congress is after all not always the point of view of the lawyer on the bench, whose concern is not with political considerations, but with the legal rights of the litigants before him and the exact maintenance of the terms of the law.
>
> There are instances which they will recall which are full of instruction. Mr. Salmon P. Chase, when Secretary of the Treasury under Mr. Lincoln, advocated the issue of irredeemable paper currency in relief of the Treasury, and was largely instrumental in inducing Congress to pass the statutes which filled the country with greenbacks, declaring it to be his opinion that such issues were legal under the powers granted Congress in the Constitution; but Mr. Salmon P. Chase, when afterward Chief Justice of the United States, joined with the majority of that great Court in declaring the legal tender acts unconstitutional. The thing might happen with the most conscientious lawyer. It is one thing to have to decide a matter of that kind in connection with important business you are conducting, and it is quite another thing to have it to decide as a judge lifted above all personal interest in the matter and bidden to take it upon its merits, not as an advocate but as an arbiter.

Lastly, I read from page 172 the following statement by Woodrow Wilson:

> What we should ask of our judges is that they prove themselves such men as can discriminate between the opinion of the moment and the opinion of the age, between the opinion which springs, a legitimate essence, from the enlightened judgment of men of thought and good conscience, and the opinion of desire, of self-interest, of impulse, and impatience. What we should ask of ourselves is that we sustain the courts in the maintenance of the true balance between law and progress, and that we make it our desire to secure nothing which cannot be secured by the just and thoughtful processes which have made our system, so far, a model before all the world of the reign of law.

Notwithstanding the decisions of the Supreme Court—that the States definitely and positively do not own the submerged lands—the proponents have consistently and positively argued that they do own them.

The advocates of the giveaway bill do not label it as such. They talk about restoring the lands, and accuse the Federal Government of seizing them unlawfully, or stealing them in the dark of night, rather than having proceeded in due process by constitutional means of bringing proceedings in the Supreme Court to determine who does own them.

Why do they do this? Obviously, it is for the purpose of confusing or obscuring the issue involved, which is: Shall we give away, without consideration, these great natural resources belonging to all the people? That is the true issue, but it is not the one which the proponents wish to present. So they speak and propagandize in terms of restoring, or quitclaiming, as if the Federal Government had never owned the resources or, at best, merely had some nebulous and unfounded claim upon them.

But in doing so they are, in fact, attacking the Supreme Court, not only for

its repeated decisions, but as an institution of our constitutional Government. They seek to set the Congress up as a super Supreme Court, to decide legal issues as to property rights and the constitutional relations of States and Federal Governments, and other constitutional questions, not on the basis of law or Constitution, but upon the basis of political power.

This theory or this method of procedure is a radical and revolutionary one, fully as dangerous as was the attempt to pack the Supreme Court. That effort would have done directly what this attempts to do indirectly, subvert the Supreme Court to the Congress and the Executive.

What is sought to be done here is as fully in violation of the spirit of our Constitution as a case like this: A and B having disputed the ownership of a piece of property, A takes the matter to court, which decides that he owns it. B thereupon appeals to his State legislature or to the Congress, and upon the basis of his power, influence, and persuasiveness, the legislature or Congress decides that the property belongs to him, and passes a bill purporting to give it to him.

Or to take another example. A is accused, tried, and acquitted of murder. Powerful influences appeal to Congress, and a bill is passed providing that he is guilty. Of course, everyone recognizes that as a violation of the spirit of our Constitution.

Mr. President, I think the present status of the submerged land is, without serious question, that they belong to the people of the United States and not to the people of Texas, Louisiana, and California. With that premise, the real issue in controversy is, as a matter of good public policy, Should these lands be given to the people of these maritime States without consideration?

Before considering the merits of this matter, I should like to raise one very serious constitutional question, namely, Does Congress have the authority, under the Constitution, to give away the public domain to the people of a few States without consideration?

This matter was dealt with recently by an outstanding student of and authority on our Constitution, Prof. Charles S. Collier, of George Washington University Law School. I should like to read what he had to say on the question of the constitutional validity of this proposed giveaway legislation. It is in the form of a statement which appeared in the Washington Post of March 10, 1953, and is entitled "Transfer of Tidelands." It reads as follows:

The bills recently introduced in the United States Senate (S. 107 and S. J. Res. 13) providing for the transfer to the several States of the beneficial ownership of the lands lying under the marginal seas, heretofore judicially decided by the United States Supreme Court in a series of carefully considered opinions to belong at the present time as a matter of legal and beneficial ownership to the United States as the legal proprietor and not merely as the paramount sovereign, proposes that the United States should perpetrate a plain and indefensible breach of trust in a legal sense, as well as in a moral sense.

As to the Louisiana controversy, everyone will realize at the outset that at the date when the United States by the Treaty of 1803 acquired this entire territory from France there was no State of Louisiana in existence, but the United States Government, as a constitutional Government, did not, by the Louisiana Purchase, acquire unrestricted political power over this Territory of Louisiana, nor unrestricted property ownership in the lands therein, even if vacant and not theretofore appropriated by any of its inhabitants. The true legal situation, at least during the territorial period, was described in apt language by Chief Justice Taney in his famous and much-discussed opinion in the Dred Scott case, as follows:

I particularly call the attention of Senators to this passage. This is a quotation from the Dred Scott case:

The power, therefore, in the General Government to obtain and hold colonies and dependent Territories over which they might legislate without restriction would be inconsistent with its own existence in its present form. Whatever it acquires, it acquires for the benefit of the people of the several States who created it. It is their trustee, acting for them, and charged with the duty of promoting the interests of the whole people of the Union in the exercise of the powers, specifically granted (19 How., 393, at p. 448).

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

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. Early in the able discourse of the Senator from Arkansas he expressed doubt that the Supreme Court would find the pending resolution in conformity with the Constitution, should it unfortunately pass the Congress and be signed into law. Was it partly upon the decision just read by the Senator that his position was based, or did he have further opinions of the Supreme Court to buttress the opinion which he earlier expressed?

Mr. FULBRIGHT. This is the principal case which leads me to the conclusion which I expressed. I think there are other cases growing out of this one, which would sustain the theory of a trust on the part of the Federal Government with respect to public property. I think this question relates to one's concept of what our Federal system, our Government, is. I can well imagine that in a totalitarian system the situation might be different. In the case of Louis XIV, the state and Louis were identical. I believe that under Hitler there was probably no theory of trusteeship. But under our system, the way it was created, to me this theory is entirely consistent. This case, the famous Dred Scott case, expresses this theory extremely well, and the reasoning flowing from that case to me is quite persuasive. I would not undertake to cite any further cases at this time.

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

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. Is it the opinion of the Senator from Arkansas that even though, after the educational campaign in which he is now taking such a learned part is concluded, the Senate may take action adverse to the wishes of the Senator, nevertheless, a good purpose may have been served, for if this issue is again to come before this body, assuming that by a full discussion thereof it could be made the issue celebre of this session, the Congress might be in a better position next year, the year after, or the following year, to write into the law of the land a more equitable solution of this perplexing problem?

Mr. FULBRIGHT. The Senator is exactly right. In fact, that has been the history of many cases of ill-considered or bad legislation. If we are able to prevent the passage, as of a certain time, of a given piece of legislation, if that legislation has real merit, almost invariably, as our history has shown, it will be passed in the near future. It may be delayed a little. However, if it is as bad as I think this is, whether it is passed or not—and I hope it will not be—if it is delayed and carried over, I think we shall have performed a great service in educating the people to the point where it will be modified or abandoned—at least so modified along the lines of the Anderson bill that no harm will be done to the country. In fact, the question will be settled.

Mr. GORE. To put a different construction upon it, if the Senator will further yield——

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. Fertile soil may here be prepared for a more fruitful consideration of the problem in the event the legislation should be passed and then bounced back here as being out of conformity with the Constitution.

Mr. FULBRIGHT. I think the Senator is quite right. That is, of course, the real justification for the trouble which the Senator from Tennessee and the rest of us are taking in connection with this whole matter. I think there is quite a significant difference between the position of the Senator from Tennessee and myself, on the one hand, and the position of citizens of Texas or Louisiana on the other. The interests of our constituents are rather remote, in this whole matter, as compared with the interests of citizens of Texas or Louisiana. What is gratifying to me is the very determined interest of just such Members as the Senator from Tennessee.

This case can mean relatively little to citizens of our States, compared to what it means to the citizens of Texas, for example. The fact that the Senator from Tennessee is willing to remain in the Chamber and spend his time on this subject, as other Senators are doing, means to me that if other people in the country understand the subject as the Senator from Tennessee understands it, they will reach the correct decision.

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

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. I should like to preface the question with an expression of gratitude to the distinguished Senator for his kindly remarks. It is true, I believe, as the Senator has stated, that the interest of the people of the State which I have the honor to represent may not be as great as that of others; but the interests of the people of Tennessee are just as great as are the interests of the people of any other State in the overweening principle involved here, which to the junior Senator from Tennessee appears

far more important than any pecuniary reward which may come from whatever decision may eventually be reached on this question. The overweening problems of constitutional government, and the principle of right and wrong which is involved, are far more important, in my opinion, than the benefits for education, or the benefits for whatever purpose the revenues from these projects may eventually serve.

Mr. FULBRIGHT. The Senator is quite correct; but I believe the Senator would agree that quite often it is easier for people to recognize an interest in a more tangible subject, such as is represented by dollars or barrels of oil, than an interest in connection with political principles.

I am coming to the question which I think the Senator has suggested.

Mr. GORE. Will the Senator permit one suggestion?

Mr. FULBRIGHT. I will yield only for a question.

The PRESIDING OFFICER. The Senator from Arkansas can yield only for a question.

Mr. FULBRIGHT. I can yield only for a question.

Mr. GORE. Does the Senator also find that it is easier to work up enthusiasm about a matter involving an immediate reward?

Mr. FULBRIGHT. Unfortunately, the Senator from Arkansas has found that to be true. That is the very essence, really, of the remainder of my talk, which does not deal at all with the legal technicalities. I am about to reach that point as the next matter on my agenda, on which I shall spend the remainder of my time in the discussion. It bears very directly on the point which the Senator has mentioned.

When we sit back and look at the situation, what shall we say is probably the greatest defect in the way we have operated our entire society? That is the question which I shall endeavor to develop in the remainder of my remarks. I think the Senator has suggested it by his very able questions on this subject.

Mr. GORE. I should be glad to attempt to answer the question.

Mr. FULBRIGHT. I cannot yield except for a question, Mr. President.

Mr. GORE. Then I shall not——

Mr. FULBRIGHT. I refuse to yield except for a question. I will yield for a question if the Senator wishes to ask one.

Mr. GORE. Does the distinguished Senator from Arkansas wish the junior Senator from Tennessee to attempt in his feeble way to reply to the question of the distinguished Senator from Arkansas or would he be willing to have the junior Senator from Tennessee follow his own inclination to listen to the able answer soon to be provided by the eminently qualified Senator from Arkansas?

Mr. FULBRIGHT. I should like to compliment the Senator from Tennessee upon his agility in the formulation of questions, because that actually was a question.

Mr. GORE. Will the Senator yield further?

Mr. FULBRIGHT. I would respond by saying that if the Senator from Tennessee can give the situation or intimate the situation he has in mind in the form of a question acceptable to the Chair, I would welcome it. Can the Senator do it? I cannot ask him a question. I can yield only for a question.

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

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. Is the Senator from Arkansas aware of the agility to which a Senator is forced to resort in this body by the strict parliamentary rules enforced by the Senators who wish to pass this giveaway bill?

Mr. FULBRIGHT. Yes; I am aware of it. As a matter of fact, although they probably do not recognize it, their insistence upon the enforcement of such a rule probably is one of the principal elements in the delay. If they were willing to forget about such rules the discussion would take place in about half the time, and we would probably get a vote much sooner. However it is part of the tradition, and it is hard for some Members of this body to accommodate themselves to the realities of the debate in this body.

Mr. MONRONEY. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield for a question only.

Mr. MONRONEY. Yes, for a question; before the Senator from Arkansas proceeds to the next part of his very illuminating and informative address. Would the Senator from Arkansas say that any just criticism can be directed at those of us who are insisting on adequate information and adequate discussion concerning so fundamental a change in our governmental concept as a reversal of the holdings by the Supreme Court with reference to property rights, because of a political campaign? If any onus attaches because of the debate in the Senate, should it not attach to the proponents of the quitclaim scheme because of their apparent unwillingness to discuss the question adequately and give reasons to the Senate why we should violate a time-honored tradition, and thus upset a Supreme Court decision by quitclaiming these valuable lands?

Mr. FULBRIGHT. I think the Senator is quite right. That very point grows out of the false approach which has been to the whole problem we have been discussing, namely, that this is a discussion that relates to the return of something that belongs to the States. If we start to look at the question in the way in which it should be looked at, we must, if we have any conscience at all, discuss why we are called upon to give away this great asset to a few favored people.

Mr. MONRONEY. Would not the burden of proof to overturn or upset or void or nullify not one Supreme Court decision but three Supreme Court decisions, by the preponderance of the evidence and by the preponderance of discussion, logically be with those who are proposing the passage of the joint resolution?

Mr. FULBRIGHT. The Senator could not be more correct. That is absolutely true. That is in accord with all of our traditions. The moving party in a lawsuit or in connection with a legislative bill ought to make a case for it.

Mr. MONRONEY. At this juncture some Senators are having a hard time deciding whether we are a law court or a legislative body.

Mr. FULBRIGHT. The proponents of the legislation have—I will not say deliberately—inadvertently confused the two functions. They are trying to make this body act in place of a court and overturn a Supreme Court decision; in fact three Supreme Court decisions. The Senator from Oklahoma has put his finger on the source of much of the confusion involved in this whole matter.

Mr. MONRONEY. Mr. President, will the Senator from Arkansas yield further?

Mr. FULBRIGHT. I yield for a question only.

Mr. MONRONEY. I have listened to much of the debate by the proponents of the joint resolution, and tried to find some logic in it. I heard some history mentioned, and matters of that kind, but, with due regard for the proponents of this quitclaim legislation, who are well informed on the subject, it seems to me—and I should like to ask the Senator from Arkansas whether he agrees with me—most of the discussion went to a previous line of decisions by the Supreme Court which could not be considered as a part of the Supreme Court's holdings in the three later decisions. The proponents were relying on Supreme Court holdings which were obsolete and had been overturned following a more careful study and a direct application of the law of the marginal seas. That is correct, is it not?

Mr. FULBRIGHT. The Senator is absolutely correct.

Mr. MONRONEY. To cite previous court decisions as a reason why this body should overturn decisions of the Supreme Court in the three later cases would be to present as evidence something which the Court had before it at the time it made its ruling but did not consider to be valid or binding on it as a matter of law. Is that correct?

Mr. FULBRIGHT. The Senator is entirely correct. The proponents of the legislation are seeking to make the point that evidence was not introduced. As a matter of fact, the arguments had been thoroughly explored when the Court made its decision, and the Court had all its previous decisions available to it. It said that the law was very clear and that there was no conflict with regard to the marginal sea at all. Where much of the confusion has arisen was between the so-called tidelands marginal sea and inland waterways.

I do not refer to present Members of the Senate, but certainly some of the early advocates of this legislation did a pretty good job of confusing this whole issue in the minds of the American people. The Attorney General of Arkansas was so confused that he joined in support of this measure. Now we find that the members of the Legislature of Arkansas, many of whom are not lawyers, but many

of whom are farmers and businessmen, are smart enough to see what this legislation means, and they adopted a resolution which I have just read into the RECORD. They say, "No, we do not want to be a party to this giveaway. We want you to support the Hill amendment." That is the amendment I am supporting.

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

Mr. FULBRIGHT. I yield for a question only.

Mr. HOLLAND. Is the Senator saying that the four Justices who decided in his favor were confused, or does he refer to the three Justices who decided against him?

Mr. FULBRIGHT. Mr. President, I said that the Court was eminently right, as it must be under our system of constitutional law. The Senator from Florida is injecting a further idea. Is it the Senator's idea that the majority of the Court should not speak for the Court? What kind of theory is the Senator from Florida advancing? What does any Supreme Court decision initiated by the majority mean? Is it the function of this body to set it aside if we agree with the minority and not with the majority of the Court?

What surprises me is that the Senator from Florida has rightly, I think—at least he had it until this legislation came along—the reputation, well deserved, of being one of the most learned men in the law, and certainly a conservative man, not a wild-eyed revolutionary character. No one would ever have thought that the Senator from Florida would have any wish whatever to overturn basic American institutions. If I had been asked to characterize the Senator from Florida a year ago I would have said that he is a supporter of the Constitution and that he is certainly what is known as a constitutional Democrat, and that I know he believes in our system of Government.

Now I find the Senator not only asking the Senate to overturn our constitutional system, but even questioning the decision of the Court itself because in that decision the Court was divided. My goodness, Mr. President, I would expect that a great majority of the decisions of the Supreme Court were made by a divided Court. However, under our system of law, if we are not to have anarchy, we have to accept the decisions of the Court, even when the Court is divided in making those decisions.

Mr. MONRONEY. Mr. President, will the Senator from Arkansas yield to me?

The PRESIDING OFFICER (Mr. FLANDERS in the chair). Does the Senator from Arkansas yield to the Senator from Oklahoma?

Mr. FULBRIGHT. I yield for a question.

Mr. MONRONEY. Could not the attempt to overturn the decisions of the Supreme Court, as that attempt is proposed to be made by a majority of the two Houses of Congress, lead us into such deep water that thereafter, by legislative act, we could rule that in the case of a 4-to-3 decision by the Supreme Court, the position taken by the 3 justices would control, as opposed to the position taken by the 4 justices? Could not the present attempt to overturn the decisions of the Supreme Court result in such a situation? I am not a lawyer, and so I ask this question of the learned and able Senator from Arkansas.

Mr. FULBRIGHT. Of course, Mr. President, if such political advantage were attempted to be taken by those who happened to have control of the Congress at one time, the next step would be the establishment of majority rule in the Senate, under rules similar to the ones which apply in the House of Representatives. If such control were established, Congress could do what it liked with the Supreme Court. For instance, if in 1938 the rules of the Senate had been similar to the rules of the House the court-packing bill would have been passed and would have been enacted into law. Of course, the doctrine now endorsed by the Senator from Florida amounts to a doctrine for the elimination of our constitutional system.

Mr. MONRONEY. Then would it be possible for Congress, instead of the Executive, to resort to court-packing plans, by changing the rules of the game, with the result that there would be a packing of the Court by means of a legislative procedure which would go on and on, and could be resorted to at any time the Congress wished to resort to it?

Mr. FULBRIGHT. Certainly. Of course, the first attempt to pack the Court was made by the President, but now we find that an attempt is being made by Congress to pack the Supreme Court.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield to me?

Mr. FULBRIGHT. I yield for a question.

Mr. MANSFIELD. Obviously, it depends upon whose foot is being pinched by the shoe. I recall that a great deal of approval was manifested——

The PRESIDING OFFICER. Is the Senator from Montana asking a question?

Mr. MANSFIELD. Yes, I wish to ask the Senator from Arkansas whether there is any difference in that respect, when we consider that this body approved the decision of the Supreme Court in the Steel case, whereas twice now this body has disapproved the opinion of the Supreme Court in the case of the submerged lands, and now a third attempt is being made to have this body overturn the Court's decision, which has been made by what is supposed to be the supreme judicial body of our land. I should like to know what is the difference between the two. I do not believe there is any difference.

Mr. FULBRIGHT. Of course, the Senator from Montana is correct. The same Supreme Court reached those decisions; I do not recall that there was any change in the personnel of the Court during that period. However, in one case the Court's decision was approved by those who took a political view, and in the other case the Court's decision was regarded as a decision by a bunch of nincompoops, according to the view of those who support the joint resolution. They take the view that in reaching that decision, the Court did not know what it was doing.

In the last few years I have been amazed to hear some of the most respected Members of this body say that this situation developed because the Supreme Court made a foolish decision and made a great mistake. That statement points out clearly the basic issue now before us. I say that such a doctrine is a revolutionary one, and that if it were carried to its logical conclusion, it would result in the destruction of our entire constitutional system of government.

Mr. HOLLAND and Mr. GORE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas yield; and if so, to whom?

Mr. FULBRIGHT. I yield first to the Senator from Florida, who I believe was first on his feet.

Mr. HOLLAND. I thank the distinguished Senator from Arkansas.

I am wondering how confused the distinguished Senator can get in his thinking.

Mr. FULBRIGHT. Which Senator?

Mr. HOLLAND. The distinguished Senator—meaning, of course, the Senator from Arkansas.

Mr. FULBRIGHT. I thank the Senator from Florida; I did not know he was referring to me.

Mr. HOLLAND. Is it not a fact that ever since the founding of our country, it has been the function of Congress to pass the laws; and when a law has not worked out well or when a law has been interpreted by a court as not to mean what Congress thought it meant, has not it been repeatedly declared time and time again, down through the years, that it is the duty of Congress to act in such cases; and has not Congress then acted in respect to changing the law, so as to do away with the mistake which Congress saw existed and the injustice which Congress saw existed in respect to the law as it was interpreted by the Court or even as the law was administered—because many times the mistakes are picked up before the Court reaches an interpretation of the law.

In short, is it not the duty of Congress to change the law, so as to effect greater equity and greater justice and to better serve the people, when in the judgment of Congress the existing law fails to serve them well and has worked inequity and injustice?

Mr. FULBRIGHT. We went over that matter at some length, Mr. President. It is very clear that the joint resolution sponsored by the Senator from Florida makes no reasonable, calculated effort to reach any of the inequities to which he has referred so eloquently.

The bill introduced by the Senator from New Mexico [Mr. ANDERSON] is exactly designed for that purpose, however, in my opinion.

Mr. ANDERSON. Mr. President——

Mr. FULBRIGHT. I yield to the Senator from New Mexico for a question.

Mr. ANDERSON. What injustice is done by what law? The Supreme Court did not interpret some particular law, in connection with this matter. The Court began to talk about titles.

The PRESIDING OFFICER. Is the Senator from New Mexico asking a question?

Mr. ANDERSON. I certainly am going to ask a question, Mr. President.

Mr. FULBRIGHT. The Senator from New Mexico did ask me what law is involved. I shall tell him when he is through.

Mr. ANDERSON. I know of no law that is involved in this matter.

Does the Senator from Arkansas recall that when the House hearings were being held, the distinguished Senator Connally, of Texas, then the junior Senator from that State, pleaded with the Members of the House committee that Congress not take action in this field, but that the Court should be allowed to adjudicate the rights of Texas?

Does the Senator from Arkansas believe it is right that now, after Senator Connally made that appeal for the Courts to act and after the Court did adjudicate the rights of Texas, and found that Texas had no title whatever to those lands, the Senators from Texas should say, "But Congress should now handle this matter in the way we now propose, and should set aside the decisions of the Court, and should begin all over again." Does the Senator from Arkansas think that is right?

Mr. FULBRIGHT. Of course I do not think it is right. The Senator from New Mexico has pointed out very clearly that the real issue in this case is the right of the Federal Government to these lands. I believe that the right of the Federal Government to these lands derives from the existence of the United States as a sovereign nation, and does not derive from any particular law which has been passed by Congress.

After all, the objections which have been stated by the proponents of the pending joint resolution have not been objections to the interpretation of any law.

Mr. HOLLAND. Mr. President, will the Senator from Arkansas yield to me?

Mr. FULBRIGHT. I yield for a question.

Mr. HOLLAND. I wish the Senator from Arkansas would answer my question. When Congress has a conviction that a law is not operating properly, and that a better law is needed in order to deal properly with a certain situation or a certain set of facts, does not the Senator from Arkansas think it is then the duty of Congress to pass such a law?

Mr. FULBRIGHT. I have tried to make it clear—although I see that I have not made it clear to the Senator from Florida—that the approach made by him and by the other proponents of the joint resolution is quite an incorrect one. If they would accept the decision of the Supreme Court in stating the law—in other words, if they would say, "This is the decision of the court, and this property belongs to the Federal Government"—that would be a different matter.

However, Mr. President, the point is that this asset belongs to all the people of the United States. The Senator from Florida and the other proponents of the joint resolution are the moving parties in this matter. Can they give us a good reason why the people of Arkansas, the people of Illinois, and the people of Montana should give away their rights in this property to the people of about 3 or 4 States? Yet the theory is that that should be done.

However, instead, as I have said very often, the issue is made very confused, for the proponents of the joint resolution tend to say to us, "The situation is not that way at all; this land belongs to our States. We want the Congress to return to us something that was obtained from us in some evil or some illegitimate manner, and we want Congress to quitclaim the property and return it."

Even the Washington Star article to which I have referred uses the word "restore." Even in that article the real situation is questioned.

If in this situation the proponents of the pending measure were to begin afresh and were to make to the American people a fair and square statement of the issue; if this issue were not beclouded by any campaign promises; if in this matter there were no complications because of the delivery of the votes of any great States as a result of promises made in the campaign; but, on the contrary, if a new beginning were made in this matter, and if it were said, "Here is property that is valued at $50 billion"—or it might be said that it was valued at $100 billion; I do not believe the exact amount makes any material difference. Certainly the amount involved is a substantial one, which belongs to all the people of the United States.

So if the proponents of the pending measure were to say, "Property of very substantial value is involved in this matter, and that property belongs to the United States. We want Congress to agree to give that property to the people of Florida and the people of Texas and the people of Louisiana," then our response would be, "Why do you want us to give it to you?"

What would the proponents of the joint resolution say in that case, Mr. President? What is going to be said—that "We are poor," that "We are ignorant," that "We need it"? Are the interested parties in this case any poorer or any more ignorant, or do they need the property any more than do other people? Of course not. What reason is there for this measure? What reason is there for the people of my State to give these rights to certain States, or for saying, "We should give them to Florida"? I say to the Senator from Florida, the people of Florida have more sunshine than we have in Arkansas. Why should the people of Arkansas give these rights to the people of Florida?

The trouble is that the Senator has never accepted the facts in the case. He has never recognized that these rights belong to the United States. He has refused to accept the Supreme Court decision. He still debates it. He debates it in the Senate. He debates it every day in the newspapers. Most of the newspapers, unfortunately, apparently are unable to understand the real theory of the proposed legislation. They keep saying, "Restore the land to Texas." Well, the land never belonged to Texas. It has never belonged to Texas since Texas has been a State, at least. We are not bothered about its prenatal status. At least, the land off the Florida coast never was a part of Florida as an independent sovereign power. It belongs to the United States. The Supreme Court has said so three times. If the proponents can accept that, and then make their case, on the ground that the people of their States are more needy, more moral, more superior, or more inferior, or upon any other ground, then they may be following the proper procedure. But they are unwilling to accept that idea. They never have followed that course. They continually try to confuse the subject with pleas made in the direct face of three decisions by the Supreme Court.

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

Mr. FULBRIGHT. I yield to the Senator from Florida for a question only.

Mr. HOLLAND. Remembering that the Senate within the past few years, since I have been a Member, has set aside a unanimous decision by the Supreme Court in the so-called Wyoming case, simply by passing a law which did greater equity in that case, and that it has done the same thing in the portal-to-portal case, in the Fair Trade Act case, in the railroad rate fixing case, and in the Southern Underwriters case, I am wondering whether the Senator can state that there is anything new, or anything improper, in the passing of a law by Congress in this or any other case to better deal with matters which it felt had been inequitably handled under existing law by the United States Supreme Court, as it did in those cases.

Mr. FULBRIGHT. I would say that I am quite incompetent, I have made no preparation, to discuss every one of the cases to which the Senator has referred, but it is my offhand impression that every one of them dealt with the interpretation of a statute, and that there were some minor misinterpretations by the Court. That could easily happen. This matter does not involve an interpretation of a statute. As the Senator from New Mexico pointed out, there is no law Congress passed at issue. The subject before the Senate has to do with a sovereign power of the United States, a power which attaches to it as a sovereign nation.

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

Mr. FULBRIGHT. I yield to the Senator from New Mexico for a question.

Mr. ANDERSON. Does the Senator recognize that in the Wyoming case the Congress did not at all do as the Senator has stated? Is it not true that in the Wyoming case the Court held against Wyoming a possession of a section of ground—and former Senator O'Mahoney rose on the Senate floor to plead with us to pass a bill which I think the present distinguished Senator from Wyoming, who was formerly a Member of the House, had sponsored in the House, to give Wyoming a fourth of what was claimed as a compromise settlement?

Mr. FULBRIGHT. I may say to the Senator from New Mexico that the whole theory of my approach to this problem has nothing to do with what the Senator from Florida is trying to suggest. I made no exhaustive study with respect to the minute, detailed legal decisions, and I do no intend to do so. I think the

record is absolutely clear as to what the Supreme Court held in the cases in question. I believe in the Constitution, and I expect to stand on the Constitution. I am not going to go around trying to undermine the Constitution by splitting hairs, or in any other way, certainly not by endeavoring to obtain the passage of a measure in this body which would undermine the Constitution.

I proceed from that point. I am just getting to the point where I may state what I think ought to be done with the assets involved in this matter. I had reached a point where I hoped the Senator from Florida would be convinced that at least the Supreme Court was worthy of some consideration; that since the Founding Fathers created the Supreme Court, we ought not to try to brush it off and undermine it in any indirect way, when we refused to do it by attacking it directly. The situation at the present time is that there is a program on foot to undermine the Court indirectly, merely by destroying faith in its decisions. If an effort is made to begin to overthrow the Supreme Court by political action in the Congress, as the result of an election, who in the world is going to have any faith in the Supreme Court in the future? I do not propose to join in doing that.

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

Mr. FULBRIGHT. I yield to the Senator from Illinois for a question.

Mr. DOUGLAS. Is it not true that in cases which do not involve the interpretation of statutes, the Supreme Court is the judge as to property rights as between States, on the one hand, and as between States and the Federal Government, on the other.

Mr. FULBRIGHT. The judicial process is especially designed to adjudicate property rights.

Mr. DOUGLAS. Yet the proponents of the Holland measure, Senate Joint Resolution 13, would supersede the Supreme Court as a judicial body in the determination of property rights, and substitute the legislative body instead. Is not that correct?

Mr. FULBRIGHT. That is entirely correct. That is exactly what is sought. The Senator is entirely correct.

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

Mr. FULBRIGHT. I will yield in a moment. The Senator from Illinois has demonstrated that there was very great research in the case of the specific judicial decisions bearing on the pending question, and, as I said a moment ago, I long ago made up my mind, when this matter first arose, that we have the Supreme Court to decide questions like those raised in connection with the joint resolution, and it has decided the case, so far as property rights are concerned.

With respect to the people of Texas, I happen to know them a little better than I do the people of Florida, and if they can convince me that there is a good reason why the Government should turn over to them whatever proportionate part the inhabitants of Arkansas have in the submerged lands, then I am ready to listen. That would not be overturning the decisions of the Supreme Court. I am not trying to tell the Senator from Florida that there is nothing we could do about the submerged lands if we wanted to, as a matter of public policy. We can devote our assets to any reasonable public purpose, as we have done in the past. We have made grants of land, some of them very improvident and unwise. But I think the intentions have been correct.

For example, in building the railroads, the intentions were proper. There was considerable bulldozing and corruption. But our country had a public purpose to serve, namely, the building of railroads.

It certainly was justifiable to give land to each State, under the Morrell Act, to enable each to establish a land-grant college. Had it not been for the land-grant colleges, I wonder what the condition of the country would be. Every State has one. By and large, the land-grant colleges are the best institutions in the United States. Consider Cornell University in New York, and the State university in my State. There are land-grant colleges in every State, and what could serve a better purpose? I would be for expanding that activity, and if Texas can prove that it needs this asset, and there is a great need, greater than in my State, I would listen to the argument.

There is a theory upon which this can be done, but I do not think the proponents of the pending measure have made any such case; certainly not in the case of Texas, so far as I am aware.

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

Mr. FULBRIGHT. I now yield to the Senator from Florida for a question.

Mr. HOLLAND. My question is this: Having in mind the fact that the distinguished Senator from Arkansas has stated that the decisions of the Supreme Court in the Texas, Louisiana, and California cases did not involve the interpretation of statutory law passed by Congress, I should like to ask the Senator whether it is not true that in each of these cases, dealing as they did, with new States—California, Texas, and Louisiana—the exact issue upon which the Court was passing was the question of what property rights had been given to the new States under the enabling acts passed by the Congress. Was not that the specific question upon which the Court was passing, and was it not based entirely upon the question of what had been done by Congress in the passage of the three enabling acts?

Mr. FULBRIGHT. I am not sure I understand what the Senator from Florida means. Does he mean that, say 100 years hence, after we have passed an enabling act, it will be up to the Congress to say what the act means, and to determine its judicial significance? I am not quite sure that I followed the Senator's question. It seems to me, as I read the decisions, the Supreme Court simply decided them upon the ground that certain rights belonged to the Federal Government.

Mr. ANDERSON. That is correct.

Mr. FULBRIGHT. It seems very simple to me. I do not know what is complicated about it. The Court said the property does not belong to the States, at least it said that the Federal Government had paramount rights. The Court did not happen to state where the ownership was; yet there is but one conclusion that can be reached with respect to the ownership, as between the two parties. Very clearly, the States have no property rights. I have read the language 2 or 3 times. The States do not own the rights; the Federal Government owns them. I do not see that it presents a very involved conclusion.

I departed somewhat from the Senator's last question. I may not have understood it correctly. I confess, as I say, that I have not been briefed with regard to all the cases.

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

Mr. FULBRIGHT. Yes, but I ask the Senator to state it very simply, because I am a very innocent man. I do not know all about the matter; I am not on the committee; and I do not profess to be an expert on the background of legal technicalities.

Mr. HOLLAND. I would not impose upon the innocence of the Senator from Arkansas, but he has stated that the three cases did not involve the interpretation of acts of Congress. Is he not incorrect in that, by reason of the fact that the real question involved was that of the property rights, if any, in the submerged offshore lands of the three States, California, Texas, and Louisiana, which they have under the enabling acts passed by Congress under which they were admitted into the Union?

Mr. ANDERSON. Will the Senator from Arkansas yield there?

Mr. FULBRIGHT. I yield for a question only.

The PRESIDING OFFICER (Mr. FLANDERS in the chair). The Senator from New Mexico should first address the Chair.

Mr. ANDERSON. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield to the Senator from New Mexico for a question only.

Mr. ANDERSON. Does not the Senator realize that that is exactly what the Supreme Court refused to do? It refused to pass on questions about boundaries and about the rights Texas had under its enabling act and the treaty of annexation. Did not the court decide that because of our national external sovereignty the Government had paramount rights in the area and the States did not have any title beyond the low-water mark?

Mr. FULBRIGHT. I am very grateful for the question from the Senator from New Mexico. I think his question clarifies the matter. I was trying to say a moment ago, in my feeble way, that the court decided that the dominion and ownership of all lands beyond the low-water mark belonged to the United States.

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

Mr. FULBRIGHT. I yield for a question.

Mr. LEHMAN. Is it not a fact that when we reduce the argument of the distinguished Senator from Florida and of

the other proponents of Senate Joint Resolution 13 to its simplest form, what they are attempting to do is to retry in the Congress of the United States cases which have been decided on three separate occasions by the Supreme Court of the United States?

Mr. FULBRIGHT. I think the Senator is quite correct. They are trying to retry them as a political body rather than as a judicial body, when the implications are judicial rather than political. I think that is precisely what they are attempting to do.

Mr. President, when I was last interrupted by a question I was reading the statement by a professor of constitutional law in George Washington University on the question of trusteeship, and I had just read a statement with reference to the Dred Scott case. I read further:

"Whatever it"—

Meaning the United States—

"Whatever it acquires, it acquires for the benefit of the people of the several States who created it. It is their trustee acting for them and charged with the duty of promoting the interests of the whole people of the Union in the exercise of the powers specifically granted." (19 Howard 393 at 448.)

If this trust theory be once accepted, as I believe it ought to be, both on direct judicial authority and on ultimate constitutional principles, it seems clear that the proposed transfer of the ownership of the lands under the adjacent marginal seas to the exclusive benefit of the single State of Louisiana, which was itself carved out of the much larger territory included within the Louisiana Purchase, constitutes a direct and undeniable breach of that trust which was accurately defined by Chief Justice Taney as a trust for the common and equal benefit of the whole people of the Union.

It is my theory, Mr. President, that that is a correct statement, and that the Federal Government is a trustee for all the people, and the people of my State have an interest in the lands along with the other public lands which have been purchased either directly by the Federal Government or which have been acquired by conquest, or by any other means. I believe the people of my State and of every other State are on exactly the same basis. They are beneficiaries of the trust. I would think it is the duty of a representative of the people in this body to see that the trust is not violated. That is the sole reason why I am exerting myself to discuss this question today.

The writer continues:

Imagine a family settlement of valuable property to be held in trust by a designated trustee for the benefit of 48 beneficiaries corresponding to the present 48 States, nothing less than which could comprise the whole people of the Union.

And then imagine the trustee in our illustration proposing to transfer the trust property or any part of it without any compensatory consideration and without any beneficiaries. Would anyone seriously contend that this would constitute a legally permissible disposition of the trust property by the trustee in the case supposed?

The argument that the marginal lands under consideration are located within the historic boundaries of particular States, even if true, does not affect or alter the trust character of the legal ownership of these lands and properties by the United States.

If we may rely on an essentially similar but less controversial and better understood case, the creation of the State of Wyoming, its admission to the Union as a full-fledged State has never been supposed to involve or justify a transfer by the United States of its proprietary ownership of the Teapot Dome area or of the lands lying within Yellowstone National Park to the newly created State. How would any serious citizen evaluate a new congressional proposal brought forward in 1953 to transfer without compensation these immensely valuable United States properties, actually located within the physical boundaries of Wyoming, to the State of Wyoming as proprietor for exclusive use and enjoyment and profitable exploitation by that State or its people alone?

And would anyone actually regard such a transfer as a return to the people of Wyoming of properties that justly belonged to them alone or to their State government alone, merely because the properties are now located entirely within Wyoming's historic boundaries?

I submit, Mr. President, that that is a correct analysis of the relationship of the Federal Government to these lands, and that a very serious constitutional question will be presented if the Holland joint resolution becomes law.

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

Mr. FULBRIGHT. I yield for a question.

Mr. DOUGLAS. Is it not true that in addition to the letter of Prof. Charles S. Collier, published in the Washington Post, there was also a very able communication on the same point, by Roscoe Steffan, which was published in the New York Times, and which hammered home the same argument, namely, that it would be an abuse of trust for Congress, without consideration, to transfer to a small segment of the people, property belonging to all the people?

Mr. FULBRIGHT. The Senator is quite correct, especially if one accepts the theory of the trusteeship as enunciated in the Dred Scott case, which I think is a correct theory.

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

Mr. FULBRIGHT. I yield for a question.

Mr. DOUGLAS. Is it not also true that in the Illinois-Central case, which the Supreme Court decided in 1892, the Court said it was no more possible for a State properly to divest itself of submerged lands than it would be for a State to divest itself of its police powers?

Mr. FULBRIGHT. I thank the Senator. The Senator from Illinois did such a magnificent job a few days ago in explaining the Illinois-Central case that I do not believe there is any doubt about the correctness of the theory and its applicability to this situation.

I said, before the Senator entered the Chamber, in response to a statement by the Senator from Florida [Mr. HOLLAND], with reference to the importance of settling this question in order that progress may go forward in Florida, that we are by no means settling the question by passing an unconscionable measure such as is the Holland joint resolution.

If it is desired to make a better settlement of that situation, let us consider a measure like the Anderson bill, which I think is reasonably designed to bring about equities. I know I would be willing, as I believe the Senator from New Mexico would be willing, if there be a real complaint about the Anderson bill, to offer an amendment to it.

The Senator from Florida made a point about future private ownership of filled-in lands. I would not quarrel about that. The Senator may have a point. No effort has been made by the committee to perfect the Anderson bill, although it would not be difficult to do so. At least, it is designed to treat reasonably what may be called the equities of the people. I have great sympathy with and would be willing to do something for people who have changed their positions in reliance upon a misapprehension of the situation. That is always a proper procedure, but it has nothing to do with the theory of the Holland joint resolution. The proponents of the joint resolution are not trying carefully to analyze the equities of persons who erected piers or wharves, or who changed their position in reliance upon a belief that the property belonged to the State. On its face, the Holland joint resolution is not designed to do that. It simply approaches the matter in a broad, meat-ax way, to give away everything the Government has.

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

Mr. FULBRIGHT. I yield for a question.

Mr. MANSFIELD. Is it not correct that the Anderson bill, as such, provides that the oil and gas reserves in the submerged areas shall be administered by the Secretary of the Interior; and that, furthermore, funds derived therefrom shall be used for the national defense?

Mr. FULBRIGHT. In the first instance; the Senator is correct.

Mr. MANSFIELD. I should like to ask the distinguished Senator from Arkansas what effect there would be on the tax structure of the country, and how both individuals and corporations would be affected if the Anderson bill were passed and the funds derived from development and exploitation of oil and gas resources were used to carry on the necessary budgetary needs for our national-defense effort.

Mr. FULBRIGHT. As an illustration, the Republicans have been very desirous of cutting taxes by $10 billion. Assume that $10 billion in royalties could be produced from the resources of the offshore submarginal lands. That would mean that the taxes of every taxpayer in the country could be reduced. I recognize that such a situation would not come to pass immediately. I grant that. At any rate, we would not be giving away $5 billion, $10 billion, $50 billion, or $100 billion—no one really knows how much. That likelihood is one of the worst aspects of the Holland joint resolution. It is one reason why the measure ought to be delayed, if for no other reason. There is no excuse for acting with haste in connection with such a great asset. No one can agree, within any reasonable limits, as to what we would be really doing or how much we would be giving away.

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

Mr. FULBRIGHT. I yield for a question.

Mr. MANSFIELD. The Senator spoke earlier in his talk about campaign promises. I believe the Republicans made a campaign promise to the effect that income taxes would be reduced, and also a promise that the Post Office would restore two-a-day mail-delivery service. Why is the Republican Party so anxious to "come through" on something like what is provided in the joint resolution, which the President advocated, and so reluctant to "come through" on something which would be of far more interest and benefit to the people of all the States? Does the Senator from Arkansas believe that the Republicans are going to report an income-tax-reduction bill this year? If he does not think so, does he believe the Republicans are going to allow the excess-profits tax to expire on June 30?

Mr. FULBRIGHT. The Senator has asked me a question that is very difficult to answer. I have often pondered such a question, not only in this connection, but in many other questions. Why does a small, concentrated group in the political system of our country so often seem to get attention, whereas everybody's business gets no attention? If there is a matter which affects all the people, it is very difficult to get any action favorable to them in the way of relief. But if it affects a small, well-organized group, that is another matter.

I recall my experience in trying to have the Sugar Act repealed. That act benefited a relatively small group of our farmers—really quite a small group. Enormous payments were made. But, my goodness, was I surprised at the power they have in this body. I think we got four votes for the repeal. The consumers of all the United States, all of whom eat sugar, were penalized by that legislation, and they could not do anything about it.

Probably everybody would be benefited by tax reduction. I can think of hardly anybody who would not be benefited. In my opinion, everybody would be benefited by better education, because one of the great threats to the survival of this country is illiteracy and misinformed people, poor people who have attended schools that are so poor that they have not learned much. Illiteracy is one of the great threats to the country. So everybody would be benefited by better education. But, does the Senator think an effort to better educational facilities has much of a chance? I am told we do not have much of a chance. The people of Texas, Florida, and California seem to think they have the situation well in hand.

The Senator asks me, Why? I do not know why. To me, it is extraordinary how small, well-organized groups, can dominate the political scene in this country, and do it time and again.

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

Mr. FULBRIGHT. I yield for a question.

Mr. MONRONEY. Is it not also a fact that our distinguished President, as well as his party, advocate programs for the extension of social security? May I ask the Senator where that proposed legislation, which would affect fifty or sixty million of our workers, happens to be at present?

Mr. FULBRIGHT. Unfortunately, I cannot tell the Senator from Oklahoma. I do not know where it is. I have heard nothing about that kind of legislation being passed, or any other. This is really the first substantive bill that has been brought up in this great, new administration, as a result of the magnificent crusade which brought the Republican Party into power. Is it not odd that the joint resolution is one which really benefits only three States? To me, that is a rather odd situation. I had not thought of that. The Senator is stimulating some very interesting comments.

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

Mr. FULBRIGHT. I yield for a question.

Mr. MONRONEY. Can the Senator tell me what has become of the President's promise to extend the Reciprocal Trade Treaties Act, on which the power of the economic survival of the free world might depend; and also the revision of the customs law, which also will help to provide for greater trade? Where are those measures sleeping at the moment?

Mr. FULBRIGHT. Again, I shall have to tell the Senator that I do not know. I have not heard anything about them. I do not know whether anything is being done in the way of producing such legislation. If one reads the press correctly about the way the Government has rejected the low bid for an important installation in the West recently, I should say that, as far as the present administration is concerned, it is not interested in improving trade. It has turned down low bids which were submitted and would have saved the taxpayers a million and a half dollars.

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

Mr. FULBRIGHT. I yield; yes.

Mr. MONRONEY. Would the Senator say that perhaps the new management of this body is unable to get the majority party to work on anything other than a giveaway program, such as the one under consideration; and is unable constructively to write legislation that would carry out the pledges the party made, which have the same force and validity, surely, as the promise to give away billions of dollars of natural resources that belong to all the great unorganized groups of this country, other than the tidelands States?

Mr. FULBRIGHT. I think the Senator is correct. It is a very discouraging prospect to have the Holland joint resolution as the first major piece of legislation to come before the Senate, after the country went through the great election of last fall, and we were led to believe the majority party was going to make a completely new approach to all these matters. Even some of those who were by no means critical of our past administration, who were loyal to the Democratic Party, seem to have fallen for the idea that there is to be a great new era. Yet we are confronted with the worst giveaway proposal since the days of General Grant. However, I must confess that two of the principal proponents of the joint resolution happen to be from this side of the aisle, so I do not like to be too critical in this matter.

Mr. MONRONEY. Will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

The PRESIDING OFFICER (Mr. FLANDERS in the chair). When a Senator asks the speaker to yield, he will please address the Chair.

Mr. MONRONEY. I beg the pardon of the distinguished occupant of the chair.

Mr. President, will the Senator from Arkansas further yield?

Mr. FULBRIGHT. I yield for a question only.

Mr. MONRONEY. However important the participation of 2 or 3 distinguished members of our own party happens to be vocally in connection with the tidelands discussion, does the Senator think that the continuous absence of members of the majority from the Chamber during this debate indicates their support of or opposition to the joint resolution, or apprehension with respect to it?

Mr. FULBRIGHT. I think they are beginning to have some apprehension, although they are committed to support it.

The only point I mean to make is that without the energy and drive of two Members from this side of the aisle, the joint resolution could not have been reported to the Senate. The majority seem to be unable to get anything out on the floor except an occasional nomination, and even then they sometimes have a difficult time. I think we must take credit for enough energy and direction to cause some legislation to be reported, although I deplore the fact that this is the first major measure of the great new administration.

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

Mr. FULBRIGHT. I yield for a question only.

Mr. GORE. I ask if the junior Senator from Arkansas can further enlighten the Senator from Tennessee with respect to the procedure to which he made reference a moment ago, by which a bid for a generator was rejected, although it was lower than the price for which the same generator could have been purchased from an American producer. Would the Senator relate that circumstance to the "trade, not aid" slogan which seems to be the key to the economic foreign policy of the administration? How does the rejection of a foreign bid meet the "trade, not aid" program?

Mr. FULBRIGHT. Let me say to the Senator that I have been very anxious to confine my remarks to the subject under consideration, and not to stray away from the issue, because I do not like to give the distinguished majority leader [Mr. TAFT] any reason whatever to criticize the debate on this question. So I shall take only a moment to reply to the Senator's question.

I referred to a recent incident which was reported in the press only because I was asked about the reciprocal trade renewal or extension legislation not having appeared before the Congress. What I was referring to was the recent rejection of the bid of an English electrical manufacturing company on generators for the Chief Joseph Dam. Including the tariff, the bid was some $1,600,000 under the bid of the domestic bidder. All I say is that if that is to be the policy, there is no point in our becoming excited about reciprocal trade or any other trade. There is to be a restriction of trade. I presume that would indicate that we may be headed back toward the Smoot-Hawley tariff in its early days. I do not know. The prospect is most discouraging when we consider that action.

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

Mr. FULBRIGHT. I yield for a question only.

Mr. GORE. At the risk of diverting the Senator for just a moment, I should like to inquire if he is advised that this was a high policy decision by the administration? Did the Senator note, as I did, allusions in the press to two Cabinet meetings having been held upon this particular subject? Is the Senator aware of the tragic implications for the extension of the reciprocal trade agreements program, which this may imply? A decision was reached at the highest level, as a result of two Cabinet meetings, to reject a bid for no other reason than that it was submitted by a foreign bidder, when "trade, not aid" has been advanced as the slogan of the present administration.

Mr. FULBRIGHT. I will say to the Senator that apparently I read the same articles which the Senator read. The decision was the result of policy meetings by the Cabinet on two different occasions, apparently. Of course, the decision was made officially by the Secretary of Defense, which is at a high enough level to indicate that the policy is approved by this administration.

As I have said, I think it is an extremely serious matter. If we leave out of consideration in this discussion the military problem, this very problem is the most difficult of all problems facing this country. If we cannot create an economic basis for the international political organizations we have sought to establish, the whole program will fail. We shall do just what the Russians said last fall we would do. We shall fall out among ourselves. Our alliances and coalitions with other free peoples will disintegrate, and the Russians will take the game without firing a shot. I think that is what they expect. They are going to encourage it. This action on the part of our Government is certainly a step in that direction.

However, I must submit that that is getting into foreign policy and economic policy. I ask the Senator to permit me to continue with the subject under consideration, because I have no intention of straying from the subject under discussion any more than is absolutely necessary.

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

Mr. FULBRIGHT. The subject alluded to by the Senator from Tennessee is a very large subject in itself. The eminent Senator now occupying the chair of the Presiding Officer [Mr. FLANDERS] is one of the great authorities in that field. I hope at some time to hear him discuss it, but I do not think it is proper for me to pursue that subject further at this time.

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

Mr. FULBRIGHT. I will yield for a question on the subject under debate.

Mr. GORE. With apologies for the brief diversion occasioned by the question of the junior Senator from Tennessee, upon a question which the junior Senator from Tennessee thinks is of far greater urgency and importance than the passage of the pending joint resolution——

Mr. FULBRIGHT. So do I, I will say to the Senator.

Mr. GORE. I shall now proceed to ask a question. Does the distinguished junior Senator from Arkansas think that it is urgent to pass this measure at this time, when the Defense Production Act will expire within a few days?

Mr. FULBRIGHT. I will say to the Senator that I do not. I was one of the signers of a letter which pledged a number of Senators to cooperate with the majority leader in laying aside the pending business, preserving the status quo, with no advantage to our side whatever and proceeding to consider the defense production legislation. Every speech that had been made would have counted against us. The parliamentary rules would continue in effect, as if there had been no break. Thus the Senate would have been able to consider the bill for extension of the Defense Production Act and pass it. I assume it would have passed. Then the Senate could have returned to the unfinished business.

However, for some reasons known only to himself, the distinguished majority leader [Mr. TAFT] has taken the position that he will do nothing of the kind. He proposes to keep us here night and day. I am reaching an advanced age, when it is very dangerous for me to stay up late at night. My heart will probably play out at any time, but I must do it anyway. There are a few other Senators who are as old as I am. It is not a very wise thing, I think, for the Senator from Ohio to do, but he has done it, and he is being very stubborn, I feel, in insisting upon this routine. As the Senator well knows, we were in session last night until 5 minutes to 11. I assume that the Senator from Ohio will keep us here that late tonight, or perhaps even later. He may even keep us here around the clock.

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

Mr. FULBRIGHT. I yield for a question.

Mr. DOUGLAS. I ask the Senator from Arkansas if he has read the famous novel Uncle Tom's Cabin?

Mr. FULBRIGHT. I vaguely remember having read it in my youth. It has been so long ago that I have almost forgotten it.

Mr. DOUGLAS. Does the Senator remember one of the leading characters in Uncle Tom's Cabin, a hard taskmaster.

Mr. FULBRIGHT. Yes; I do. I have always had the feeling that perhaps the book slightly exaggerated the subject with which it was concerned. So I am not really the proper person to respond to that question.

However, I do think that we are being subjected to a rather cruel and unusual punishment in having to stay in the Chamber as late as we are, on the excuse that we must conclude consideration of the pending legislation in order to pass other pressing legislation, when as a matter of fact we are perfectly willing to let the other legislation be considered, pass it, and preserve the status quo.

First of all, we want to educate the members of the press at least to the point where they will not keep repeating the absolutely erroneous idea that the pending legislation involves a return of something to the States that the States had. If we cannot make that much headway it will take long debate to reach the point where we can get the press to present this case with reasonable accuracy to the people, and then it will take a reasonable time for the people to understand what is involved. Then we will have the votes. There is no disposition on the part of anyone to not have a vote at some time. I do not subscribe to any such idea, and I am sure no one else does.

In view of the utter confusion caused by the well-organized campaign of the attorneys general, which goes back as far as 1945, it will take a little time to undo the effects of the campaign. It does amaze me to see the obtuseness of some of the members of the press who still insist that the pending joint resolution involves a return to the States of tidelands or, as the chamber of commerce has stated, "these tidelands which belong to the States." That point we must really clear up.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield for a question.

Mr. MANSFIELD. Is it correct to say that the Senator from Arkansas has been emphasizing the importance of the three Supreme Court decisions in the cases affecting Louisiana, Texas, and California?

Mr. FULBRIGHT. That is correct.

Mr. MANSFIELD. Does not the Senator from Arkansas think that it ought also to be emphasized that in 1937 the Senate went on record and adopted unanimously a resolution authorizing the Attorney General of the United States "to assert, maintain, and establish the title and possession of the United States to the submerged lands aforesaid, and all petroleum deposits underlying the same * * * and to stop and prevent the taking or removing of petroleum products by others than the United States from the said submerged lands"? Does not the Senator from Arkansas believe that what the Senate is trying to do now is not only to overturn three decisions of the Supreme Court, but also the unanimous vote of this body in 1937?

Mr. FULBRIGHT. There is no question about it. The resolution adopted by the Senate in 1937 was the real beginning of this matter. Texas and Louisiana and Florida had not bothered about the matter very much. When it

was first bruited about that there was property involved the Senate took this action. Then of course the war intervened, and everything of this character was held up, while we concentrated on the war. But as soon as the war was over the Government did return to the subject, and suits were brought, I believe in 1946 or 1947. There was no dilatoriness on the part of our Government in pursuing the subject, when we consider what intervened between the first time the resolution was agreed to and the time that the first decision was reached by the Supreme Court.

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

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. Does the Senator from Arkansas believe there is any real merit to the fetish that we seem to be making of holding comments and expressions strictly to the relevancy of the subject? Is it not the tradition of the Senate that any matter of importance, whether it has direct or indirect bearing upon the issue at hand, is subject for debate in the Senate? Are we not permitting the proponents of the joint resolution, by their criticism of full discussion of the subject on which the Senate is now engaged, to lead us to an extreme fetish on relevancy?

Mr. FULBRIGHT. I think the Senator is quite correct. Of course the rules are very clear. There is no rule of germaneness. We have had all kinds of bills discussed, and it is quite proper to do so. I was merely stating, as a matter of policy, that I have sufficient material to discuss today and that I should like to get through with it. When I have concluded with my prepared remarks I may yield for general discussion.

If Professor Collier is correct—and I believe that he is—if Congress passes the pending legislation, which is so ardently supported by the representatives of Texas, Florida, Louisiana, and California, rather than giving these people an enormous windfall, we will in fact have given them an enormous lawsuit, one which bids fair to occupy the courts for years and years to come.

Already the Legislature of Rhode Island has taken action looking toward the bringing of a suit to challenge this legislation if it should be enacted. As sometimes happens in private lawsuits, if these cases should continue long enough in the courts all the funds involved in the case will ultimately be required to pay the lawyers, and there will be nothing left for anyone else.

Mr. President, as I have said before, the issue before us is what disposition should this Congress make of an asset of unknown value, but believed to be of enormous magnitude, at least potentially, which presently belongs to all the people of the United States?

There are an infinite number of worthy projects which one can think of, which deserve serious consideration. For example, we could with considerable justification dedicate this wealth to the building of roads for everybody. Goodness knows, we need to do something in this direction; and there is no question but that any court would regard that as in the public interest of all the people of the United States.

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

The PRESIDING OFFICER (Mr. THYE in the chair). Does the Senator from Arkansas yield to the Senator from Illinois?

Mr. FULBRIGHT. I yield for a question.

Mr. DOUGLAS. Is it not true that the President of the United States, General Eisenhower, in his very splendid speech of last week said that some of the economies to be effected through worldwide disarmament could be used to build roads in foreign countries?

Mr. FULBRIGHT. That is quite correct.

Mr. DOUGLAS. Therefore, would not it be appropriate, in following out the line of thought of the Senator from Arkansas, to use for the building of roads in the United States some of the national assets which thus are proposed to be given away?

Mr. FULBRIGHT. That is quite correct, and in my opinion that would be in the public interest.

There are other possible uses of this money. We might dedicate it to the eradication of disease or to the strengthening of our national defenses or to any other project clearly designed to promote the welfare of all the people, rather than the enrichment of a selected few of our citizens.

But, Mr. President, it seems to me that there is one field of activity which so clearly has a prior claim upon these funds that I have no trouble in supporting it. That field of activity is the better education of our young people—the boys and girls of all the States.

Mr. President, in the early days of this Republic, a period to which many of the sponsors of this "giveaway" measure like to hark back on the 4th of July. The founders of our Republic had a deep and reverent concern about the education of our people. I share that same feeling. Often, when depressed by the superficiality and irresponsibility so often encountered today, I like to refresh my spirit by reading about Jefferson, Washington, Hamilton and Madison.

In a letter written in 1820, Jefferson, in the years of his full and magnificent maturity, had this to say:

> I know of no safe depository of the ultimate powers of society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome direction, the remedy is not to take it from them, but to inform their discretion by education.

Mr. President, again I wish to say to some of the most prominent sponsors of the pending joint resolution—who often say they are good, constitutional, Jeffersonian Democrats—that I know of no better authority or advice than Jefferson's own statements and his own life—in short, what he actually did, in addition to what he said—regarding the matter of education. His statement which I have just read is most important. If we are going to pursue the idea of having self-governing communities, the solution is not to be found in taking power from persons who may not be as wise as we think they should be in the exercise of that power, but the solution is to be found in informing their discretion by means of education, as Jefferson so well stated.

In 1787 Thomas Jefferson said:

> Above all things, I hope the education of the common people will be attended to.

Mr. President, throughout his life and especially after he had ventured upon this great experiment in government, Jefferson was always concerned with the education of the people, for he recognized the responsibilities which the people necessarily would have in making this system work.

Mr. President, George Washington is certainly still respected by my conservative friends on the other side of the aisle. George Washington was a very able and conservative gentleman. He was not given to wild, revolutionary ideas. In his Farewell Address, George Washington admonished his fellow countrymen to "promote, then, as an object of primary importance, institutions for the general diffusion of knowledge."

George Washington did not say that education was an object of secondary importance or an object of tertiary importance; he said that the general diffusion of knowledge should be promoted as an object of primary importance.

Of course, Mr. President, Jefferson is a favorite character among all members of the Democratic Party, and Jefferson receives some degree of approval among the members of the other party. Before leaving Mr. Jefferson, I wish to draw the attention of my colleagues to a short passage from Dumas Malone's book, Jefferson the Virginian, which bears directly upon this subject. I think it is well worth the time of the Senate to consider, and certainly the people of our country should consider, the advice of men whose wisdom and integrity have been proved and demonstrated by experience.

Mr. President, I know of no better guide than for us to pay some attention to such persons as Washington and Jefferson, especially when we are concerned with the survival of the system of government and the system of society in which we believe. Certainly I believe in it. I cannot believe that those who are sponsoring the pending joint resolution recognize the dangerous implications of the procedure they propose and of the way in which they approach this matter.

However, surely everyone by this time recognizes the wisdom of Thomas Jefferson. I do not blame anyone for not accepting my views about this matter, for I have but slight claim upon their allegiance; but it is the height of irresponsibility and, I might add, shortsightedness to ignore and heedlessly brush aside the solemn admonitions of Thomas Jefferson.

So I quote now from Dumas Malone's book Jefferson, the Virginian:

> In long retrospect, Americans have come to regard him (Jefferson) as the chief proph-

et of public education in the first half-century of the Union; and it is doubtful if any other American name has been so often cited in popular addresses and writings on this perennially interesting subject. This is owing in part to the political eminence he attained, and partly to the apt sayings that are scattered through his collected writings. Some of the most famous of these quotations are from private letters, such as one to George Wythe from Paris in which he said: "Preach, my dear sir, a crusade against ignorance; establish and improve the law for educating the common people." Not until after his death could such sayings as these gain wide currency, and they might have remained forever unknown if he had been politically obscure.

Of course, Mr. President, today we need a crusade against ignorance just as much as one was needed in Thomas Jefferson's day. In fact, perhaps it is true that today we need such a crusade even more than it was needed in Jefferson's time.

I read further from Malone's book Jefferson, the Virginian:

His (Jefferson's) greatest services were rendered to posterity, but his immediate activities stand out in sharp relief against their specific background of place and time. In colonial and Revolutionary Virginia formal education was largely a private matter and its benefits were almost wholly restricted to the gentry. Judging from its fruits, including Jefferson himself, the system was better than he thought it. Its chief merit was that it produced capable leaders, and he was concerned that it should continue to do this, on the basis of a more rational plan. He was unquestionably correct in concluding that the existing system rested on a dangerously narrow base. * * *

His emphasis was on public purposes. The most important of these was to guard the freedom and happiness of individual members of society, but he did not describe education here in terms of personal refinement and culture. Fear of tyranny, even though this was only incipient tyranny, was prominent if not predominant in his thought.

Jefferson was a very prescient person, as can well be seen from the statement I have just read.

I read further from the book, Jefferson, the Virginian:

He saw the most effective preventive in the illumination of minds of the people at large. He was particularly anxious to give them knowledge of the facts of history, in order that they would recognize dangerous political ambition in any shape.

Mr. President, I can think of nothing more important for us to do today than to have the same ability to "recognize dangerous political ambition in any shape."

Second only to his purpose to prevent tyranny and safeguard freedom was the desire to assure wise and honest government.

This necessitated the training of leaders. Nothing in his plan called for the diminution of the educational opportunities of those whose parents were able to pay for them. However, he expected that some of these fortunate persons would prove unworthy to receive and unable to guard the sacred deposit of the rights and liberties of their fellow citizens; and he was convinced that it was folly to leave the public welfare dependent on the accidental circumstances of wealth or birth. Accordingly, he sought to make higher schooling available without charge to selected youths of marked native ability who would emerge from the unprivileged groups. * * *

The hundred schools, which we should call primary, were to serve relatively small districts or hundreds, and were designed to effect his purposes of general public enlightenment. Three years of education were to be given gratis to all white children, male and female. However, these schools were not to be wholly public, for any child whose parents could pay for him might stay longer if he liked.

On the next level there were to be grammar schools, set up in districts including several counties.

These proposals reveal him as a realistic and discriminating Democrat, or as an informed and critical aristocrat—whichever term may be preferred. His concern was to broaden the educational base of society and at the same time, to search out and utilize for the public good the aristocracy of worth and genius which he afterward described as "the most precious gift of nature." He tried to frame a comprehensive program. "The general objects of this law," he said, "are to provide an education adapted to the years, to the capacity, and the condition of everyone, and directed to their freedom and happiness." He expected no utopia overnight but he was convinced that he was on the right track. In later years his American countrymen had no doubt he was, though they were more disposed than he to emphasize quantity for its own sake and more reluctant to apply selective standards at any stage of the educational process. * * *

On half a dozen counts Jefferson showed himself in this bill to be an American prophet in the field of higher education. He himself believed that it was defeated by the dissenting sects; but they still looked with disfavor upon an institution which had been historically Anglican, and their fears were not allayed by his amendments. He was not permitted to transform the college into a genuinely public institution or to enlarge its faculty.

Mr. President, I could easily give the Senate many other examples of statements by other great Americans of our Revolutionary period, supporting these statements, but I do not wish to unduly prolong this debate and I know there are many other Members anxious to speak.

However, there is one foreign observer who is well worth calling to the attention of the Senate—Alexis deTocqueville—an extremely intelligent and wise observer of the American scene in the 1830's, made a close study of our institutions and customs. Our experience since deTocqueville wrote more than 100 years ago, has confirmed the truth and wisdom of many of his views.

I shall read only one paragraph from his book, Democracy in America. In the 1830's he wrote as follows:

But it is by the attention it pays to public education that the original character of American civilization is at once placed in the clearest light. "It being," says the law (quoted from a Connecticut statute of 1650) "one chief project of Satan to keep men from the knowledge of the Scripture by persuading from the use of tongues, to the end that learning may not be buried in the graves of our forefathers, in church and commonwealth, the Lord assisting our endeavours * * *." Here follow clauses establishing schools in every township, and obliging the inhabitants, under pain of heavy fines, to support them. Schools of a superior kind were founded in the same manner in the more populous districts. The municipal authorities were bound to enforce the sending of children to school by their parents; they were empowered to inflict fines upon all who refused compliance; and in cases of continued resistance society assumed the place of the parent, took possession of the child, and deprived the father of those natural rights which he used to so bad a purpose.

Before coming to a discussion of the present situation, I cannot in good conscience fail to pay tribute again to the profound wisdom of Abraham Lincoln, and specifically to the enactment of the original land-grant-college legislation during his administration.

It is a strange thing to me that the Republican Party has never seemed to sense the true greatness of Lincoln and to capitalize upon the heritage of wisdom which he bequeathed it.

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

Mr. FULBRIGHT. I yield to the Senator from Illinois for a question only.

Mr. DOUGLAS. Mr. President, is not the reluctance on the part of the Republican Party fully to appreciate the message of Lincoln due to the fact that Lincoln fundamentally based his theories upon those of Jefferson? Is it not true that Lincoln, on his way to be inaugurated for the first time, spoke in Philadelphia at Constitution Hall, and said that every thought he had and every doctrine he expounded had been derived from Thomas Jefferson?

Mr. FULBRIGHT. I think the Senator is entirely correct. All that means, however, is that it fortifies my confidence in both gentlemen. What I do not understand is that the Republican Party has overlooked the great value and, I think, ultimate success that would follow, if they gave a little more attention to what Lincoln left them as a heritage, a particularly wise and excellent precedent. Under Lincoln's administration the original Morrill Act was passed. This is a good illustration, it seems to me, of the first thing that an enlightened Republican, interested in the future of his party and of his country, would do. It would be to ask, "What would Lincoln have done with this windfall? Would he have turned it over to a small group of people living within 3 or 4 States, who would not be concerned about the education of all the people?" I think they have lost a great opportunity, in this instance and in many others, by not paying more attention to Lincoln.

As a result of the original Morrill Act, public land in every State was devoted to the creation of a land-grant college. Today we find some of our very finest institutions flourishing as the result of this act of statesmanship. With this precedent to guide them, it would seem to me that the first thing a good Republican would think of in connection with the wealth of the submerged lands would be education. Unfortunately, that is not the case.

I suppose the experiences of the Grant administration, when enormous, unbelievable grants of public lands were made to the promoters of private railroads, or the Teapot Dome affair under Harding, broke the spell, and they have never been able to get back on the track. I do not know what it is.

For the record, I desire to state a few facts. The Federal Government

gave the Union Pacific Railroad 13,900,000 acres of land along its right-of-way, an area more than two and one-half times the size of Massachusetts. Then followed the Crédit Mobilier scandal, and, by financial manipulations, the Union Pacific was stripped of what was intended to be a permanent endowment.

All told, between 1850 when Stephen A. Douglas' friends got the first grant for the Illinois Central, and 1871, when the system of land grants to railroads was brought to an end, 131 million acres of public lands were given to the railroads. This is an area, I may say, the size of France. France, I think, contains 136 million acres. Think of that, Mr. President, and contrast it with the good that has resulted from the grant of much smaller amounts of land for educational purposes.

Mr. President, during the election campaign, our Republican friends did not fail to pay lip service to education, but, as the old saying goes, "actions speak louder than words." Let us now come down to the present. During the campaign, at Los Angeles, last October 9, President Eisenhower had this to say:

> Another part of the task ahead concerns the conservation of our greatest asset: our Nation's children. Part of this responsibility belongs to our schools.
>
> American education is a living testimonial to the devotion, the intelligence, the deep concern and sacrificial service for America's future on the part of tens of thousands of school teachers and school officials and laymen and laywomen in thousands of communities who have served and are serving the cause of education.
>
> But here, again, we must squarely, honestly face the fact that, in too many places, we are not adequately meeting the fact school classrooms are now seriously overcrowded. This growing is on the increase. By 1958, it is estimated that our school system will have a shortage of 60,000 classrooms. This year, September 1952, 1,700,000 American boys and girls were without any school facilities.

That is President Eisenhower speaking on October 9, 1952, Mr. President. He said further:

> We must do better than that.
>
> Here, again, the answer of the present administration is more Federal bureaucracy and increased Federal controls.

This is still a quotation from Mr. Eisenhower:

> That is not the American answer. The American answer is to do—in this field—what we have been doing, for a long time, in other fields.
>
> We have helped the States build highways and local farm-to-market roads. We have provided Federal funds to help the States build hospitals and mental institutions.
>
> In this critical problem of adequate education, we must now undertake to help needy States build schools. Such help should be extended only where a State is doing its utmost but, because of inadequate resources or special burdens, is unable to do the job on its own.

Mr. President, I endorse those sentiments 100 percent, but I think every American concerned about the future of this country is entitled to ask, "Fine, Mr. President, but what do you now propose to do about this desperate situation in our schools?"

He stated that we are faced with a desperate situation. Certainly we are all entitled to believe that he intended to do something about it. I think it is time we asked, "What are you going to do about it? Are you going to raise taxes to meet the cost? Of course, you are not. On the contrary, all your supporters talk of tax reductions."

Is it not a plain fact, Mr. President, that unless some substantial part of our capital assets is devoted to the solution of this problem, it simply is not going to be solved? The Senate has passed Federal-aid legislation to no avail. Unless we follow Lincoln's example, I see no prospect of a solution in the foreseeable future.

More recently, on February 2, 1953, President Eisenhower, in his message on the state of the Union, had this to say:

> Our school system demands some prompt, effective help. During each of the last 2 years, more than 1½ million children have swelled the elementary and secondary school population of the country. Generally, the school population is proportionately higher in States with low per capita income. This whole situation calls for careful congressional study and action. I am sure you share my conviction that the firm conditions of Federal aid must be proved need and proved lack of local income.

I invite attention to that last sentence, because it is that sentence to which I expect to relate most of my succeeding remarks. I read it again:

> I am sure you share my conviction that the firm conditions of Federal aid must be proved need and proved lack of local income.

Mr. President, in the rest of my remarks I shall attempt to prove the need for aid to education, which the President says is a condition of Federal aid.

By way of background to our present situation, to give some perspective to the arguments which I hope may prove to be persuasive upon the people of this country and upon the Members of this body, I should like to present a few figures to show the extent of the effort we as a Nation make toward the education of our children.

It is only common sense, it seems to me, that as a great community of free people, with the power to control our own destiny if we wish to exercise it, we should from time to time take stock of our resources and consider whether we make the best possible use of them.

We are, as all Senators know, engaged in a struggle with a different concept of society, and it is of importance to us to utilize our resources as efficiently as is possible if we really wish to have our idea of the good society prevail in this contest. As Al Smith used to say, "Let us look at the record."

Mr. President, I have had prepared by the Library of Congress, under date of April 7, 1953, a statement entitled "Percentage of National Income for Education, Advertising, Liquor, Tobacco, and Other Selected Items." The statement is as current as I know how to get it. It is an analysis of some of the figures relating to the matter of education in this country which the President has so beautifully and so forcefully presented on several occasions, and especially in his message on the state of the Union. I think it is well worthwhile to bring the figures to the attention of the Senate.

The statement gives the sources of the information as being "Statistical Abstract, United States Commerce Department; Survey of Current Business Report, July, 1952; and United States Office of Education." They are as reputable sources as can be found, I think.

The national income of the United States in 1951 was $277,600,000,000. We spent 2.3 percent of the national income in advertising, amounting to $6,548,000,000.

How much do Senators think we spent for education? For current expenses for elementary and secondary schools we spent 1.8 percent, amounting to $5,131,000,000.

The figure I like particularly to show, to make us really proud of ourselves before the other free nations of the world, is the comparison, including capital outlay, interest on loans, Federal school lunch program, and public instruction in higher education. Let us take the grand total. It was $8,279,054,000, or 2.98 percent of the national income.

Contrast that figure with what we spent on liquor, $8,760,000,000.

Is not that a great record to go before the free nations of the world? We are the great leader of the free countries of the world, and it is our wisdom on which they are depending for wise decisions during the next decades, and whether we produce wise leaders and wise legislators to support the wise leaders. Let us put ourselves in the place of a Frenchman or a Dutchman or an Italian looking at the United States. They know we have many Cadillacs. They read all about them. They know we produce 100 million tons of steel. They know all about that. When they have finished, they say, "Is that all there is to a well-rounded economy, a well-rounded society?"

Mr. President, is it reassuring to anyone who looks at the United States to learn that we spend 3.1 percent on liquor and almost the same amount, 2.98 percent, on education? In round figures, we spend 3 percent of our national income on liquor and the same amount on education. We spend on racetrack betting one-half percent, or $1,500,000,000. We spend $4,703,000,000 on tobacco. On toilet articles, we spend $912,000,000. For advertising we spend $6,548,000,000.

Let us take those items as another basis of comparison. For advertising, toiletry sales, liquor, tobacco and racetrack betting combined, we spend 8 percent, or $22,423,000,000.

Compare those expenditures with what we spend on education. Under "Education," I include current expenses, $5,131,000,000; capital outlay $1,200,000,000; interest on loans, $900 million; Federal school lunch program $150 million; public institutions of higher education, $898,054,000. The total is $8,279,054,000, as compared with $22,423,000,000 for the other group of items which I have mentioned.

I do not know; perhaps I am wrong. It may not take much effort to run a country like this or to lead the world. However, it seems to me that if I were a citizen of a free country abroad and were looking to the United States for leadership, it would be of great concern to me

to learn that the people of the United States spend approximately 3 percent of their income on education of their citizens—and that figure includes all public education, higher, secondary, and elementary—but that we spend $22 billion of our income, or 8 percent, on liquor, tobacco, gambling, cosmetics, and advertising.

Mr. President, I ask unanimous consent that the table I have been using may be printed in the RECORD at this point in my remarks, so that it may be easily accessible for purposes of comparison.

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

Percentage of national income for education, advertising, liquor, tobacco, and other selected items

	Total expenditures	Percent of national income	National income
United States 1951			$277,600,000,000
Expenditures for:			
Advertising	$6,548,000,000	2.3	
Toiletry sales	912,000,000	.3	
Liquor	8,760,000,000	3.1	
Tobacco	4,703,000,000	1.7	
Race track betting	1,500,000,000	.5	
Total	22,423,000,000	8.0	
Education:			
Current expenses	[1] 5,131,000,000	1.8	
Capital outlay	1,200,000,000		
Interest on loans	900,000,000		
Federal school lunch program	150,000,000		
Total	7,381,000,000	2.7	
Public Institute of Higher Education, 1950, estimated	898,054,000	.32	
Total	8,279,054,000	2.98	

[1] Only public elementary and secondary schools.

Sources: Statistical Abstract U. S. Commerce Department. Survey of Current Business Report, July 1952. U. S. Office of Education.

Mr. FULBRIGHT. Mr. President, I have also another table which presents statistics in a little different light, and I think gives us some reason to pause for a moment before we alienate all the resources under the submerged lands, which may, in the light of history, well prove to amount to the difference between success and failure in our struggle with the dark forces of ignorance on the one hand, and greed, on the other hand.

The table was prepared by the Library of Congress. The sources given are the United States Office of Education, the U. N. Statistical Yearbook, 1952, National Income and Public Finance. As far as I know, it is as good a table as can be obtained.

Its heading is "Comparison of Estimated National Incomes, Governmental Expenditures, and Expenditures for Education in Selected Countries."

In 1951 Norway had a national income of 20,080,000,000 kroner; governmental expenditures were 2,960,200,000 kroner; expenditures for education were 193,100,000 kroner. The percentage of national income for education was 0.96. The percentage of Government expenditure for education was 6.5 percent.

I shall not read all these figures, but I wish to read the figures pertaining to Sweden. In Sweden, the percentage of Government expenditure for education was 9.2 percent. In Norway it was 6.5 percent. In the United Kingdom it was 6.6 percent. In the U. S. S. R., for 1952, it was 12.6 percent.

As I have said, these figures were taken from the U. N. Statistical Yearbook. I think they are as accurate figures as can be obtained. The U. S. S. R. figure of 12.6 percent for 1952 compares wth the United States figure of 6.4 percent for 1951. The percentage of Government expenditure for education in the U. S. S. R. for 1952 was 12.6 percent, compared with 6.4 percent for the United States in 1951.

The figures for the percentage of national income for education in the U. S. S. R. are not given. I presume they were not available. But the report shows that for the U. S. S. R., in 1952, 476,921,000,000 rubles were listed as governmental expenditures, and 60,000,000,000 rubles were listed as expenditures for education.

I grant that comparisons with Russian outlays are always difficult. I am not sure how significant those figures are. I am not nearly as sure as I am of the other table.

Mr. President, I ask unanimous consent that the table to which I have been referring be printed in the RECORD.

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

Comparison of estimated national incomes, governmental expenditures, and expenditures for education in selected countries

		National income	Governmental expenditures	Expenditures for education	Percent of national income for education	Percent of governmental expenditure for education
Norway, 1951	kroner	20,080,000,000	2,960,200,000	193,100,000	0.96	6.5
Sweden, 1950	do	31,700,000,000	6,303,000,000	580,000,000	1.8	9.2
United Kingdom, 1951	pounds	14,053,000,000	3,786,800,000	252,900,000	1.79	6.6
U. S. R. R., 1952	rubles	(1)	476,921,000,000	60,000,000,000		12.6
United States, 1951	dollars	277,600,000,000	79,500,000,000	*5,131,000,000	1.8	6.4
*Equals current expenses only—could add:						
Capital outlay	dollars			1,200,000,000		
Interest on loans	do			900,000,000		
Federal school-lunch program	do			150,000,000		
For public secondary and elementary education	do			7,381,000,000	2.7	9.2
For publicly controlled institutions of higher education	do			898,054,000	.32	1.1
Total	do			8,279,054,000	2.98	10.4

[1] Not available.

Sources: U. S. Office of Education. U. N. Statistical Yearbook 1952, National Income and Public Finance.

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

Mr. FULBRIGHT. I yield for a question.

Mr. MURRAY. The Senator's remarks have reminded me that the National Science Foundation has found that there is a dearth of students entering American colleges and universities to prepare for basic scientific research, whereas in Russia students are entering that field in very substantial numbers. Is not that a fact?

Mr. FULBRIGHT. The Senator is absolutely correct. I have a short statement to present, which I think is the statement to which the Senator from Montana had reference. I shall read it in a moment. I thank the Senator for reminding me of it.

If these tables are accurate, as I believe them to be, can we really, as a great and free people, be content with spending upon the education of our young people one-half as much of our Government expenditures, percentagewise, as the Russians spend? I, for one, am not content with this picture.

There are many signs confirming this picture. Only a few days ago I read in the Washington Daily News the article which is, I think, the one to which the Senator from Montana had reference.

It was published under date of April 6, 1953, and reads:

WE'RE LAGGING

The United States is lagging behind Russia in training scientists, according to the National Science Foundation.

Dr. Alan T. Waterman, Foundation director, told a House appropriations sub-committee that "in the year 1955 the estimate is that 50,000 engineering graduates will be produced in the Soviet Union compared to some 17,000 in the United States."

Think of that. Dr. Waterman says that in 1955 it is estimated that 50,000 engineering graduates will be produced in the Soviet Union, compared to some 17,000 in the United States.

I have no reason to challenge that statement. I know of no better authority on the matter than the Director of the National Science Foundation. We should not be surprised that the Russians have developed the atomic bomb or that they have built 300 submarines. Over a period of years, they have spent upon the education of their young people $2 for every $1 we have spent in the United States, in proportion to their income.

I realize that many Americans, and I believe some of my colleagues, have great faith in the old adage that the good Lord protects drunks, young children, and the United States from the errors of their ways. But I submit that we should not subject Providence to such a great strain. I think we should use our natural resources to help educate the children of all States, rather than give those resources away to the people of Texas—although I confess that my profound sympathy goes out to the poor, poverty-stricken, downtrodden people of Texas. I realize that the people of Texas are in very great need of public education. But under the Anderson bill, they would get a fair share of the assistance.

Mr. President, on April 4 the largest newspaper in my State, the Arkansas Gazette, carries an excellent editorial pertinent to this question. The editorial reads as follows:

SCHOOLS AND TEACHERS

According to the National Education Association, only 35,636 fully qualified, college-trained teachers will be available next fall to meet demands throughout the Nation's schools for 160,000. This, of course, was not unexpected; educators have been watching the growing shortage of qualified teachers with foreboding for a number of years now, and it was already apparent that the big baby crop of World War II would crowd the grade schools in record numbers next September.

Despite this inevitable situation, however, the Nation's taxpayers have been content to leave the teachers in about the lowest paid professional bracket and thus force many a potential educator to seek other fields for purely economic reasons.

Arkansas, even though it is planning a general pay increase, is certainly no exception. Although the 13,700 teacher population of the State might be considered adequate by mere numbers, only 8,802 of the fifteen-thousand-five-hundred-odd certified to the State education department in the school district aid system last year held college degrees. The others range from a level of between 90 hours and a degree to a small number still serving under emergency certificates.

It takes more than a college degree to make a good teacher, but by the reasonable national criteria set by the profession a degree is basic. Under those conditions Arkansas is woefully short and even the fact that some of the four-thousand-odd in the 60-hour-and-higher bracket may achieve degrees by next fall is not likely to alleviate the situation to any extent.

The truth of the matter is that so long as this national complacency toward teachers' pay exists, we are going to have a shortage of good teachers; and so long as we have that shortage, even the most ambitious of school construction programs will fail to solve the problem of inadequate instruction, which finally is the key to the public-school operation.

I think that is a very excellent statement.

Why is it, one may well ask, that there is such a shortage of school teachers? There are many reasons, but certainly one of the most powerful is the extremely low scales of pay in the profession.

Let me quote you a few facts about the pay scales for classroom teachers in the great and prosperous year of 1952–53—a year which may well mark the high point of our prosperity for some time to come.

I hold in my hand a table from the National Education Association Research Division, showing the distribution of classroom teachers' salaries for 1952–53. Let us take some of these situations at random. Take the great State of Alabama, which is certainly not one of the more depressed States. The average classroom teacher's salary was $2,420. The distribution is also important. Fifty-five percent of all the teachers there received below $2,500. Only 5 percent received salaries as high as the $3,500 to $4,400 bracket. Imagine $2,420 being the average. We all know what inflation has done to prices. I should say that that average is certainly well below that of practically any of the other professions, even including some of the activities which are nonprofessional, such as dog-catchers and other employees of the city governments. Even the salaries in those categories are higher than these. I have some figures with respect to some of those categories which I shall refer to later.

Take some of the other cases. Here is the State of Nebraska, a very prosperous State. It prides itself on having no State debt, no income tax, and various other things. I believe Oklahoma has no State debt. I do not know whether Nebraska has or not. However, it has very low taxes. One would think there would be high salaries there for teachers, if anywhere.

The average classroom teacher's salary for 1952–53 in Nebraska was $2,475. There again the average is below $2,500 a year.

These are people who have gone to school and who have spent large amounts of money in preparation for teaching. We expect them to convey to our children a respect and understanding of our system of Government. How can anyone really be surprised that there are all sorts of dissatisfied and frustrated people in the teaching profession? Does it really surprise anyone to learn that the committees of the Congress can scratch around and find teachers who have no great faith in our system? I am surprised that there are as many as there are who are willing to continue to teach for salaries such as these. Such salaries are disgraceful for people who should be among the highest salaried people in our economy.

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

Mr. FULBRIGHT. I yield for a question.

Mr. LEHMAN. I think the Senator from Arkansas undoubtedly has had as much experience in the field of education as any other Member of the Senate or anyone who has been a Member of the Senate for a great many years. What would the Senator say is the average length of time necessary for the training of a good, efficient teacher? The time required runs into several years, does it not?

Mr. FULBRIGHT. The minimum should be a college degree, which, of course, entails at least the traditional 4 years in college, 2 years in a preparatory school, and usually 2 years in a teachers' college. That is where they begin. The process of education is a continuing process. Every year, every other year, or certainly in the sabbaticals thereafter, good teachers usually attend summer school. They teach, and try to keep abreast of modern things. A good teacher is like a fine lawyer. He does not stop going to school when he graduates. A fine lawyer continues to study all his life. The basic thing is the college degree. If a person has no college degree, he ought not even to start teaching.

I have no exaggerated idea of the value of the college degree. It is the minimum. We ought to have in our schools the top people with college degrees—not the lowest 10 percent, but at least a part of the top percentage; and a part of the medium grade.

Statistics will bear out the statement that in recent years—this was not always so in our country—the pressure has become so great and the pay has become so completely unrealistic when compared to the cost of the necessities of life that we get only the very poorest. People who cannot find anything else to do will teach. It hurts me to say things like this, because I have great respect for anyone who is willing to teach. I hesitate to make this statement, because I am afraid it may be misinterpreted. Some members of the press may pick things out of context and say that I belabored teachers. I know that there are good teachers. But, speaking by and large—and I know a great deal about the subject—the tendency in recent years has been very definitely toward making it impossible for anyone who is intelligent and able to do anything else to continue in the teaching profession.

I have a letter from a close friend of mine who has been teaching for years in my home county. I shall read one paragraph from it. He did not want to give up teaching, but he has a family, and he was forced to give it up. He can do other things, but he liked to teach.

Many people like the contact with young people. I do not blame them. It is very easy to lose one's faith in the human race if he is associated with old people all the time. There is no future for them. One just endures them. It is a great inspiration and pleasure to

associate with college students, and younger students in the schools. So there is a great attraction in the teaching profession. Many of these people have held on until they have been literally starved out of the profession. They could not possibly make both ends meet. If we look over the entire country we cannot find anything in it as disgraceful as our pay scales for teachers, considering our wealth and our capacity.

We hear much about juvenile delinquency. After all, Mr. President, what better way of curing juvenile delinquency is there than better schools and better teachers who can handle unusual children, or who can interest them, in schools where they are not so crowded as they are now. Most teachers have three times as many students as they should have. That situation is true all over the country. It is true in my State. General Eisenhower was correct in the statement he made last fall and also in the statement he made in the state of the Union message.

We talk a great deal about having a few pinks or Reds in the schools. Of course, it is not surprising. The marvel of it is that we do not have a great many more dissatisfied people in this country than we have, when we are subjecting our teachers to such conditions in our school systems.

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

Mr. FULBRIGHT. I yield for a question only.

Mr. LEHMAN. Is it not a fact that the reason some of the teachers are so loyal—and I am convinced that the vast number of them are loyal, with only a few exceptions—is because of their deep interest in the field of education and their sympathetic attitude toward the work of developing young people to become good citizens?

Mr. FULBRIGHT. I agree with the Senator from New York that the overwhelming majority of them are loyal. I believe that many of the teachers are frustrated and irritated and angry and resentful. I do not think many are disloyal. I am surprised that there are not more of them. It is not disloyalty that bothers me. It is lack of ability, and lack of quality. I think we ought to have the best people in the field of teaching. After all, Mr. President, what is more important than the children of our country, who will be its future citizens and who will run its Government and fight for America?

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

Mr. FULBRIGHT. I yield for a question.

Mr. LEHMAN. Is it not a fact that many communities, in spite of the fact that a teacher requires long years of training in order to be really efficient, pay their teachers salaries which are actually lower than the wages paid to unskilled labor?

Mr. FULBRIGHT. Absolutely; there is no question about it. I have a few figures which I will cite later on that point. There is no question that some of the most unskilled and very lowest classes of labor, particularly in industry, are paid more than teachers receive in salaries.

We see this sort of thing happening all the time in our schools and universities. Representatives from Bethlehem Steel, or Sears, Roebuck & Co., will come around in May or June and say to the dean, "I would like to talk to the top people among your graduates." They all gather around and these representatives take the bright students right out from under the teachers, and they pay these students twice what the teachers themselves are paid. That is true especially in the business administration and engineering fields.

What happens? As long as the teacher is a bachelor or a single girl, he gets along. However, if a teacher undertakes any obligations—gets married and has children, for example—the first thing we know he is forced to get out of teaching. So we get what is left in the teaching profession. It is all out of proportion to what it ought to be. We have left in the teaching profession people who cannot do anything else. That is true in many cases. I do not mean to say that there are not some very good teachers in the profession, but it is a very big undertaking.

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

Mr. FULBRIGHT. I yield for a question.

Mr. MURRAY. Inasmuch as the teaching profession is such an important segment of our population and must maintain a certain standard of living, it would be impossible for the teachers to live decently under the wages the Senator from Arkansas has described, and therefore they are no asset whatever to our economy, because they have no purchasing power. That was one of the contributing factors to the depression we went through. It was because the purchasing power of the Nation had dried up. Here we are considering one of the most important professions in the United States, and yet its members lack sufficient income with which to live properly and decently. Is that not true?

Mr. FULBRIGHT. The Senator from Montana is quite correct. I appreciate his contribution.

Mr. President, I see that the Senator from Florida has come into the Chamber. I do not want to cite these figures for any reason except to show why I do not feel in favor of turning over to his State the valuable resources which lie in the submerged lands. I should like to cite these figures to show just what is involved here. The average salary of classroom teachers in Florida for 1952–53 was $3,240. In Arkansas, in the same year, it was $2,035, or less than two-thirds of what it was in Florida. How could I, if I wanted to preserve the interests of the citizens of my State in this great national asset, when the average pay of our classroom teachers is two-thirds of what it is in Florida, if I were to vote to turn over such assets to Florida, justify my vote under such circumstances? I do not see how the Senator from Montana could be justified in voting for the joint resolution. I could go through this whole list and cite similar examples.

New York, having sort of siphoned out, in one way or another, the wealth of most of the country for 200 years, was able to pay $4,625 as the average salary. That is the very top figure. The top figure in the country is $4,625. That is the average amount paid by New York State. It is the very top in the whole United States, the richest country in the world.

How could I face the people of my State and say, "Yes, I voted to turn over five or ten or a hundred billion out of these billions of potential revenues to Florida, when the average salary paid teachers in Florida is $3,240 and when Arkansas can afford to pay only $2,000. It is just too ridiculous.

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

Mr. FULBRIGHT. In a moment I shall be glad to yield. In my State a teacher gets less than $2,500 a year in the elementary and secondary school system. Only 20 percent of them get between $2,100 and $2,400 a year. Not one of them gets $4,500 a year. In Florida at least 1 percent can aspire to over $4,500. The distribution is far better in Florida. The average in Florida is $3,240. Only 11 percent in Florida get less than $2,500. Seventeen percent in Arkansas get less than $2,500. Eighty percent in Florida get between $2,500 and $3,400, as against only 27 percent in my State. That is typical. Of course it is true that my State is one of the poorer States in the Union. I think that the figures prove that percentagewise, so far as our income is concerned, we spend more out of our per capita income for schools than is spent in New York, although New York has the top figure.

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

Mr. FULBRIGHT. I promised to yield first to the Senator from Florida, if he wishes to ask me a question.

Mr. HOLLAND. Mr. President, I wanted the Senator from Arkansas to make clear whether he was claiming that Florida is using any money derived from oil resources, either from submerged lands or otherwise, in payment of salaries to its teachers. The Senator from Florida is not aware of the use of such funds obtained from such resources. He knows of no oil that has been discovered in the submerged lands off the coast of Florida.

Mr. FULBRIGHT. No; I had no reference whatever to that. I was simply pointing out that I am supporting the Hill amendment. I think that these assets, which belong to all the people in the United States, should be developed for education, and I am giving some figures in that connection. I am not pointing out that Florida is not paying enough. However, I think that Florida, as rich as it is, with its enormous income from the tourist trade and the gambling industry and dog tracks and horse racing—and no one knows better how to extract money from tourists than such enterprises—does not need oil. The point I am making is that even

without oil Florida pays its teachers one-third more than we are able to pay our teachers.

In Arkansas the teachers are paid salaries only two-thirds as large on the average, as those paid to the school teachers in Florida. So why should I agree to give away whatever right the people of Arkansas have to this asset? We need it for educational purposes or for other purposes just as much as the State of Florida needs it. In other words, Florida is richer than Arkansas. So why does the Senator from Florida ask us to agree to give to his State something that belongs to all the people of the United States?

Mr. HOLLAND. Mr. President, is the Senator from Arkansas saying that I am proposing that any oil be given to the State of Florida?

Mr. FULBRIGHT. Mr. President, I do not know why the Senator from Florida is so much interested in obtaining for his State the area extending 10½ miles into the Gulf of Mexico. If he is not interested in obtaining that area for his State and if other Senators are not interested in obtaining for their States other areas extending off the coast, I suggest that a means of arriving at a quick settlement of this situation is for Senators to propose that all the States be treated on an equal basis. In other words, let us compromise. After all, compromise is fundamental to our system of government. So if all the States would propose that a 3-mile limit be agreed upon in the case of each State, the situation would be quite different. However, Florida asks that she have a 10½-mile limit in the Gulf of Mexico, and Florida also wishes to have an open door, so to speak, so that later she will be permitted to extend her claims for a distance of 100 miles or perhaps 1,000 miles off the coast.

On the other hand, I believe it would be easy to reach a compromise in this matter.

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

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). Does the Senator from Arkansas yield to the Senator from New York for a question?

Mr. FULBRIGHT. I yield.

Mr. LEHMAN. I wonder whether the Senator from Arkansas will permit me to say that although I assume that New York State pays the largest salaries that are paid to the teachers in any State in the Union——

Mr. FULBRIGHT. New York State is No. 1 in that respect.

Mr. LEHMAN. However, despite that fact, there is no doubt that in New York State the teachers are underpaid, and there is not the slightest doubt that in New York State the classrooms are inadequate, and that the classes are too large for effective teaching.

The PRESIDING OFFICER. The Senator from Arkansas may yield only for a question.

Mr. LEHMAN. Let me ask whether the Senator from Arkansas agrees with me on that matter.

Mr. FULBRIGHT. I shall have to ignore that question, because the Senator from New York has really made a statement.

But I wish to state in my own time and on my own initiative that I believe that the teachers in New York State are underpaid, and I believe that the teachers in all the other 47 States are underpaid.

Mr. President, I now ask unanimous consent to have printed at this point in the RECORD the table regarding this matter. I do not know that it is worth while for me to mention any one State in particular, although since Texas plays such an important part in this matter, it might be worth while for me to point out that in Texas the average salary paid to classroom teachers is $3,240.

Mr. President, I now ask unanimous consent to have the table printed at this point in the RECORD.

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

TABLE 5.—*Estimated distribution of classroom teachers' salaries, 1952–53*

State	Classroom teachers' average salary, 1952–53	Percent of teachers paid			
		Below $2,500	$2,500 to $3,499	$3,500 to $4,499	$4,500 and over
(1)	(2)	(3)	(4)	(5)	(6)
Alabama	[1] $2,420	[1] 55.0	[1] 40.0	[1] 5.0	[1] 0
Arizona	3,800	.4	35.0	43.0	21.6
Arkansas	[1] 2,035	[1] 70.0	[1] 27.0	[1] 3.0	[1] 0
California	4,300	0	18.0	45.0	37.0
Colorado	3,300	25.0	55.0	12.0	8.0
Connecticut	3,806	2.0	36.2	45.0	16.8
Delaware	4,125	2.0	28.0	50.0	20.0
Florida	3,240	11.0	[1] 80.0	8.0	[1] 1.0
Georgia	[1] 2,475	[1] 53.0	[1] 40.0	[1] 6.0	[1] 1.0
Idaho	[1] 2,770	[1] 25.0	[1] 66.0	[1] 8.0	[1] 1.0
Illinois	3,850	18.0	30.0	37.0	15.0
Indiana	[1] 3,730	[1] 8.0	[1] 40.0	[1] 33.0	[1] 19.0
Iowa	3,093	[1] 30.0	[1] 50.0	[1] 19.0	[1] 1.0
Kansas	3,025	30.0	50.0	19.0	1.0
Kentucky	2,260	65.0	25.0	9.0	1.0
Louisiana	[1] 3,246	2.5	65.5	29.0	3.0
Maine	2,451	60.0	30.0	10.0	0
Maryland	[1] 3,960	[1] 2.0	[1] 39.0	[1] 50.0	[1] 9.0
Massachusetts	3,820	2.0	33.0	59.0	6.0
Michigan	3,900	10.0	[1] 35.0	[1] 35.0	20.0
Minnesota	3,475	20.0	42.0	22.0	16.0
Mississippi	1,774	85.0	13.0	1.9	.1
Missouri	2,930	[1] 30.0	[1] 48.0	[1] 18.0	[1] 4.0
Montana	3,265	7.0	73.0	15.0	5.0
Nebraska	[1] 2,475	[1] 50.0	[1] 40.0	[1] 8.0	[1] 2.0
Nevada	3,500	2.0	47.0	47.0	4.0
New Hampshire	3,040	20.0	58.0	21.0	1.0
New Jersey	3,868	[1] 0	40.0	30.0	30.0
New Mexico	[1] 3,465	[1] 1.0	[1] 45.0	[1] 48.0	[1] 6.0
New York	4,625	0	24.0	31.0	45.0
North Carolina	2,948	25.0	68.0	6.9	0.1
North Dakota	[1] 2,425	[1] 55.0	[1] 35.0	[1] 10.0	[1] 0
Ohio	3,600	[1] 5.0	[1] 53.0	[1] 29.0	[1] 13.0
Oklahoma	3,000	[1] 20.0	[1] 55.0	[1] 24.0	[1] 1.0
Oregon	[1] 3,725	[1] 0	[1] 40.0	[1] 51.0	[1] 9.0
Pennsylvania	3,490	9.4	49.3	30.8	10.5
Rhode Island	3,435	3.0	43.0	46.0	8.0
South Carolina	2,440	[1] 70.0	[1] 28.0	[1] 2.0	[1] 0
South Dakota	[1] 2,500	[1] 50.0	[1] 48.0	2.0	0
Tennessee	2,465	52.0	43.0	4.0	1.0
Texas	3,240	16.5	61.2	21.2	1.1
Utah	3,300	0	76.0	24.0	0
Vermont	2,625	52.0	33.0	12.0	3.0
Virginia	[1] 2,670	[1] 40.0	[1] 55.0	[1] 4.5	[1] .5
Washington	3,725	0	38.0	50.0	12.0
West Virginia	[1] 2,925	24.0	56.0	20.0	0
Wisconsin	3,418	18.3	43.0	24.7	14.0
Wyoming	3,250	20.0	70.0	10.0	0
Average	3,405	20.0	42.0	25.0	13.0

[1] NEA Research Division estimate.

Mr. FULBRIGHT. Mr. President, the lowest one on the list—and I think that is usually so—is Mississippi. In Mississippi, in 1952–53, the average salary paid to classroom teachers is $1,774. In Mississippi 85 percent of the teachers received less than $2,500 in salary. Think of that, Mr. President. In Arkansas 70 percent of the teachers receive salaries of less than $2,500.

This table is one of the most revealing ones of all, when we compare the salaries paid to the teachers with the present-day living costs.

Mr. MURRAY. Mr. President, will the Senator from Arkansas yield to me?

Mr. FULBRIGHT. I am glad to yield for a question.

Mr. MURRAY. Will the Senator state the status of Montana, as set forth in the table?

Mr. FULBRIGHT. I shall be glad to do so. Montana does even better than Florida. In Montana, the average salary paid to classroom teachers is $3,265, whereas in Florida the average salary paid is $3,240. Furthermore, Montana is outstanding in that only 7 percent of the classroom teachers in that State are paid less than $2,500. In comparison, in Florida 11 percent of the classroom teachers are paid salaries of less than $2,500.

So Montana is doing a surprisingly good job. I did not realize how progressive and alert the people of Montana must be, or perhaps in Montana the per capita income is greater than I had realized; or perhaps both are true.

Mr. MURRAY. No; we simply pay more money to our teachers.

Mr. FULBRIGHT. Perhaps that is why Montana sends such intelligent representatives to the Senate. [Laughter.]

Mr. President, there is a definite connection between all these matters. The table to which I have been referring is very interesting, and much can be understood by perusing it carefully.

Mr. President, at this time I should like to refer to another matter which I think is quite significant. It bears a little on the question raised a moment ago by the Senator from New York.

As an example of the relative importance which is attached to the teaching profession, Mr. Benjamin Fine cites the way the city of Detroit, one of our richest communities, rewards its public servants.

Of course, as everyone knows, Mr. Benjamin Fine is the educational editor of the New York Times. I read now from a statement made by him:

> The prison cook gets a beginning salary of $2,736 in Detroit (the city jail); comfort station attendants in any of the city's numerous comfort stations get $2,222. The dogcatcher gets $2,485, and in a short time is able to receive a salary of $3,120. The zoo's animal keepers get $2,496 at the start, for their ability to feed the tigers and keep away from their paws. The garbage collector foremen get $4,761 and by showing improvement and regular attendance, interest in their job, and similar traits, can eventually reach $5,238. The rat exterminator foreman begins at $3,095 and whether or not he kills his quota of rats he can easily reach a maximum of $3,492.

Mr. President, those comparisons are given by Mr. Benjamin Fine in his book. I am sure the Senator from New York is familiar with it.

Mr. LEHMAN. Yes; I am very familiar with it. Mr. Fine appeared before our committee.

Mr. FULBRIGHT. In further reference to Detroit, Mr. Fine said:

> Detroit's schoolteachers, in common with teachers everywhere, do not fare so well as many of these people. They begin at a salary of $2,094, only after they have completed a minimum of 4 years of college and

have shown unusual ability in guiding children, plus a superior knowledge of one or more specific subjects. In terms of take-home pay, Detroit teachers receive slightly in excess of $8.25 a day on a 20-day per month basis.

Mr. President, is not that a wonderful story? How astounding it is to realize that in Detroit the schoolteachers begin at a salary of $2,094, as compared with the salary of $4,761 which is paid to the garbage-collector foremen. In other words, in Detroit the schoolteachers are paid salaries less than half as large as the ones paid the garbage-collector foremen. In fact, in that city the teachers are paid smaller salaries than the ones paid to the comfort-station attendants. It never occurred to me that a comfort-station attendant required any very great ability or training. Some of them are more gracious than others, but that is about the only distinction, I assume. However, in Detroit the comfort-station attendants receive salaries of $2,222, whereas the schoolteachers receive beginning salaries of $2,094. What a ridiculous and absurd situation and system that is.

I read further from the statement by Mr. Fine:

Or take New Orleans, where the dogcatcher gets from $1,500 to $1,820 a year depending on his speed. * * * The zookeepers' standard salary is $2,400 a year. The teacher starts at $1,400 per year.

Mr. President, in the book by Mr. Fine are to be found many other very interesting statistics, coming from many parts of the Nation.

However, I do not think I need labor the point that, generally speaking, teachers receive substantially less reward for their services than do doctors, lawyers, carpenters, plumbers, truck drivers, or dogcatchers.

In 1951 the average annual salary for all persons working for wages or salaries exceeded the salaries of teachers; the respective salaries are $3,253, as compared to $3,095.

Just think of that situation, Mr. President. What kind of a society is ours, after all? How do we think it can be a self-governing one if we are looking to the time when the elite will govern us, and the people will play no part in government? Sometimes it is said "Do not educate all the people; to do so makes them dissatisfied." I may say that has been characteristic of one system of government, but not ours. We cannot tolerate the idea that some must be brought up in ignorance, and then be expected to vote and to play a proper part in government. It is an inconsistency. If we are to have a self-governing society, then we had better do something about educating the people who do the governing.

I see no answer to that argument.

Mr. President, a few days ago I received a letter from an old friend of mine, an excellent, devoted teacher in the schools of my home community. I should like to read one paragraph from his letter. It is extremely revealing and, from my personal knowledge, authentic, and I think typical of the attitude of thousands of the best teachers in this land. It is dated April 4. It had nothing to do with the subject that is before us at this time. It was in regard to an entirely different subject. He was merely informing me of a decision he made. He says:

I suppose there is no school legislation pending in regard to teaching.

He used to write to me about Federal aid, as many teachers do. He continued:

I am trying to get out of the profession, but will always be interested in the children. Somehow it all seems sort of screwy to me. We can find money for so many things not so necessary, and yet neglect the pride and joy of our lives. Too, there seems to be a group of people in the teaching business who should be out plowing.

He recognizes there is a weakness, of course. He says some of them should be out plowing. He continues:

It is a crime, but there is not much we are doing about it. Too many good people are leaving the profession because of various things, including pay, and a lot of those staying in are doing so because they could not make a living at anything else.

I think that is as simple and accurate and true a description of the conditions as it could be, and it is in my opinion a very, very dangerous condition so far as the survival of this country is concerned, and particularly in the present international situation.

Mr. President, there are 1 or 2 other aspects of the problem which certainly should not be neglected for the RECORD. I hesitate to burden the RECORD, but, as I said a moment ago, I consider what I am about to mention probably the greatest defect in our society. It goes to the root of what I think constitutes the greatest threat to our survival today. I refer to the confidence of our allies in our judgment.

When I note, as was mentioned a moment ago, the out-of-hand rejection of the British bid for the generator at a certain dam, I wonder whether we have any sense at all. We spend billions of dollars in an enormous effort to try to build up the idea of cooperation and trade among our people, and the people of other lands, and then, when a bid is made by Britain to supply a piece of machinery, we turn it down. I do not know what to make of this. When it comes to judgment in this field, there seems to be a complete lack of understanding of many of the elementary facts of life, in the international field, as well as in the national field. It is caused primarily, I think, by a great deficiency and inadequacy in our educational system, from which other characteristics spring.

In the early 1940's, the sharp upward curve of the birthrate was regarded as a war phenomenon which would probably decline toward war's end. It has not declined; it has remained consistently high. In September 1952, the elementary schools enrolled a million and a half more children than in September 1951.

Think of it, Mr. President. The elementary schools enrolled a million and a half more children than in September 1951. What are we going to do about it? We did not build schools to take care of them. We did not furnish schools. That means we have either got to put into effect compulsory birth control, or do something about educating the children. It is a criminal thing to let them enter schools which are wholly inadequate now, and of very low quality. From now, until at least 1957, each fall will find hundreds of thousands of additional children waiting to enter classes. With the elementary grades already overflowing and many schools on double shifts, the continued high birthrate will proceed to engulf an additional higher grade each year through the 1950's. This is based on national association statistics.

Turn for a moment to examine the situation in the teacher-education schools and colleges around the country. It has been estimated that for the current year, 1952–53, the need for additional teachers in our schools will be at least 160,000. If I recall correctly, that is the figure used by the President in his statement. This is the number required to fill the places left vacant by those who will have retired, died, left the profession because of marriage or to seek more attractive employment, and to provide for the ever-increasing enrollment.

To meet this need, the teacher-training institutions have this year graduated only 106,000 teachers, 96,000 at the bachelor-of-arts level and 10,000 below degree level, yet meeting certification requirements in some of the States. An estimate of the student enrollment in schools preparing teachers indicates that the number of graduates will not increase in the years immediately ahead. In a few years, the teacher shortage, now so acute in the elementary schools, will extend to our high schools. The present oversupply of teachers in some fields in the high schools is distinctly temporary, and will quickly change to a shortage as the large population in the lower age groups advances upward.

Let us examine briefly the urgency of the shortage in the elementary field. The demand for qualified teachers here is rapidly expanding. At least 60,000 are needed to replace those who discontinue active service each year. At least 10,000 are needed to relieve overcrowding as it exists at this moment. At least 20,000 are needed to meet increased enrollments in 1952, and 20,000 more will be needed for that purpose every year through 1957. At least 70,000 are needed to replace teachers so woefully undertrained that their retention in service while being upgraded cannot be justified.

With these demands in mind, look for a moment at how some States are operating to prepare their teachers. In a great many States, extensive surveys have been made analyzing the academic background of elementary teachers now teaching. Out of 369,146 teachers in 34 States, for example, about 54 percent hold degrees—slightly over half the number who should hold degrees; 33.44 percent have completed from 60 to 119 semester hours of preparation; 11.9 percent have completed less than 60 hours. But the disparities are great. In one State as many as 98 percent of all elementary schoolteachers in service hold college degrees—that is probably New York, although I did not look it up; in another, less than 9 percent have attained that level of preparation.

lor Act should clarify these questions. The interpretations of the act that I have been able to read all indicate that it is a conservation measure for the protection and rehabilitation of the surface of the range land in order to help stabilize the industry dependent thereon. That the exchange provisions and other parts of the act are for the purpose of facilitating the administration of the land and to enable the Secretary of the Interior to carry out the purpose of the act, and are not directed toward blocking it into a permanent Government reservation. However, it appears from study of the proposition that the State or States would have very little, if any, grounds on which to base a claim for the land to be conveyed to them. This is a matter that rests entirely in the discretion of the Congress.

Inasmuch as the withdrawal of the public lands and setting it apart under the Taylor Grazing Act in the public-land States carves it out of the area of the State, the question might well present itself, does the State that comes into the Union without receiving the land within its boundary forfeit any of its powers as a State, and does it come into the Union on an equal footing with the other States that came in where no public lands were reserved? A search of the court cases pertaining to such a question reveals that the courts have held every State that entered the Union has either at the request or upon requirement of Congress temporarily or permanently deprived itself of the power to exercise some of the attributes of sovereignty, and by doing so has not been admitted on equal footing with the other States. Equality among States as termed by courts means possession of sovereignty—the power to exercise the functions of a Republican form of government and not necessarily in the same manner or to the same extent (*Abelman* v. *Booth* (21, 506 Vattels Law of Nations, 3, 193, 229)).

As an example, New Mexico when entering the Union agreed by its enabling act that "The people inhabiting the said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof, etc." The original States in forming the Union ceded only the lands outside their boundaries. Thus with the major portion of New Mexico remaining public land, it did not come into the Union on exactly the same footing as the original States in which the State retained all of the land within its boundaries.

In other cases the courts have held the power of Congress in the disposal of the public domain cannot be interfered with, or its exercise embarrassed by any State legislation. Under the Constitution Congress has the absolute right to prescribe the time, the conditions, and the mode of transferring the public domain or any part of it, and to designate to whom the transfer shall be made (*Gibson* v. *Chanteau* (80 U. S. 92, 13 Wall. 92, 20 L. ed. 534)). In the case of *Utah Power and Light Co.* v. *United States* (37 S. Ct. 387, 243 U. S. 389) the courts have held inclusion within a State of lands of the United States does not take from Congress the power to control their occupancy or use even though it requires the exercise of police power.

In the discussion of question No. 3, it might be well to ask if the question now before the Congress concerning the quit claim of the submerged lands to the States, if passed could be used as a precedent or as justification for either granting the public land or minerals thereunder, or the revenue therefrom to the public domain States?

The leasing of the submerged lands has been a controversial matter for many years, while the leasing and ownership of the public domain has not been questioned. The Attorney General has held that the submerged lands are not subject to the Mineral Leasing Act. They are separate and apart from the public domain. The public land laws allowing homesteading were intended to provide a man a farm from which to make a home and earn a living. It was not the intent of Congress to allow him to enrich himself from the valuable minerals and oil and gas from the public land at the expense of the rest of the country. Therefore, as far back as 1908 general reservations of minerals began to be made, and in 1916 under the Stock Raising-Homestead Act, all minerals were reserved. It must be remembered also that on all quantity grants of land to the States, the State was required to select only surveyed non-mineral public land. No reservation of minerals was made on State selections if minerals were not known to be present on the land or if the land was classed as non-mineral in character, or was not considered prospectively valuable for minerals including oil and gas. Consequently, in years later some of the land granted to the States on which reservations were not made turned out to contain valuable deposits of oil and gas and other minerals, and the State retained title to these lands and resources. There is no indication that Congress intended to hold the lands in trust for the States or desired to contribute the revenue to the States, but that it was the intent of Congress to eventually dispose of the land. Any reservations or withdrawals of the public domain are clearly shown to have been made in interest of the general welfare of the country as a whole, and not for the particular benefit of one State or class of States.

While I recognize that for the most part there is little historical background to support the claim that the minerals on the public lands should be transferred to the States, there is support for the payment of revenue obtained from the land and land resources to the States to be used for the benefit and welfare of its citizens. While there has been only a relatively small amount of money from the forest and grazing land paid to the States in lieu of taxes, there were some rather large grants of land to them which were apparently for the purpose of providing revenue for certain purposes, which was not available from the Federal or State Treasury.

As heretofore mentioned, as far back as 1844 the Congress recognized that the States needed more revenue than was available for internal improvements and for the support of their schools and institutions. Consequently, in lieu of money grants the Congress began making one-half-million-acre grants to the States for internal improvements, and these grants were made over a period of about 40 years. In the later years of the 19th century, and the early part of the 20th century, further grants were made to the States for benefit of schools and educational institutions. This certainly indicates that in the past Congress has recognized its obligation to give assistance to the States in which there are significant areas of public land.

The Government is not holding the lands, minerals, and other natural resources in reserve for the revenue to support it. These lands and resources are being held in order that they will be wisely developed and conserved for the future welfare of the entire country. Therefore, inasmuch as large areas of land are withheld from the Western States and private ownership, I believe that there is a moral obligation on the part of the Federal Government to pay to the States revenue from the lands so withheld from the States and private ownership.

Congress has departed a long way from the original policy of administering the public domain, and it is entirely within its discretion to make such further changes as are in the interest of the Nation or any State that might be discriminated against.

The so-called tidelands bill has passed the House of Representatives granting the submerged lands out to the historic boundaries to the States involved. It appears that there is sufficient support in the Senate to pass the same or a similar bill. There seems to be no doubt that if the bill is passed, it will be signed into law. Therefore, I believe that I am fully justified in introducing an amendment to provide that any revenues collected from Federal lands, of whatever nature, should be paid into the Federal Treasury and then 90 percent of that money be disbursed to the State from which it is collected.

Department of Agriculture, Forest Service—Statement of receipts from national forests, fiscal year 1952

State or Territory	Timber	Forage	Special land uses, water power, etc.	Total	State or Territory	Timber	Forage	Special land uses, water power, etc.	Total
Alabama	$796,356.50		$1,276.90	$797,633.40	New Hampshire	$130,440.87		$588.21	$131,029.08
Alaska	13,282.85		17,320.61	30,603.46	New Mexico	500,452.24	$338,651.74	14,140.02	853,244.00
Arizona	1,550,653.24	$668,279.51	42,381.19	2,261,313.94	North Carolina	492,010.74	50.02	8,260.02	500,320.78
Arkansas	2,244,563.42	2,316.37	12,095.55	2,258,975.34	North Dakota			69.68	69.68
California	12,581,081.10	386,670.78	280,909.87	13,248,661.75	Ohio	6,433.47		12,251.65	18,685.12
Colorado	479,788.92	678,336.35	49,155.67	1,207,280.94	Oklahoma	250,028.77	14.40	180.37	250,223.54
Florida	419,928.65	2,496.08	17,243.05	439,667.78	Oregon	19,474,326.77	322,830.86	42,855.89	19,840,013.52
Georgia	570,586.15		1,753.05	572,339.20	Pennsylvania	132,464.76		5,111.36	137,576.12
Idaho	2,898,972.42	617,552.14	30,669.18	3,547,193.74	Puerto Rico	9,793.80	40.00	4,619.35	14,453.15
Illinois	42,332.48		22,511.29	64,843.77	South Carolina	945,147.86	129.98	12,766.80	958,044.64
Indiana	6,344.91		3,251.71	9,596.62	South Dakota	316,621.51	61,139.83	17,796.95	395,558.29
Iowa	712.90		1,667.88	2,380.78	Tennessee	306,251.94	27.90	4,838.71	311,118.55
Kentucky	153,476.68		8,883.95	162,360.63	Texas	2,032,248.01	2,030.80	8,838.34	2,043,117.15
Louisiana	605,694.50	675.98	14,289.74	620,660.22	Utah	163,153.46	600,188.58	15,373.03	778,715.07
Maine	9,719.27		49.79	9,769.06	Vermont	140,613.49	45.75	635.00	141,294.24
Michigan	622,072.96		10,006.88	632,079.84	Virginia	178,710.88	382.69	11,691.53	190,785.10
Minnesota	553,364.88		13,921.63	567,286.51	Washington	11,110,160.87	81,213.20	39,046.18	11,230,420.25
Mississippi	1,584,461.13	790.75	144,589.09	1,729,840.97	West Virginia	142,356.55	4,598.06	19,086.85	16,041.46
Missouri	136,857.04	10,262.02	6,762.04	153,881.10	Wisconsin	454,001.08		3,073.21	457,074.29
Montana	1,456,919.71	502,398.45	41,950.15	2,001,268.31	Wyoming	196,510.19	434,452.35	27,642.00	658,604.54
Nebraska	5.00	84,149.25	103.62	84,257.87					
Nevada	14,083.61	222,930.44	4,899.74	241,913.79	Total	63,722,985.58	5,022,654.28	974,557.73	69,720,197.59

higher-paid jobs and employment with business and the Federal Government."

Kansas: The better looking cars parked around the school grounds are those driven by pupils rather than by teachers.

The current and continuing teacher shortage across the country cannot, of course, be separated from the very basic problems of financing public education. If States, counties, and school districts could find ways to finance their operations and buildings adequately, the problem of paying their teachers would be reduced greatly or disappear. But no administrator and no local board can plan on any one finance factor without considering all the other interacting factors.

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

Mr. FULBRIGHT. I yield for a question.

Mr. DOUGLAS. Is it not true that since 1947 the school population has been growing at the rate of about a million a year, namely, during that period, from 26 million to 32 million?

Mr. FULBRIGHT. The Senator is correct. I believe that in the past year, according to the report I have, the increase was a million and a half. But, on the average, the increase was about 1 million.

Mr. DOUGLAS. Is it not true that in the coming 5 years, as the children from the high-birth-rate years move into the school system, the number of children entering school will be increased at the rate of a million a year or slightly more?

Mr. FULBRIGHT. The Senator is quite correct, and that growth has already put great pressure on the lower grades. It has not caught up with the higher levels, but it will reach that point in a very few years.

Mr. DOUGLAS. So, by 1957, the school population of the United States will increase by at least 11 million, or approximately 45 percent greater than it was in 1947—10 years earlier.

Mr. FULBRIGHT. The Senator is quite correct.

Mr. DOUGLAS. Is it not true that, roughly, we should allow 1 teacher to every 30 to 33 pupils?

Mr. FULBRIGHT. I think it would be better to have 1 teacher for every 20 pupils. I do not know whether or not to say that that figure is very liberal. That is really too many students. But the ratio is much higher than that.

Mr. DOUGLAS. So it follows that we must add, roughly, from 33,000 to 35,000 teachers a year to the existing number?

Mr. FULBRIGHT. As the Senator may have noted, I read a moment ago statistics pertaining to the shortage of persons graduating for the teaching profession. I think there is already a shortage of 160,000 qualified teachers in this country.

Mr. DOUGLAS. So, in addition to making good the losses each year caused by withdrawals from the profession, deaths, and so forth, is it not necessary to have a net addition of from 33,000 to 35,000 teachers?

Mr. FULBRIGHT. The Senator is absolutely correct.

Mr. DOUGLAS. Furthermore, this means that we shall have to provide about——

The PRESIDING OFFICER. Does the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question only.

The PRESIDING OFFICER. The Chair wishes to ask the Senator if he has yielded for a question.

Mr. FULBRIGHT. I have yielded for a question only. I thought the Senator was asking me a question.

The PRESIDING OFFICER. The Senator was making a statement.

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

Mr. FULBRIGHT. I yield for a question only.

Mr. DOUGLAS. Is it not also true that with a ratio of about 30 to 35 students to the classroom, between 30,000 and 35,000 additional classrooms will be needed each year?

Mr. FULBRIGHT. The Senator is quite correct. That statement is true.

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

Mr. FULBRIGHT. I yield for a question.

Mr. DOUGLAS. Is it not true also that the cost per classroom would probably be close to $1,000 per student?

Mr. FULBRIGHT. Yes; that is very close to the average estimate.

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

Mr. FULBRIGHT. I yield for a question.

Mr. DOUGLAS. Therefore, would it not follow that additional capital investments of approximately a billion dollars a year would be needed, namely, $1,000 for each of the additional small children?

Mr. FULBRIGHT. The Senator is quite correct. That statement is true.

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

Mr. FULBRIGHT. I yield to the Senator from Illinois for a question.

Mr. DOUGLAS. Should not all these additional demands be added to the amounts required to replace wornout school buildings?

Mr. FULBRIGHT. The Senator certainly is correct. That is exactly what should be done.

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

Mr. FULBRIGHT. I yield to the Senator from Illinois for a question.

Mr. DOUGLAS. Is it not true that many local school districts are in grave financial difficulties?

Mr. FULBRIGHT. There is no question about that. The Senator's statement is absolutely true. In many sections of the country school districts are practically bankrupt.

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

Mr. FULBRIGHT. I yield for a question.

Mr. DOUGLAS. Is it not a fact that the oil resources under the submerged lands would be a friend in need to the local school districts?

Mr. FULBRIGHT. The Senator now is speaking exactly to the point of my argument. That is exactly the idea I was trying to convey, and indicates precisely what ought to be done with the resources in the submerged lands. One billion, two billion, or five billion dollars could make all the difference in the world. It does not matter whether the money would be used to construct adequate building or to provide salaries. If it were used for buildings, local communities merely would be relieved to that extent, and would be enabled to use the money for salaries. But the Senator is exactly correct. I am encouraged by my ability to convey to my colleagues the point I have been trying to make in my argument. It encourages me to continue.

Inflationary costs have been murderous on school economies, especially since 1950. Even while a school is being designed and built, costs go up continually. Teachers, again, whose small salary may be bolstered by a yearly increment, find the increment eaten up by rising living costs, and many have been forced to take a second or part-time job to make ends meet, working in the evening, on weekends, or all summer vacation.

Local boards are equally beset. Operating costs are sky high. Everything from pencils to the janitor's wages have gone way up. It costs about twice as much today to construct a school as it did in 1943.

At the same time, it is enlightening to note that perhaps some States are not doing everything they could to meet the challenge. In the last 2 years, American cities spent less per school child than in preceding years. This reduction occurred in the face of a rise in the Nation's income after taxes of $55 per person. The actual educational investment in each boy and girl attending school in 1951, for example, dropped by $6 in terms of uniform purchasing power, as shown in the Consumers Price Index, 1950–51 base.

The United States Office of Education has pointed out in a recent survey—November 1952 issue of School Life—what it would cost and how much effort would be necessary for the various States to raise their educational standards to a desired and adequate level. The standards are based on several factors, among them higher salaries, teacher-pupil ratio, varied curriculum, broader service, higher retention rate, and so forth.

Education at a desirable quality level—that is to say, good education, though by no means the very best education—would in 1949–50, for example, have required about $2 billion more than was expended, an overall national increase of 43 percent above what was actually expended. In Mississippi, it would have been necessary to increase the expenditures 274 percent to bring education there up to a desirable level. In Alabama the increase needed was 155 percent; in Arkansas, 167 percent. Conversely, States like New York, Colorado and California could have brought their standard up to the desirable level with an increase of only 1 percent in New York's case, 13 percent in California and 36 percent in Colorado.

Another statistical grouping that can be informative as we consider this question of State spending and the comparative quality of education is an index prepared jointly from Office of Education and Census Bureau figures. This index shows comparatively the high-school youth retention abilities of the various States. During 1950, the latest figures reported, South Carolina ranked last in the ability to keep students in school through grade 12; Mississippi was next to last, and Kentucky, Louisiana, Alabama, and Arkansas not much better. Massachusetts, Rhode Island, New Jersey, California, and New York were the best States for holding power, and again, these States are far up on the per pupil expenditures list.

From the New York Times of February 1 I take the following statement:

> Last week disturbing evidence came to light to uphold the thesis that superior high-school graduates shy away from teaching. The annual report of the Educational Testing Service at Princeton, N. J., presented evidence that men who are preparing to be teachers are, as a group, the poorest students of all those attending colleges and universities.
>
> The Princeton Service, headed by Dr. Henry Chauncey, administers the college entrance examination board tests and most of the recognized examinations on the higher education level. About a year ago the armed services asked the board to give the draft deferment tests to young men in college who are of military age. In 1951–52, the bureau gave more than 400,000 tests as part of its selective service college qualification test program. The results are startling, to say the least. It was found that students in education—those men who were preparing to be teachers—did worse on the tests than any other group of students.

This brief outline of the situation in higher education serves mainly to illustrate the continuity of the problem.

We should remember that all these problems will within a few years confront our colleges and universities. The matter of financing higher education is right now under discussion by experts around the country. Keeping a college in the black these days is a complicated big business operation. It is going to get progressively more complicated as high costs continue and as the need for trained manpower increases. And there is the related problem of student deferment, which must be equated with the requirements of the Armed Forces.

Just as in the secondary schools, we find there is a dropping off of trained teaching personnel in most fields at the college level. Right now there is a surplus of college teachers in a few special fields, but, as the earlier discussion has indicated, this temporary surplus will very shortly become nonexistent, and a real shortage will appear in the later 1950's as the students finish high school and move on to higher education in increasing numbers. Every year from 1953 on, the number of graduate students receiving Ph. D.'s and planning to teach in college will be declining in proportion to the projected college enrollments. It will be the job of educators to figure out how to retain these candidates, and how to turn out adequate numbers of them before 1960, for at that time college enrollments will probably start rising drastically, and will go to a peak in the mid-1960's.

The present shortage of funds, teachers, and buildings is concentrated most acutely in the elementary school area; almost before measures can be taken to alleviate it there, this shortage will be moving on to the secondary schools; in less than a decade, it will hit the colleges. This wave will not simply move progressively ahead, leaving serene conditions behind it; from all reliable estimates, we must conclude that the shortages of men, money, and equipment will persist at all levels, and will have to be solved from year to year, over and over; this can be done only by the closest cooperation between the cities, the States and the Federal Government.

Mr. President, I have before me a statement from the United States Chamber of Commerce which strikes me as an extremely appropriate statement to place before this body. This is from a study made by that organization of the effect of education upon living standards. It is my understanding that the United States Chamber of Commerce has been taking a position in favor of the passage of the pending joint resolution. I should like to urge them to consider that position, in view of their own statements with regard to the importance of education. I quote:

> The only sure way to raise the level of living of any country is to find more efficient ways of producing goods and services. This means more and more technical training and more general education for all. From one standpoint, if a country or a community is already rich, it is easy for it to become richer. It has the margin of resources necessary to devote to increasing the efficiency of production. We have scarcely started to look for the most efficient means of producing food, or clothing, or housing, or any one of a thousand necessities or conveniences. New products to be found will make present ones seem crude. To find these improved methods and products will require far more research and technical training than any country now provides. The country that is really daring in its use of research, and greatly increases its provisions for education, will rapidly increase its level of income. This is the only sure way for a rich country to become richer, and it is one that we have hardly started to develop in the United States.

Mr. President, I wish to bring to the attention of the Senate some of the material in a treatise recently published. This is the latest and most authentic material that I am aware of, and it was brought out under the aegis and sponsorship of the highest authority in this Republic, the man who only a few months ago received the affirmative endorsement of 33 million free American citizens, our President, Dwight Eisenhower.

I wish to congratulate President Eisenhower for having initiated this project. It is a much needed and valuable contribution to our knowledge of ourselves, and I know of nothing the American people need more of right now than a thorough understanding of themselves, of their virtues, their weaknesses, and of their potentialities.

This treatise, as I have stated, has just been published by the Columbia University Press. I should like to read the opening statement. It is entitled "Conservation of Human Resources"—a research project, Graduate School of Business, Columbia University. The conservation of human resources was established by General Eisenhower in 1950 within the graduate school of business of Columbia University. Philip Young, dean of the graduate school of business, was appointed administrative head of the project. He has been responsible for its supervision. Eli Ginzberg, professor of economics in the graduate school of business, is director of the project.

I think this treatise is probably the most significant part of all my remarks, if there is anything significant in them. Here is a project, which, as I have stated, was initiated by General Eisenhower when he was president of Columbia University. He had some of the best people in the whole United States working on it. It concerns, I think, the most important problem in the United States, the conservation of human resources.

I invite the attention of the President to the list of sponsoring organizations, so that he will not be misled by any insinuations by the opposition to the effect that this might be a project by some long-haired professors, crackpots, or even liberals.

The No. 1 sponsoring organization is the American Can Co., of which I am sure the President has heard.

The second is the Bigelow-Sanford Carpet Co.

The third is the Cities Service Co.

The next is Cluett, Peabody & Co.

The next is the Columbia Broadcasting System.

The next is the Consolidated Edison Company of New York.

The next is the Continental Can Co.

The next is the E. I. du Pont de Nemours Co., a company with which I am sure Senators are familiar. Some of us have heard of it.

The next is the General Electric Co.

The next is General Foods Corp.

The next is the Radio Corporation of America.

The next sponsor on the list is the Standard Oil Company of New Jersey.

The next is the New York Community Trust.

These are the sponsors. They supplied the money, I assume, with which to make the survey.

> In addition to the foregoing, the Ford Foundation has also contributed toward the financing of the Conservation of Human Resources.

I hope I have established a reasonable basis for considering that it is a very worthwhile and reliable organization, even from a Republican point of view, much less from that of a Democrat.

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

Mr. FULBRIGHT. I yield to my colleague from Illinois for a question.

Mr. DOUGLAS. Does the Senator from Arkansas believe that any of the officials of these organizations is a member of the CIO?

Mr. FULBRIGHT. I am quite certain that not one of the officials is a member

of the CIO. Perhaps some of the employees are.

Mr. DOUGLAS. Does the Senator from Arkansas believe that many of the leading officials of these companies are members of Americans for Democratic Action?

Mr. FULBRIGHT. I cannot imagine anyone being tolerated as such by any of these companies. I do not know personally, but from the reputation that these companies have established in our communities I would not say that they would tolerate one if they knew if. Of course, in these days we never know. Likewise, I do not suppose that they harbor any Communists among their directors, if they know it. But they are very conservative and reputable people in the business world, and ought thereby to inspire some confidence on the part of our friends and colleagues on the opposite side of the aisle. That is why I take so much time to cite the sponsorship, hoping that I might enlist the interest and attention and possibly some support from our Republican brethren.

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

Mr. FULBRIGHT. I yield for a question.

Mr. DOUGLAS. Am I to understand that the very able Senator from Arkansas is now in the process of qualifying his witness, so to speak?

Mr. FULBRIGHT. The Senator has caught the point exactly. That is precisely what I am trying to do, to qualify my witness. I am happy that I have impressed my friend from Illinois. I was trying to impress also my friends on the other side of the aisle. I think this is an extremely interesting work, and I am delighted that, even though none of the Members of the Senate from the other side of the aisle is present or listening, at least, the Senator from Illinois is present. I am very grateful for his company.

Mr. President, it is rather strange, after insisting on keeping the Senate in session long hours, that none of the Members of the Senate from the other side of the aisle is present to enjoy and to participate in the debate. It is an odd attitude to insist upon such prolonged debate without being willing to participate in it. Sometimes I think that some Senators took a vow of silence as soon as we started to discuss the joint resolution. Of course, that is neither here nor there; they have a right to ignore the debate if they so choose. I only hope that the regulations of the press require some of their representatives to be present at all times in the gallery.

Mr. President, there are only a few parts of this book that I shall read. I think it is an extremely significant treatise, under the sponsorship of General Eisenhower, Columbia University, and some of the leading corporations of the United States. I shall read an excerpt from the foreword. Mr. President, I hope Senators will not get worried. I will not read the whole book. I shall read only a few excerpts from it:

> Impressed with the striking evidence of the wastage of manpower revealed during World War II, General Eisenhower, shortly after coming to Columbia University, took the initiative in establishing a large-scale research project under the title "The Conservation of Human Resources."

Mr. DOUGLAS. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. DOUGLAS. May I ask the Senator from Arkansas what the title of the book is?

Mr. FULBRIGHT. "The Uneducated" is the title of the book.

Mr. DOUGLAS. Is that the book which press reports stated the President had by his reading lamp so that he might consult it during the evening hours?

Mr. FULBRIGHT. I think I read one of the reports that stated the Bible was one of the books and I think it also stated that this book was one of them also. He really inspired the writing of the book. It was his initiative that caused the book to be written, or at least caused the research for it to be undertaken.

> This project has a twofold objective: to deepen the knowledge of the fundamentals of human resources, and to show how new knowledge can contribute to sounder public policy aimed at reducing the wastage of the Nation's most valuable resource.

Which, Mr. President, I pointed out, is its human resources.

There are a few excerpts from the book I should like to read, with the qualification of it as a witness that I made. There are some very startling statements on page 3:

> During World War II more than 5 million men liable for military service were rejected as unsuitable because of a physical, emotional, mental, or moral disability. Since about 18 million men were examined, this implies that approximately 1 out of every 3 young men was considered so handicapped that he could not serve his country in uniform during a major war.

The Senator from Montana was asking about this point a moment ago. That is exactly on the point.

> In the year following the outbreak of hostilities in Korea about 500,000 of the million and a half men examined were rejected.

Once again the number and proportion of the handicapped men were very large.

Mr. President, this, it seems to me, is a very disgraceful situation. I do hope that the country will pay attention to this latest study of the situation in this country. It is incredible to me that the richest country in the world would permit such a situation to develop.

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

Mr. FULBRIGHT. I yield for a question.

Mr. DOUGLAS. Since approximately 1 out of every 3 young men was disqualified during World War II and the same ratio prevailed after the Korean hostilities broke out, it would indicate that there had been virtually no improvement during that 10-year period. Is that correct?

Mr. FULBRIGHT. The Senator is quite correct. I would say that the evidence I have already cited as to the terrible conditions in our schools would indicate that probably there has been a deterioration of conditions over the previous period of time. We do not get a very great variation. I found nothing which would indicate an improvement. Everything would indicate a worsening of the educational system in this country since World War II.

Inflationary pressures have all been against the schools. The attraction of higher wages in every other field of activity to the able young people has been against the schools. Everything I can think of has been against the schools. I cannot think of one reason why schools should have improved in view of the inability—at least the unwillingness and in some case the inability—to make sacrifices or even to divert to education funds that have been devoted to other purposes.

I invite the Senator's attention to the following words:

> Hidden within these startling figures is the still more startling fact that during World War II, 716,000 men were rejected on the grounds that they were "mentally deficient." At the peak of mobilization the Army had 89 divisions. Those rejected for mental disabilities were the equivalent in manpower of more than 40 divisions. In the year following the outbreak of fighting in Korea more than 300,000 were rejected on this same ground of "mental deficiency." Some were truly mentally deficient; many more were educationally deprived.
>
> The full mobilization which occurred during World War II and the partial mobilization which we have experienced since hostilities commenced in Korea precipitated new policies with respect to our national manpower resources, primarily the use of compulsion for the screening and selection of men for the armed services.
>
> As a byproduct of this screening process for securing manpower, a large amount of information was obtained about every individual called for examination. The results of these examinations contain a wealth of data about the Nation's human resources.
>
> * * * * *
>
> It seems strange that the serious shortcomings inherent in the population revealed by these examinations had gone unnoticed in previous years, or if noticed, had failed to lead to remedial action. This question has particular pertinence with respect to the large number of young men in the country who were rejected for military service because they were adjudged to be mentally deficient. The United States has long been recognized as one of the richest countries in the world as well as one of the most democratic. One reflection of this economic well-being and democratic orientation has been the emphasis that has been placed for many generations on education, particularly free education, for every boy and girl in the country. Yet, at the outbreak of World War II more than 4 million men in the labor force had less than 5 years of schooling; about 1.5 million were totally illiterate.

Mr. President, this subject is one which should be seriously considered by every Senator who contemplates making a Fourth of July speech about what a magnificent job our country has done, and so forth. It is about time that we began to indulge in a little self-examination, rather than self-adulation, which is all too common these days.

In this case again, Mr. President, I keep harping back to the role our country is undertaking to play in the world, and then I compare our record in that respect with the record we have made in the field of education.

I omit a part of the chapter from which I have been reading, and then read the following:

With roots stretching back to the early colonial period, free public education has been an outstanding characteristic of the American way of life. The original impetus was heavily religious: only the literate man could read his Bible, and only a man who could read his Bible could be religious. Over the years it became clear that a democracy grounded in universal suffrage could flourish only if the electorate were able to inform itself of the issues and their merits. When in the 19th century the discrepancies between rich and poor threatened the very fabric of the democratic society, renewed emphasis was placed upon the contribution that a free educational system could make to prevent the establishment of rigid classes. With education, the poor but ambitious boy could advance himself to the limit of his ability.

From time to time it was recognized that, over and above the very important values which were protected and strengthened by a free educational system, there were more specific implications for the productive potential of the country. During the 18th century, particularly in England, there had been a long and acrimonious debate about whether it was desirable to teach the majority to read and write.

Of course, Mr. President, that debate is still going on in some parts of our country.

I read further:

The conservatives argued that it was unwise from a national viewpoint to educate the laboring population, for unskilled workers might then become dissatisfied with their employment and might refuse to do the unpleasant work which required doing. Adam Smith, the outstanding proponent of individualism, argued against such critics by insisting that the "skill, dexterity, and judgment of labor" was the foundation of national wealth. For the most part, the American tradition has reflected an acceptance of Smith's position, although it never went so far as to accept the full implications of his position that the wealth of nations was to be found more in the quality of labor than in the "soil, climate, or extent of territory."

We are only slowly becoming aware of the extent to which the economic development of the United States has been grounded in rapid progress in science and technology and the extent to which this progress is in turn dependent upon adequate numbers of well-trained scientists and specialists. The contributions of these highly trained people are always dependent not only on their own competence and skill, but on the capacities and other qualities of the large working force required in a modern industrial economy. The contributions of a literate and active labor force have also been underestimated until recently when the differences between the rate of economic development in the United States and in other parts of the world became subject to careful analysis.

Although the American effort to provide an ever higher level of education for the mass of the population was unique and largely successful, relatively little attention was paid to conditions which indicated that in certain parts of the country, and particularly with reference to certain groups, there was little or no participation of the local population in the expanding educational effort that characterized the country at large. Fundamentally, responsibility for basic education has always been considered to devolve in the first instance on the family and the local community. When certain isolated regions manifested little interest in developing an adequate educational system or, more frequently, when the efforts of communities were restricted by inadequate resources, the implications of such failures were not considered to have significance for the country as a whole.

It is difficult, however, in the face of the large-scale rejections of men liable for military service during World War II and again during the Korean war, to maintain that the education and training of the people of the United States remains solely a family and local matter. The quality of our human resources has a demonstrably significant influence on the Nation's security and welfare. Moreover, if an individual is unable to function effectively as a citizen, soldier, or worker without the benefit of at least a minimum education, the country cannot remain indifferent.

Irrespective of its actions in the past, the United States must now recognize that its security and prosperity depend primarily on the conservation of its human resources. With only 6 percent of the world's population, this country is committed to the maintenance of large military forces and to contributing to the support of the free nations of the world. This national and collective security effort is without parallel in history. To accomplish it without jeopardizing the mainsprings of our social and economic strength will necessitate the maximum use of all our resources, both natural and human. In the current struggle between democracy and totalitarianism, we are contending for the souls and the minds of men. To be victorious, we must win to our side those who are still undecided. We can no longer assume that what we do, or fail to do, at home is of concern only to ourselves. Every action that we take or fail to take counts as a forward or backward step in the current struggle.

* * * * *

Although the foregoing analysis of the continuing and rather rapid shrinkage of illiteracy, both in absolute and in percentage terms, presents it as a residual problem, it still represents a challenge to the Nation. We have noted that the line between individuals who cannot read or write any language, those who can read and write only a foreign language, and those who have a basic control over the reading and writing of English is not easy to draw. The figures presented in this chapter are minimal, for they represent individuals who are unable to read and write any language. Moreover, we have seen that the line between the totally illiterate and the semiliterate is hard to draw, just as between the semiliterate and the person who possesses a minimum degree of literacy.

Two quite different interpretations could be made of the data presented in this chapter. The constant decline in the number of persons who are unable to read and write could lead the optimist to conclude that within a relatively few decades the problem of illiteracy will have disappeared. The counterquestion might legitimately be posed whether the United States can afford to rely on such a gradual solution of the problem. We are living in a period of great tension, and our security depends upon the fullest utilization of our basic resources—the men, women, and children who comprise the population.

But even if we were freed from the threat of war, there might still be important grounds for dissatisfaction with a policy of inaction other than the curative processes of time. There is a certain, if undetermined relation, between the level of education and the ability of a person to discharge his responsibilities as worker and citizen. The illiterate or poorly educated is severely handicapped. The millions who can neither read nor write, or who do so haltingly, represent too large a proportion in our society to permit complacency.

Mr. President, in the third chapter, the title is "The Uneducated in the Economy." It is a very significant statement, giving some of the percentages, and describing the impact of the uneducated and illiterate in our economy. I read:

Education is preparation for life, for work, and for citizenship, including military service. The ability of an individual to manage his life, to play a productive part in the economy, and to participate in the community, in peace and war, are all influenced considerably by the extent to which he has been exposed to and has absorbed the advantages of education. We noted in the first chapter that one of the major portions contributing to the expansion of a free educational system was the belief that only literate men could meet their responsibilities as citizens.

The early proponents of free education also argued their case in terms of the contribution that literacy would make to the productiveness of workers. They pointed out that the ability to read, write, and reckon was important for workers in a technology which was minimizing the importance of brute labor and demanding that the machine tender understand written instructions and be able to calculate simple sums.

The more general conviction, however, gained ground most rapidly after the Civil War. It was widely held that every American was entitled to a basic education and that our democracy could not flourish unless its citizens were sufficiently educated to make intelligently their own decisions and to work efficiently in a complex technology. These propositions appeared to be so self-evident that it did not seem necessary to pay attention to the specific economic advantages of literacy. For this reason, few analyses were devoted to developing the relation between education and work performance.

We now know, however, that work is so central to life that it is not possible to evaluate the significance of education for life without focusing specifically on the contribution that education makes to man in his capacity as a worker. As a means of enlarging our perspective on the relation of literacy to life, it is desirable to review the role of the illiterate and the poorly educated in the economy during the past several decades. And understanding of the changing economic role of the uneducated cannot fail to increase our knowledge and understanding of the significance of education for work and life.

A new fact of community life has developed, however, that has necessitated the evaluation of such precarious individual adjustments in a broader light. Modern wars cannot be fought and won without the total involvement of all members of a society, or without the redirection of the Nation's resources to the ends of war. Among the consequences, therefore, of a national emergency is the new perspective which is placed upon many aspects of a nation's life, some of which may have escaped recognition or evaluation during a more pleasant period. Although the experts in education had been aware of the existence of large numbers of individuals in the population whose ability to read, write, and reckon was totally nonexistent or minimal, there had been no widespread concern with the problem of illiteracy in the prewar years. The only significant attempt to remedy the lack of schooling and the lack of literacy among young adults, even as late as the 1930's, was the basic instruction provided by the Civilian Conservation Corps and the Works Progress Administration. It was the large-scale screening of the younger male population consequent to the passage of the Selective Service Act of 1940 that turned a local and isolated fact into a national problem.

At the end of the war, the Selective Service System made a count, on the basis of a 20-percent sample, of all men who had been classified IV-F after their initial examination. This enumeration was for the period from the beginning of selective service through December 1944. On the basis of this and other relevant data, we developed

the distribution by major cause of rejection of the 5.2 million men in the IV-F pool at the end of the war shown in the accompanying table.

Selective service registrants, 18–37, classified IV-F, August 1945

Reason for rejection	Total	White	Negro
Mental deficiency	716,000	391,000	325,000
Mental disease	970,000	855,000	115,000
Physical defects	3,475,000	2,933,000	542,000
Administrative (moral, etc.)	87,000	71,000	16,000
Total	5,248,000	4,250,000	998,000

Our particular interest centers on the 716,000 men between the ages of 18 and 37 who were not accepted for military service during World War II because they were adjudged to be mentally deficient. It is not easy to define even abstractly the term "mentally deficient." An easy way is to declare that an individual who fails to achieve a specified score on an intelligence test is mentally deficient in that he does not possess the intellectual ability to meet the arbitrary standard. The real question here would be the adequacy of the test and the reasonableness of the standard. It is known, however, that it is difficult, perhaps impossible, to devise a test which takes proper account of the cultural and environmental factors in the individual's background so that his response to questions reflects his intellectual ability and not his specific knowledge of certain words and circumstances.

The fact that the national rejection rate was only a little higher than the theoretical rate of true mental deficiency cannot be taken as an indication that the screening validly assessed either mental deficiency or ability to give satisfactory performance. The regional patterning of the rejections indictates that the screening assessed primarily the individual's background.

* * * * *

Rejections for mental deficiency by region and race

Region	Total	White	Negro
New England	20,765	19,803	962
Middle Atlantic	71,416	49,708	21,708
Southeast	435,639	167,599	268,040
Southwest	89,881	70,661	19,220
Central	70,460	57,274	13,186
Northwest	13,089	12,530	559
Far West	15,150	13,725	1,425
Total United States	716,400	391,300	325,100

* * * * *

Rejection rates per thousand registrants, by region and race

Region	Total	White	Negro
Total, United States	40	25	152
New England	17	16	65
Middle Atlantic	15	11	67
Southeast	97	52	202
Southwest	60	54	107
Central	14	12	61
Northwest	14	13	40
Far West	10	9	50

Several striking facts are revealed by this table. First, the rate of rejection in the Southeast is almost 10 times as large as that in the Far West. All of the regions of the country except 2 have a total rejection rate between 10 and 17 per 1,000 examined; the Southeast and the Southwest have rates of 97 and 60, respectively. Although the range is less for the white population, it is still striking. The Far West has a rejection rate of 9 while the Southeast and the Southwest each have a rate of more than 50. The Negro rate is so much larger in every region that it might appear to be a different population; the overall Negro rate is just over six times the white rate. However, there is evidence within the Negro distribution to suggest that the population is basically parallel. One finds, for instance, that the rate of rejection for Negroes in the Northwest and the Far West is actually below the white rate in the Southeast and the Southwest.

During 1940 and early 1941 the Army accepted persons as long as they could understand "simple orders given in the English language." But in contrast to peacetime, the Army was faced with a serious challenge during mobilization. Men had to be trained quickly so that a maximum number could be battle-ready in the shortest possible time. The Army discovered that a great many trainees were finding it difficult to keep up with the training schedules. A man unable to read orders, instructions, and signposts was unquestionably handicapped. In May 1941, the Army placed a new policy into effect: "No registrant in the continental United States will be inducted into the military service who does not have the capacity of reading and writing the English language as commonly prescribed for the fourth grade in grammar school." All registrants who had not completed the fourth grade were to be examined prior to induction by tests prescribed by the War Department.

As we have noted, men who had not completed the fourth grade were not automatically excluded from service. The revised policy of May 1941, had provided for the introduction of special tests for such registrants at local boards and at induction stations. Despite these good intentions, however, the screening of men with minimal education during the latter part of 1941 and the early part of 1942 can be defined only as haphazard. In many induction stations the decision to accept or reject an illiterate or semi-illiterate registrant was made not on the basis of the objective tests prepared by the War Department but on the quick assessment of a psychiatrist.

Responding to the several pressures, the Army altered its standards during the summer of 1942 to provide that each induction station might accept, each day, illiterates up to a maximum of 10 percent of its quota, the quota limitation to apply separately to white and Negro inductees. From one point of view this was a sizable concession on the part of the Army, for it permitted that a considerable number of illiterates would be taken into the service. On the other hand, that number was bound to fall far short of 10 percent of the total number of inductees in the Nation since the quota was placed on each induction station. Many induction stations in the North, the Midwest, and the West would forward relatively few illiterates for the simple reason that the illiteracy rate was low among the registrants. On the other hand, where it was high, as in the South, the quota would provide an automatic check against the inflow of too large a number. When the recommendation was made that the 10 percent quota be applied nationally, the War Department failed to act.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Daniel	Griswold
Barrett	Dworshak	Hendrickson
Bennett	Eastland	Hickenlooper
Bush	Ellender	Holland
Butler, Nebr.	Ferguson	Johnson, Tex.
Carlson	Flanders	Johnston, S. C.
Case	Fulbright	Kilgore
Clements	Goldwater	Long
Cooper	Gore	Mundt
Cordon	Green	Murray
Neely	Robertson	Taft
Pastore	Russell	Thye
Payne	Schoeppel	Welker
Potter	Smathers	Williams
Purtell	Smith, Maine	Young

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). A quorum is not present.

Mr. TAFT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. BEALL, Mr. HAYDEN, Mr. HUMPHREY, Mr. IVES, Mr. JENNER, Mr. JOHNSON of Colorado, Mr. KUCHEL, Mr. MALONE, Mr. MANSFIELD, Mr. MARTIN, and Mr. SALTONSTALL entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. GORE. Mr. President, some days ago the distinguished majority leader expressed the opinion that everything of value that could be said on the pending measure had been said. He expressed his doubt that any other Member of the Senate who was in opposition to the joint resolution could bring any worthwhile thought into the debate which had not already been stated.

Since that time we have had many hours of debate. In the opinion of the junior Senator from Tennessee, it has been a very fruitful and worthwhile debate. Today we have heard a very illuminating address by the distinguished junior Senator from Arkansas [Mr. FULBRIGHT]. I have found his remarks to be provocative and learned.

On yesterday my distinguished colleague from Tennessee [Mr. KEFAUVER] likewise spoke ably and at considerable length. All of the speech of the senior Senator from Tennessee and practically all of the speech of the junior Senator from Arkansas were relative and germane to the joint resolution.

It seems to the junior Senator from Tennessee, however, that the insistence of the proponents of the joint resolution, that it is improper for Members of the Senate to make references or allusions to matters not directly connected with the pending business, has gone so far as to create serious doubt of its advisability.

Although I am a new Member of the Senate, for 14 years I was a Member of the other body, and during that time it was my pleasure to visit in this Chamber very frequently. As a result of those experiences I came to have an exceedingly high regard for the value not only of full debate, but of free debate in the Senate.

The junior Senator from Arkansas made a very brief reference during the course of his splendid address this afternoon to an occurrence reported recently with reference to the rejection by the Defense Department of a bid for a generator submitted by an English electric company. The junior Senator from Tennessee undertook to interrogate the junior Senator from Arkansas upon the importance of that occurrence, and sought to draw from him a comparison of the urgency for the extension of the Reciprocal Trade Agreements Act and

the relationship of the rejection of a foreign bid for a generator to that act; and, further, a comparison of the importance of the extension of the Reciprocal Trade Agreements Act or the extension of the Defense Production Act with the passage of the pending joint resolution.

The junior Senator from Arkansas, who is well versed in the field and feels deeply on the subject, felt constrained, however, to decline to make more than a very brief reference, for fear, as he stated, that the distinguished majority leader would be critical of some remark he might make, which could be considered irrelevant to the issue at hand.

I shall not, however, caught as I am in the situation which my colleagues recognize, with the necessity of speaking at this late hour, confine myself to the new parliamentary rule of germaneness, which has been attempted to be laid down in this debate.

I should like to express my view of the seriousness of the implications, which seems to be clear and plain to see, of the decision of this Government to reject a bid on the sole ground that it was submitted by a contractor of foreign domicile.

As I understand, bids were received for generators to be installed in a dam in the State of Washington. Bids were submitted by Westinghouse. I believe it was a combined bid of Westinghouse and one other electrical concern. A bid was also submitted by English Electric, Ltd. Acceptance of the bid of the English company would have brought about a saving of approximately $1,600,000 to the taxpayers of the United States. I read reports in the press to the effect that the decision finally to reject the bid was not made until two Cabinet meetings had been held on the subject. So we are advised, Mr. President, that it was a decision which was made by the highest authority and after full consideration.

How does that square with the announced policy of "trade, not aid?" We have heard many pleas made that foreign aid, foreign hand-outs, and economic aid be stopped. I have been one of those who had hoped that we could stop making hand-outs of American taxpayers' dollars to fill the dollar gap, so to speak, of foreign nations. How could we do it? We could do it either by cutting off both exports and imports, or by accepting enough goods from our customers abroad to bring about at least a semblance of a balance between exports and imports.

How, I ask, Mr. President, can this Nation expect to continue to export its automobiles, or how can this Nation expect to continue to sell its cotton abroad, or its wheat or other products of its manpower and of its soil, unless we are willing to accept something of what our customers abroad want to sell us? What is the foreign economic policy of this Government? Is it "trade, not aid"; or is it "either trade or aid"? The incident of the British bid is an example.

Let me point out that it could not have been rejected because acceptance of the bid of the competitor would bring undue hardship to Westinghouse. I happen to be advised that Westinghouse has large orders as a backlog. I happen to know that in order to obtain a commitment for the production of generators, the agencies of our Government must ask the suppliers in the United States to put them in line, so to speak; our agencies have to line up, Mr. President, in order to buy generators from Westinghouse and from the other great electrical equipment producing companies. So we see that the bid was not rejected on the ground that it would cause unemployment or that it would work a hardship on the domestic bidders.

Then, Mr. President, why was the bid rejected? We are advised it was rejected for one reason only, namely, that the bidder was an English concern, rather than an American concern.

By the rejection of the bid, the expenditures of the United States Government, the costs to the taxpayers of the United States Government—expenditures and costs which all of us have hoped to hold down—will have to be increased, in the case of this one item, by $1,600,000. Mr. President, how does that square with "trade, not aid"? In fact, how does it square with trade, not to mention aid?

Mr. President, the reciprocal trade agreements program which was authored by the great former Secretary of State, Cordell Hull, a native of my home town, has brought untold benefits to our country. Unless Congress acts to extend that legislation, it will expire on June 12. I believe the extension of that act is a matter of great urgency. Yet what do we see? The darkest implications are made. If it be the policy of the new administration not to trade with foreign nations; if it be the policy, reached by highest councils, at meetings of the Cabinet with the President, not to buy from a foreign supplier, for no reason other than that he is a foreign bidder, then what hope can we have that the Reciprocal Trade Act will be extended?

I know it has been said repeatedly by the opponents of this program that United States labor and United States factories and United States producers cannot compete with those in countries which have low wage scales. Then, Mr. President, how is it that the products of the United States of America dominate all world trade? How is it then, since we have had this iniquitous program for 18 years, that the United States of America now produces one-half of the industrial goods of the entire world? If we were to adopt or if the whole world were to adopt the fallacious policy that no product will be accepted unless it is produced in a country having a wage structure comparable with that of the country seeking to purchase, then almost all world trade would cease, for no other nation in the world has a wage structure equal to ours, and no other nation in the world has a standard of living or a way of life comparable to ours.

On the other hand, Mr. President, no other nation has the productive capacity per man that the United States of America has.

I do not find the factories, the workshops, and the producers in the great State of Tennessee afraid. I do not find them reluctant to meet competition. I find them to be stanch supporters of the recently announced economic foreign policy of "trade, not aid." Indeed, they have felt that after the cessation of World War II, this great country, the United States of America, should take the lead in bringing about world rehabilitation.

The people of Tennessee feel—and I have shared that feeling—that communism takes root in poverty, misery, and lack of hope.

First we had the Marshall plan and the various other programs to rebuild economically the countries of western Europe. Oh, how successful that endeavor has been, Mr. President. It has been my pleasure to visit a number of times in western Europe. I saw Italy teetering on the brink of communism, and I saw France threatening to fall into that abyss. In every country of western Europe not only has membership in the Communist Party gone down and down and down, but the influence of the Communist Party and public acceptance of the Communist Party are now at a low ebb.

What about production? Production in Western Europe has increased. The indexes of Communist influence demonstrate that that influence has decreased as production has increased. We have also aided in building up the military potential of the countries of Western Europe. Mr. President, what is the story today? Today Western Europe has a greater productive capacity than it had before World War II.

So successful has been the program of rehabilitation that now we must either accept some of the products of Western Europe in exchange and trade or—the necessities of life being what they are—our friends in Western Europe will be forced either to seek more aid from us or to trade elsewhere. Perhaps we shall have to reverse the program and make it one of "aid, not trade." Could that be, Mr. President? I hope not.

I repeat that unless we are willing to accept some of the products of the productive capacity of Western Europe, our friends there will be forced either to seek more aid from us or to turn to trade with those with whom we would prefer our Western European friends to have only the very minimum of economic exchange. When the program of reciprocal trade terminates on June 12, I find it alarming, indeed, that a high decision of the Government would be made to reject the bid of approximately $5,500,000 for a generator, when the lowest American bid, of more than $7 million, was submitted by a factory choked with a backlog of orders.

Where is the concern for the American taxpayer? Was the Westinghouse factory about to close? Were the workers in that factory about to be unemployed? Indeed, no, Mr. President. What valid reason, then, could there be to saddle upon the American taxpayer an additional $1,500,000 on this specific order, unless it be a decision deeply imbedded in the philosophy of the Cabinet councils, which we are advised considered it twice before reaching the final conclusion I have mentioned?

That, Mr. President, brings up another question which should be answered.

I heard one of my colleagues in this great body make the statement only a few days ago that the reciprocal trade-agreements program had caused unemployment in certain industries. I looked up the record and I found that of the industries affected by reciprocal trade agreements, almost every single industry had had an increase of employment and an increase in the level of wages. I found also that our economic relations with the countries with whom we have entered into trade agreements must have played a significant part in building friendship because of the 39 nations which joined with the United States in the United Nations action in Korea, 38 of them were nations with whom we have had reciprocal trade agreements in effect.

It is not a new concept, Mr. President, that friendship and political ties follow the trade routes. That was true when Columbus sought the westward course to India for the spices and fruits thereof. That was true when Spain sought successfully to trade with our sister continent of South America. Yes; throughout recorded history friendship and political affinity have followed the trade routes. Therefore, it is a pertinent question now to ask, What shall be the economic foreign policy of our Government? The answer comes quickly from over the land, "trade, not aid." But can we have "trade, not aid" unless we trade? Can we, recognizing the necessity of having a friend, aware as we must be of the possibility of America facing a hostile world, being left standing alone without a friend, refuse to give aid, if we fail to give trade?

Oh, I know, Mr. President, there has been much talk about the dollar gap. What was the dollar gap? It has been said that it was a catch phrase. I do not know whether it was a catch phrase or not, but if I understand what the dollar gap was, it was the same last year as it is now. It represented the difference between the exports and the imports of the countries with whom we are allied. The dollar gap has not vanished by the invention of the new slogan "Trade, not aid." The basic factors are the same.

The United States of America, great and powerful, is now a creditor nation. No longer can we view the problems of foreign economic policy as we were wont to do 20 years ago. We must now face up to the decision that, unless we supply dollars, either by aid or the acceptance of trade from our allies, our friends in the world, we must be prepared to stop the export of wheat from the West, of cotton from the South, of textiles from New England, of automobiles from Michigan, of the products of working hands and the toil of those who cutivate the land of this great country.

Therefore, Mr. President, I urge that the Senate give early consideration to the bill extending the reciprocal trade agreements program. I hope that the dark implications I fear may be portended by the decision to which I earlier alluded may not prove real, and that this great beneficial program may go forward, a program beneficial not only to America, which is our first concern, but also beneficial to the free nations of the world, which are also our concern.

Mr. President, I had not intended thus to address this august body, but I know of no more timely subject that I could choose. On the other hand, it might add to the appropriateness of the subject, for me, that my distinguished fellow townsman, Cordell Hull, should have been the progenitor of this great program.

Mr. President, I wondered as I listened to the address of our President last Thursday before the national convention of editors, meeting in Washington, if the program of disarmament which he proposed were dangerous for the United States of America. It had been only a few hours before that I heard our distinguished Ambassador to the United Nations, a former Member of this body, say, in the same room, that the Malenkov peace offensive was a change of pace—I believe those were his words—available to a nation which had the initiative. He said, as I recall his speech, that a relaxation of defense efforts on our part as a reaction to the Malenkov change of pace would be an unwise sticking of our foot into the Russian trap.

Well, Mr. President, there are big traps and little traps. It is not within my power to foresee to what extent the gentle words and the peaceful demonstrations of the Soviet Union may go. It is my fervent hope and prayer that they are spoken in sincerity, and that we shall, as President Eisenhower has pledged, meet them halfway. But as I read the dispatches this evening telling of the brutality, the gruesome treatment, the inhumane treatment meted out to American prisoners of war in Northern Korea, and the grim stories being told by prisoners of war as they return, I thought that ought to be caution enough, if we needed more caution, not to accept words of mouth or of pen except they be buttressed by facts and deeds upon which we could justifiably rely.

This would not be the first time, should it prove a repetition, unfortunately, that the pressure has been lessened in order to influence the defense preparations of the United States of America.

As we are geared for a program of rearmament to bring this Nation and our allies to a maximum of military potential and effectiveness, we see the Malenkov peace offensive.

Mr. President, I hear discussions on the floor of the Senate, in the cloakrooms of the Senate, and among Members of the other body as to whether we should reexamine our military expenditures. Indeed, I understand that one committee has resummoned witnesses who have already appeared, in order to interrogate them further as to how the budget can be cut as a result of the peaceful demonstration we now see emanating from Moscow. Should this Congress fall for that, it would be the little trap. I fear that disarmament may be the big trap.

I raise these questions, Mr. President, not in lack of applause for the idealism manifested and the conditions for negotiations enunciated by President Eisenhower. I thought the outstanding thing about his speech was that he lifted terms of negotiations above the line of battle in Korea or the prisoner-of-war issue in Korea.

I particularly found myself in disagreement with the distinguished majority leader who, according to the press, laid down the dictum only a few hours ago that, in his opinion, a truce should not be reached in Korea until world problems are solved.

I am willing that firing cease, so far as I am concerned, and so far as the responsibility of one United States Senator is concerned. I am willing to have a cease-fire on an honorable basis, with an agreement that negotiations for the settlement of problems will ensue.

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

Mr. SALTONSTALL. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. SALTONSTALL. It is that no business has been transacted since the last quorum call.

The PRESIDING OFFICER. No business has been transacted since the last call.

Mr. GORE. Mr. President, I appeal from the decision of the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The "ayes" seem to have it, the "ayes" have it, and the decision of the Chair is sustained.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Gore	Mundt
Barrett	Green	Murray
Beall	Griswold	Pastore
Bennett	Hayden	Payne
Bush	Hendrickson	Potter
Butler, Nebr.	Hickenlooper	Purtell
Capehart	Holland	Robertson
Case	Humphrey	Russell
Clements	Ives	Saltonstall
Cooper	Jenner	Schoeppel
Daniel	Johnson, Tex.	Smathers
Dirksen	Johnston, S. C.	Smith, Maine
Douglas	Kennedy	Taft
Dworshak	Kilgore	Thye
Ellender	Kuchel	Welker
Ferguson	Long	Williams
Flanders	Malone	Young
Fulbright	Mansfield	
Goldwater	Millikin	

The PRESIDING OFFICER. A quorum is presentt.

Mr. FULBRIGHT obtained the floor.

PROPOSED ORDER FOR RECESS—NOTICE OF MOTION

Mr. TAFT. Mr. President, will the Senator from Arkansas yield for a unanimous-consent request?

Mr. FULBRIGHT. Mr. President, I shall be glad to yield for that purpose provided I do not lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Ohio may proceed.

Mr. TAFT. Mr. President, I ask unanimous consent that when the Senate completes its business this evening, it recess until 11 o'clock tomorrow morning.

Mr. President, I give notice now that tomorrow evening I shall move to lay on the table the amendment of the Senator from New Mexico [Mr. ANDERSON], which

would take with it the amendment of the Senator from Alabama [Mr. HILL].

Of course, the proponents of the amendment are free to withdraw the amendments if they wish to do so, but I hope that we may have a test vote on the amendments. I give notice now of my intention to make that motion tomorrow evening, so that all Members of the Senate may arrange to be present.

Mr. GORE. Mr. President, reserving the right to object, the distinguished majority leader has given a surprise to the junior Senator from Tennessee, who is saddled with a new responsibility. So far as I am advised, the distinguished majority leader has not consulted with the leaders in opposition to the joint resolution, and, so far as the junior Senator from Tennessee is advised, this is a precipitant action reached precipitantly. [Laughter.]

Mr. TAFT. It has taken me 3 days to make up my mind, after 3 weeks of debate, and I now give 24 hours' notice that I am going to make the motion, which is certainly not short notice. I am not trying arbitrarily to cut off debate, because the amendments can be debated all day tomorrow.

Mr. GORE. Mr. President, I do not much like the cutting motion the Senator from Ohio makes. [Laughter.] It shows that he has also acted unilaterally. Surely it has been stated many times by the proponents of the joint resolution that it is a matter of importance. I consider the joint resolution a matter of grave importance, and I would consider its passage a tragedy.

If it is a matter of grave importance, why would the majority leader undertake here tonight unilaterally and precipitantly to advise the Senate at this late hour that on tomorrow he will start moving to lay amendments on the table? What does that mean? The junior Senator from Tennessee is not very well versed in the parliamentary rules of the Senate. He had to resort to the depths of his reserve of parliamentary tricks merely to get a quorum call a few moments ago. [Laughter.]

Therefore, I do not claim to be well versed in the rules of the Senate. However, as I understand the rules, the Anderson bill, offered as an amendment in the nature of a substitute for the Holland resolution and the Hill amendment, both of them of far-reaching import, will be subject to the motion of the distinguished majority leader to lay the amendments on the table, which motion, I am advised, is not subject to debate.

Is that precipitant?

Mr. TAFT. Not after 3 weeks. [Laughter.]

Mr. GORE. Mr. President, the distinguished Senator from New Mexico [Mr. ANDERSON], I daresay, has done more work upon this measure than has any other Member of this body, and the distinguished senior Senator from Alabama [Mr. HILL], has given diligent consideration to and has spent long hours in study, preparation, and work on the amendment—which, in fact, has already been submitted; and, yet, by the action now proposed, debate upon both those amendments would be closed tomorrow.

What is the rush? [Laughter.]

Because of what I consider to be an unjustified decision—reached, in my opinion, unilaterally, arbitrarily, dictatorially, and precipitantly—I am forced to object to the unanimous-consent request submitted by the distinguished majority leader.

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

Mr. TAFT. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Ohio will state it.

Mr. TAFT. The unanimous-consent request has already been objected to.

The PRESIDING OFFICER. That is correct.

The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Mr. President, a moment ago I noticed in one of the newspapers a statement to the effect that the majority leader had suggested tentatively to some members of the press that he might resort to the very drastic method of foreclosing debate upon the amendments by moving to lay them on the table. Of course, I can understand that he might do so in the case of an amendment, although no doubt he would not dare to make such a motion in the case of the joint resolution itself, if he expected the joint resolution to be passed.

I believe it would be very drastic for the Senate to adopt the procedure of moving to table measures. It is plain to be seen, Mr. President, that we are approaching by degrees, I suppose, the procedure and the practice of the House of Representatives. As I said earlier in my remarks, if this body wishes to adopt such rules, by foreclosing debate upon amendments and, in effect, thus adopting the principle of limitation on debate, as has been done in the House of Representatives, and without maintaining the customary freedom of debate in the Senate, of course that can be done. However, I predict that if that occurs, this body will follow exactly the same pattern that has been followed in Great Britain, for example, where the upper House of Parliament no longer has any real influence in the Government.

As I pointed out earlier in my remarks, it is very plain to me that that would be an extremely unfortunate development in a country of the size and complexity of ours. I think it would go far to destroy the opportunity for reasonable, decent compromise between the various, diverse interests which very naturally and legitimately arise as between various sections of our country; and in that connection I refer not only to geographical differences, but also to differences as between various economic and cultural interests.

So, Mr. President, if the Senate wishes to adopt such rules, I hope the Senate will do so with its eyes open, so that it will understand what it is doing.

However, if such a course is followed, I predict that the Senate will no longer have any significance in our governmental structure and will no longer be able to make any contributions to good Government.

As I have said before, the Senate is the only place in our legislative-executive-judicial system in which there is freedom of debate and in which there is an opportunity to make available to the people of the Nation full knowledge about any measure.

Of course in the present instance, with the sponsors of the pending joint resolution very anxious to have it passed—an anxiety which is so common in such matters—they are completely converted to the belief that everyone who opposes them is to be considered an irrational and stubborn person. However, I recall that it was not so long ago that some of the very Senators who are sponsoring the pending joint resolution were on the opposite side of a question and were seeking to oppose attempted restrictions upon the debate of Senators. So, Mr. President, this matter has a very curious way of coming home to roost.

In point of fact, actually in the long course of the history of the Senate I believe that the rules of the Senate, as they now exist and as they have been observed in spirit in the past have proved to be extremely successful.

Mr. DOUGLAS rose.

Mr. FULBRIGHT. I yield to the Senator from Illinois, for a question.

Mr. DOUGLAS. Is the Senator from Arkansas aware that of the 40 Senators who sponsored the so-called Holland joint resolution, Senate Joint Resolution 13, 37 of them voted to support the practice of the so-called filibuster in January of this year?

Mr. FULBRIGHT. I am aware of that situation. I had not checked the figures; but I am sure that the Senator from Illinois, with his usual carefulness in such matters, is correct, and I accept the figure he has stated. I should like to say that in that instance I think the 37 Senators were correct in their judgment. I dislike to see them stray away from principles which on other occasions, when their own personal interest in their own constituents was not quite so strong, they eagerly supported. I consider that they were much more objective then, when there was not some great unknown plunder available to be, as I have said before, in the true sense of the word, "filibustered" out of the public domain.

So, Mr. President, in reference to that particular instance, I would say that those 37 Senators are now departing from the position they held only a short time ago.

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

Mr. FULBRIGHT. I yield for a question.

Mr. DOUGLAS. Does the Senator from Arkansas regard it as highly inconsistent that these Senators, who a few, short months ago were defending the right of unlimited debate in the Senate, should now be anxious to put an end to debate?

Mr. FULBRIGHT. I think it highly inconsistent; and I believe that at a subsequent time they will rue the day when they were so inconsistent and were willing to abandon their principles, solely for a short-term gain—or, I should hasten to add, for what they believe to be such a gain.

As I have said before, other Senators who voted against the resolution the Senator from Illinois has in mind have

indicated, as I understand, at least—and I believe my understanding is correct—that they will vote in favor of passage of the pending joint resolution.

Mr. President, when this question was pending before the Supreme Court, and before it had been decided by the Court, some Senators took the position that it was a legal one and that they would not vote to preclude the Court from deciding it. However, I am now informed by the press and in other ways that some of the Senators who took that position are now taking the position that they favor the joint resolution, notwithstanding the decision of the Supreme Court. Of course, I am completely at a loss to understand the logic or the reason for that attitude on the part of those Senators.

Mr. President, one of my colleagues has now entered the Chamber and has taken a seat close to my desk, and I say "Good evening" to him. [Laughter.] I welcome the new faces, Mr. President.

Of course, it is rather amusing how at this late hour so many Members of the Senate appear in the chamber, although they have not been visible here all during the day. I feel very gratified indeed that so many of them have now fulfilled their social engagements, and at this time are ready to spend the evening in dealing with legislative proposals. [Laughter.]

As for myself, Mr. President, after having had a good hamburger and a cup of coffee, I feel much better, and am quite prepared to pursue this matter.

Mr. President, after giving, as I did just before the interruption in my remarks, the incredible story of the neglect of our resources, it is difficult for me to believe that any other arguments are needed in favor of the Anderson bill or the Hill amendment.

It is regrettable that many Members of the Senate were not present to hear the reading of portions of the report of the commission which General Eisenhower appointed at the time when he was president of Columbia University—for the study and research made by that commission resulted in a very profound and wise analysis of the manpower situation in the United States.

I recommend very strongly to the newcomers in the Senate Chamber that they read, not my remarks, but the report of the commission that was appointed in 1951 by President Eisenhower, of Columbia University. I believe they will find it very revealing, indeed, as will all others who are interested not only in the education of their young people, their children, but also in the defense and security of their country. I believe that the Members of this body on the opposite side of the aisle are interested in the security of the United States. So I very strongly recommend that they take a look at the effect of the neglect of education upon the manpower potential of the country, and they remember that in World War II the equivalent of more than 40 divisions of men were rejected because of mental or physical deficiency, which is very closely related to the lack of educational opportunity.

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

Mr. FULBRIGHT. I yield to the Senator from Illinois for a question.

Mr. DOUGLAS. Is it correct to say that the study referred to by the Senator from Arkansas, which was conducted under the auspices of General Eisenhower, and which he is reputed to have at his bedside every night, shows that approximately 2½ million Americans over the age of 14 are unable to read or write?

Mr. FULBRIGHT. The Senator is quite correct. I think it was a million and a half who had to sign their name with a cross or some other symbol, which is something like what we read about in the Buddha of India recently. It is a very disgraceful situation which we have permitted to exist in the richest country in the world; and there is no excuse for it other than neglect. No one can maintain that this country cannot afford proper educational institutions. I challenge any Senator in this Chamber to attempt to prove to a reasonable person that our educational facilities are adequate, but, more especially, that the qualifications of the teachers in our schools come up to any minimum standard, as determined by educational organizations in this country or in any other country. No one, I believe, contends that they do. Anyway, I have never heard anyone maintain it. General Eisenhower, himself, in the speeches from which I quoted earlier—I dislike to reiterate, but this is the best audience I have had all day, and I feel that I am talking to an entirely new group—and in his speech of October 9, outlined in very clear and concise detail the great need for additional teachers, the great shortage, in other words, of teachers for the educational systems, and then, later, as late as his state of the Union message, he emphasized the situation very clearly and indicated, at least to me, that he was interested in doing something about it.

I can think of no more painless way to do something about it than to adopt the Hill amendment, which would devote to education the funds, whatever they may be, arising from the offshore lands. It certainly is much less painful than to have the great Committee on Finance struggle with the problem of raising more taxes. I venture the guess now, seeing the distinguished chairman of the Committee on Finance in the Chamber, that he has no concrete plans for raising any additional funds for the purpose of improving the education of the people or the children of the United States. I have not conferred with him, but I think it is a safe guess that, rather than contemplating the provision of funds for education, the Finance Committee is contemplating ways and means for cutting the present tax structure.

So, as a realistic matter, I think there can be no doubt that there will be no substantial improvement in the educational system, unless some source such as the Hill amendment suggests is tapped for that purpose. This, of course, would give us, according to all the estimates with which I am acquainted, a very substantial sum over the years as the resources of the submerged lands are developed.

Such a method would be painless to everyone. It would not take away from any people anything to which they are entitled. If we are not beguiled into following the revolutionary principle of the sponsors of the pending resolution, that the States still own this property in spite of the thrice-repeated decision of the Supreme Court that they do not own it, but, instead, pass the Anderson bill and the Hill amendment, we will not be depriving anyone of any legal rights he may now have.

Mr. President, in the light of the study of the cancer of illiteracy in our country, made by the Commission referred to, it is hard for me to believe that anyone really interested in the welfare, indeed, in the survival of our great, free society, would hesitate to devote the wealth of the natural resources in our submerged lands to the improvement of the education of our young people. How can anyone honestly believe there is anything more important to our future than healthy and intelligent citizens? Do we really believe we can go on forever squandering our abundant wealth on Cadillacs, liquor, tobacco, and advertising, and still win over the people of the world to our way of life?

For the information of the late arrivals in the Chamber, I may say that I have already placed in the RECORD figures showing how much of our national income we have spent upon liquor, tobacco, advertising, and such activities, and most significant of all those figures were the ones which show that we spend more on liquor than we do on education. I realize there are some compensations to those who need and require an occasional drink. As a matter of fact, I suppose that those who are unwilling to spend the necessary funds on the education of children need to have a plentiful supply of liquor in order to prevent their facing the facts of life, and in some way to relieve them of the responsibility which they know in their hearts they carry for such a neglect of future generations. So I suppose the two go hand in hand. At least this record would seem to support that theory, because I see no excuse whatever on any other basis.

Do we really believe that we can convince the Russians that they are wrong and we are right, by commercial advertising methods? We spend almost as much in advertising soap and refrigerators as we do on education. It is almost as much.

Mr. President, there are plenty of signs, that all is not well with our country, and many of the signs point directly to our lack of understanding of ourselves and of the world, a lack of understanding which has its origin very largely in the inadequacy of the provisions of money for the education of our children, which results in an inevitable lack of vision on the part of many of us.

Mr. President, in the current issue of the Bulletin of the American Society of Newspaper Editors, there appeared a depressing and, in my opinion, ominous article by one of the leading educators of America. It is a very short article. I shall not read it all, but I may say that a part of it was carried in a newspaper article. I hope some of my friends may have taken the trouble to read it. This

is the Bulletin of the ASNE, which has been meeting during the past week. Many of my listeners—not all of them—have attended meetings of this body of editors. This is the first article, I believe, the leading article. It asks:

Is political conformity forced upon students?

I may say I think this particular article is of great importance, because it is a symbol of a general situation, I think, which is developing in America. It is an article written by Carl W. Ackerman, dean of the faculty of Journalism of Columbia University. I think generally in the journalistic field this school is considered as the leading one—it is certainly one of the two or three leading schools of journalism in the world. It is recognized certainly in this country and, I think, throughout the world. I want to read but one or two passages from it:

The gist of the question I would like to ask editors is: Can college of journalism students who anticipate careers on newspapers, in Government, or industrial or even educational offices related to public affairs be drastically independent in the future?

My answer is "No," because the freedom of individual, independent expression of opinion on controversial subjects may be damaging and possibly dangerous to the individual's desire and necessity of earning a living.

Mr. President, this is a very significant statement. I continue reading:

Today the vast majority of teachers in all fields of instruction have learned that promotion and security depend upon conformity to the prevailing community or national concept of devotion to the public welfare. Although a few university administrative officers and editors still publicly proclaim their adherence to the philosophy of academic freedom, there are few teachers today who would venture to test its application. Furthermore, there are not many classrooms in the country today where students are advised to be drastically independent.

I am inclined to think we are approaching the end of the Joseph Pulitzer era when men could always be drastically independent. That phrase appears in his message to the St. Louis Post-Dispatch on his 60th birthday, April 10, 1907.

As a member of the first graduating class (1913) of the school he founded and as dean since 1931, I look back with the feeling that there has been a decline in the inherent or traditional self-assurance of men that they can be drastically independent on matters of professional or political concern. Perhaps I have followed a policy of overemphasizing independence when I could have selected another more tranquil and popular phrase in the same message, "always remain devoted to the public welfare."

However, instead of choosing a policy of comfort and security, I have participated, often in a drastically independent manner, in professional and political controversies receiving in return many rewards including election to the ASNE in 1934 on the nomination of William Allen White, Casper Yost, and Grove Patterson.

Mr. President, that is one thing that surprises me about the proposed motion to lay on the table the Anderson and the Hill amendment. Everything I have observed in recent days bears some relation to this very problem, and yet some of the sponsors of the proposed legislation formerly identified themselves with those we used to call ardent independent Americans, individualists. They complain about the decline of the independence of Americans.

Again quoting Mr. Ackerman:

The answer is "No" also from the student's point of view, even that of a man or woman who wishes and expects to devote his life to journalism.

Before or after graduation a student must look for a job. He knows all employers now investigate before hiring. He knows that an "A" record is no longer a sufficient recommendation; neither is a degree. Employers ask searching questions, not about ability, resourcefulness, reliability, industry, and integrity, as in the past, but also about the political and social attitudes of the applicant.

If a dean or professor should answer, in a particular case, that the student's views are "left of center," the student will not likely be employed even though the dean may add Anne O'Hare McCormick once described President Roosevelt as being "left of center." Under President Roosevelt's administration it was popular to be "left of center." Today that term is a red flag of suspicion.

Students know, also, that Federal agencies investigate their academic records. Each week my office is visited by agents of several governmental departments. They interview professors, public school teachers, references, and follow up leads like prosecuting attorneys. In practice students are "tried" secretly without their knowledge and without any opportunity of explaining or defending their records before employment by any governmental agency.

And the appearance of an agent at a newspaper office or elsewhere where the student may have been temporarily employed raises a signal of suspicion, even if the former employer refuses to cooperate with the official Federal investigating authority. The fact that registers is that "X" is being investigated.

After 22 years as dean, I am now discontinuing my practice of cooperating with the Federal, State, and police investigating agencies, except on written request and on advice of counsel.

I think that is very drastic action to be taken by the head of the greatest school of journalism in this country. After 22 years he refuses any longer to cooperate with Federal agents.

He goes on to say:

Heretofore I have given agents, producing identification cards, access to my office records, and I have endeavored to answer their searching questions, limiting my replies to the record. I have followed the policy of not saying anything derogatory regarding a degree recipient. However, I have refused to make records available to employers. I justified this policy in my own conscience on the ground that official agencies of investigation seeking to locate Communists should be assisted. During those two decades I do not know of a single Communist being found among our graduates, although there have been published charges against a few men who were vindicated later.

Dr. James B. Conant in his last report as president of Harvard University proclaimed his support of intellectual freedom. But in my experience the issue is not intellectual or academic freedom but political freedom. I admired President Conant's position in the recent campaign. He permitted deans and professors without reserve to campaign actively and publicly for the rival candidates. But the practical problem which confronts deans, professors, schoolteachers, and students today is political freedom to discuss public affairs in the classrooms or at luncheon or during a "bull" session without fear that someone will make a record, which may be investigated secretly, upon which he may be tried secretly, and also be convicted secretly, either by a governmental official or by a prospective employer.

Mr. President, I ask unanimous consent that the entire article be inserted 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:

IS POLITICAL CONFORMITY FORCED UPON STUDENTS?

(By Carl W. Ackerman, dean, faculty of journalism, Columbia University)

The gist of the question I would like to ask editors is: Can college or journalism students who anticipate careers on newspapers, in Government or industrial or even educational offices related to public affairs be drastically independent in the future?

My answer is "No," because the freedom of individual independent expression of opinion on controversial subjects may be damaging and possibly dangerous to the individual's desire and necessity of earning a living.

Today the vast majority of teachers in all fields of instruction have learned that promotion and security depend upon conformity to the prevailing community or national concept of devotion to the public welfare. Although a few university administrative officers and editors still publicly proclaim their adherence to the philosophy of academic freedom, there are few teachers today who would venture to test its application. Furthermore, there are not many classrooms in the country today where students are advised to be drastically independent.

I am inclined to think we are approaching the end of the Joseph Pulitzer era when men could always be drastically independent. That phrase appears in his message to the St. Louis Post-Dispatch on his 60th birthday, April 10, 1907. As a member of the first graduating class (1913) of the school he founded and as dean since 1931 I look back with the feeling that there has been a decline in the inherent or traditional self-assurance of men that they can be drastically independent on matters of professional or political concern. Perhaps I have followed a policy of overemphasizing independence when I could have selected another more tranquil and popular phrase in the same message "always remain devoted to the public welfare." However, instead of choosing a policy of comfort and security I have participated, often in a drastically independent manner, in professional and political controversies receiving in return many rewards including election to the ASNE in 1934 on the nomination of William Allen White, Casper Yost, and Grove Patterson.

The answer is "No," also from the student's point of view, even that of a man or woman who wishes and expects to devote his life to journalism.

Before or after graduation a student must look for a job. He knows all employers now investigate before hiring. He knows that an "A" record is no longer a sufficient recommendation, neither is a degree. Employers ask searching questions, not about ability, resourcefulness, reliability, industry, and integrity, as in the past, but also about the political and social attitudes of the applicant.

If a dean or professor should answer, in a particular case, that the student's views are left of center, the student will not likely be employed even though the dean may add that Anne O'Hare McCormack once described President Roosevelt as being left of center. Under President Roosevelt's administration it was popular to be left of center. Today that term is a red flag of suspicion.

Students know also that Federal agencies investigate their academic records. Each week my office is visited by agents of several governmental departments. They interview professors, public-school teachers, references

and followup leads like prosecuting attorneys. In practice students are tried secretly without their knowledge and without an opportunity of explaining or defending their records before employment by any governmental agency. And the appearance of an agent at a newspaper office or elsewhere where the student may have been temporarily employed raises a signal of suspicion, even if the former employer refuses to cooperate with the official Federal investigating authority. The fact that registers is that X is being investigated.

After 22 years as dean I am now discontinuing my practice of cooperating with the Federal, State, and police investigating agencies, except on written request and on advice of counsel.

Heretofore I have given agents, producing identification cards, access to my office records and I have endeavored to answer their searching questions, limiting my replies to the record. I have followed the policy of not saying anything derogatory regarding a degree recipient. However, I have refused to make records available to employers. I justified this policy in my own conscience on the ground that official agencies of investigation seeking to locate Communists should be assisted. During those two decades I do not know of a single Communist being found among our graduates, although there have been published charges against a few men who were vindicated later.

Dr. James B. Conant in his last report as president of Harvard University proclaimed his support of intellectual freedom. But in my experience the issue is not intellectual or academic freedom but political freedom. I admired President Conant's position in the recent campaign. He permitted deans and professors without reserve to campaign actively and publicly for the rival candidates. But the practical problem which confronts deans, professors, school teachers, and students today is political freedom to discuss public affairs in the classrooms or at luncheon or during a bull session without fear that someone may make a record, which may be investigated secretly, upon which he may be tried secretly, and also be convicted secretly, either by a governmental official or by a prospective employer.

Because I think we are approaching the end of the Pulitzer era when men could always be drastically independent I would like to ask ASNE members two questions:

Do universities and colleges in your areas make academic records of professors as well as students available to the FBI, the CIA, the Secret Service, the Civil Service?

If they do, should the practice be discontinued?

Joseph Pulitzer also wrote on his 60th birthday: "Never be satisfied with merely printing the news * * * always fight for progress and reform."

I think our future editors now studying in universities and colleges should have some reassurance that what they say, and write or do as students will not turn up in some investigating agency of the Government or in some newspaper office and be used against them.

Of course there will always be a few nonconformists and rebels among American university professors and newspaper publishers. But silence on controversial subjects during private conversations, as well as in classrooms, is becoming so prevalent that it is dangerous to our liberties. If we have reached the stage in our democracy when fear of investigation becomes universal and the loyalty of college students and teachers must be investigated we will be erecting an Iron Curtain all our own.

Mr. FULBRIGHT. Mr. President, I should like to read the last paragraph:

Of course, there will always be a few nonconformists and rebels among American university professors and newspaper publishers. But silence on controversial subjects during private conversations, as well as in classrooms, is becoming so prevalent that it is dangerous to our liberties. If we have reached the stage in our democracy when fear of investigation becomes universal and the loyalty of college students and teachers must be investigated we will be erecting an Iron Curtain all our own.

Mr. President, I think this is an extremely significant article. Here we find one of the leading professors of journalism, administering a school of journalism saying that in this country suspicion of one's fellowmen has reached a point as to destroy a man's ability to maintain himself free from the usual restraints which are imposed in totalitarian countries, and so the writer of the article will no longer discuss freely with any investigating agencies the records of students. I think it is a very deplorable situation.

Mr. President, I urge everyone to consider for a moment just what it means to a free democratic people.

The question of freedom of thought, of opinion, and of expression is a matter of the utmost practical importance to the survival of our system of society. It is not simply an academic question, as some are inclined to believe.

If we relied upon a small group of bosses, a politburo, or a dictator to manage and direct our affairs. The subject of education would not matter. As I have said before, my only reason for feeling that education, adequate education, is important, is that I should like to see our system of self-government, of participation by the citizens in their government, survive. If we are actually going to discard and throw overboard our traditional system of government, then, I grant that the subject of education is of no importance, and we can continue to devote our great natural resources only to the building of battleships, guns, and atomic bombs, and have no regard for the future citizens of our country. I am speaking of the next generation. I am interested in training citizens who can understand the complex issues of the world. That is why I think this matter is important.

I believe education is directly related to the measure before the Senate. I have a feeling that if the great resources which are involved, to which nobody has any claim except the Federal Government, are now abandoned and are given to private interests, we shall have lost our last opportunity to do anything really significant to improve the education of the citizens of our country. As the statistics presented by the Senator from Illinois so well demonstrate, and as other figures show, the United States is now so far behind in the matter of education that I do not see any possibility of our catching up, unless something really significant is done.

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

Mr. FULBRIGHT. I yield to the Senator from Illinois for a question.

Mr. DOUGLAS. Is the Senator from Arkansas aware of the fact that within the study which was initiated by General Eisenhower, and published under the auspices of Columbia University, with the title "The Uneducated," to which the Senator has referred the statement is made that an estimated 125,000 illiterate children are moving each year past the compulsory attendance ages?

Mr. FULBRIGHT. I had forgotten that statement, but it strikes me as being an extremely ominous development, as I think the Senator from Illinois will agree.

Mr. TAFT and Mr. LEHMAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas yield; and if so, to whom?

Mr. FULBRIGHT. I yield to the Senator from Ohio, who first rose.

Mr. TAFT. I only wished to ask the Senator from Arkansas how long he thought it would take him to complete his speech. It is on an interesting subject, but since he pursued it at length this afternoon also, I wonder if he could now state how long he would take to complete it, so that I might advise Senators generally.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may address a question to the Senator from Ohio without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Arkansas may proceed.

Mr. FULBRIGHT. May I ask the Senator from Ohio how long he plans to have the Senate remain in session this evening?

Mr. TAFT. I had intended to have the Senate continue in session only until the end of the Senator's speech. If the Senator desires to close now, I will suggest that the Senate take a recess. If he desires to continue for another half hour or hour, I shall be glad to have the Senate remain in session.

Mr. FULBRIGHT. I am just in the middle of a thought. [Laughter.]

Mr. TAFT. I do not wish to disturb the Senator's thought. I was only wondering whether he was going to continue for 10 minutes, a half hour, or an hour, or any other length of time.

Mr. FULBRIGHT. That would largely depend on the interest of the audience. [Laughter.] I am highly gratified at the moment to notice so many Senators in attendance. For about 3 hours I spoke to practically no one. If everybody would go home, I would be willing to quit. [Laughter.]

May I ask the Senator from Ohio if he would care to take a recess now? If so, that would be satisfactory to me. We might arrange the same type of agreement as was made last night, whereby I could end my speech at 12:30 tomorrow afternoon.

Mr. TAFT. No, I think not. I believe the Senator ought to finish his speech tonight. The Senator has already talked for 8 hours.

Mr. FULBRIGHT. But I started only at a quarter past 9.

Mr. TAFT. I was referring to the Senator's remarks complete to this time.

Mr. FULBRIGHT. Oh, the Senator means the amount of time I have spoken altogether. Does not the Senator find the facts I am reciting at all interesting?

Mr. TAFT. They are interesting, but I listened to them this afternoon, and I am now hearing them for the second time.

Mr. FULBRIGHT. This is new material. What the Senator heard this afternoon was background for these remarks. [Laughter.]

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

Mr. FULBRIGHT. I yield to the Senator from New York for a question.

Mr. LEHMAN. I was absent from the floor for a short time this evening, and for the first time today——

Mr. FULBRIGHT. I yielded only for a question.

Mr. LEHMAN. Yes. I wish to ask the Senator from Arkansas if I have been correctly informed that the distinguished majority leader has announced that he will move tomorrow to lay the Hill amendment and the Anderson substitute on the table. Is that correct?

Mr. FULBRIGHT. I may say to the Senator that I suppose that happened in his absence. The majority leader announced or gave notice on the floor that he definitely and positively will move to lay on the table tomorrow afternoon the Hill amendment and the Anderson substitute.

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

Mr. FULBRIGHT. I yield.

Mr. LEHMAN. If that be so, would the Senator from Arkansas agree with me that it would be unusual and unjustifiable to try to choke off debate on a question so important to the entire American people as the education of their children?

I wonder whether the Senator from Arkansas would agree with me that, save for the question of survival, or of national security, there is no question so important to the welfare of the Nation as the education of our young people. If that is the case, would not the Senator from Arkansas agree with me that there should be no forcible means used to choke off debate? If the Senator agrees with me, I wish to say that such action is not going to choke off debate, for the opponents of the Holland joint resolution will still have a right to debate the joint resolution as a whole, and we shall continue to debate it.

But my question—and it may seem to be a long question, but I know what I am driving at, and I intend to pursue it—is whether the Senator from Arkansas does not agree with me that it would be an unjustifiable and indefensible move on the part of the majority leader of the Senate—and I am glad that he is on the floor while I am talking—to seek to choke off debate on an amendment which is of such great interest and such great importance to the entire Nation?

Mr. FULBRIGHT. I wholeheartedly agree with the Senator, with one reservation. I do not think he needed even to say, "with the exception of security," because, as the book to which I have just referred, issued under the sponsorship of General Eisenhower, clearly shows, education directly influences our ability to defend ourselves by force of arms.

When we consider that the equivalent of 40 divisions of men were disqualified in the draft of the Second World War because of mental and physical disability, which was clearly associated with lack of education, or lack of opportunity to know or understand the most elementary principles of sanitation, we need not say "except for survival." It is survival, in my opinion, over a long period. There is nothing more important, even to military survival, than an adequate education.

The Senator may recall that we had before us the facts as to the number of engineers being graduated in 1955 from Russia's technical school and from our own. It is estimated by the Director of the Science Foundation, Mr. Waterman—I read the article into the RECORD earlier today—that in 1955 the United States will graduate 17,000 engineers, and Russia will graduate 50,000. If anyone does not think that has some bearing on our ability to survive, either in peacetime or in wartime, I think he lacks imagination or understanding.

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

Mr. FULBRIGHT. I yield for a question.

Mr. LEHMAN. Will the Senator from Arkansas permit me to withdraw my characterization that, save for defense, education is the most important issue before the people? Let me say, rather, that they run pari passu—on an equality.

Mr. FULBRIGHT. Yes.

Mr. LEHMAN. May I ask the Senator from Arkansas further, if he did not make a report this afternoon based upon the books which was published under the auspices of our very highly respected President of the United States, to the effect that of 17 million men who were examined in the World War for service in the United States Army, 5 million were declared ineligible because of some mental deficiencies? If that is the case, can the Senator from Arkansas conceive of anything more important than that we attempt, through the resources of the entire Nation—and these are the resources of the entire Nation—to build up our educational system, for the benefit not of New York, not of Arkansas, not of Illinois, not of Florida alone, but of the 48 States in the Union?

Mr. FULBRIGHT. The Senator is entirely correct. As I recall, the number who were rejected for mental, physical, and moral deficiencies was a little more than 5 million.

If the Senator from New York will examine the book carefully, he will see that it clearly demonstrates that all these deficiencies have a very close association with the lack of educational opportunities. It is true that a small percentage of that number would not respond to any kind of educational opportunities, but the book is very interesting in that it follows an experiment throughout. It contains a long and detailed description of an experiment with a sample of the group of individuals who were rejected for various reasons. The sample consisted of some 400. The Army ran a carefully supervised experiment, which proved that 3 out of 4 would and did respond to educational opportunities. In other words, they ended up as serviceable members of the Armed Forces. They learned to read orders; they could comprehend orders, either oral or written; they learned to write their names; and they were able to function as members of the armed services. I think it was proved quite conclusively that approximately 3 out of 4 of the rejectees, if they had been given proper educational opportunities, would have been acceptable in the Armed Forces. That is a very large percentage and would have made a tremendous difference in the number of men we had to draft into the armed services.

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

Mr. FULBRIGHT. I yield for a question only.

Mr. LEHMAN. Of course, I am not trying to commit the Senator from Arkansas to criticism of the distinguished majority leader, as I am criticizing him, but I should like to ask him whether he does not believe that my heartfelt, strong, sincere, and vigorous criticism of any attempt to stop the discussion with regard to the educational needs of the country is appropriate from the standpoint of the United States Senate, and from the standpoint of the entire Nation? So far as I am concerned, I shall continue to make the criticism just as long as I possibly can.

Mr. FULBRIGHT. I agree with the Senator, and I am very happy to know of his conviction on this question. I feel the same way about it.

There is one aspect of this matter which may be a little encouraging. It may well be that the leader of the majority senses that the public is seeing through to the real facts in this matter, and that there is beginning to be some reaction in the country, which is disturbing him. It is felt that there is a necessity for moving rapidly to foreclose the development of public opinion. That is the only development I can think of which would inspire the majority leader to take such drastic action. Possibly he is afraid that if this process continues much longer the people of the country will understand the real issue which is involved, and therefore they will bring pressure to bear on Members of the Senate. The joint resolution may well be defeated if they do not move rapidly.

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

Mr. FULBRIGHT. I yield for a question only.

Mr. LEHMAN. I must select my words very carefully, because I am confined to a question; so I will put it in this way:

I wonder whether the Senator from Arkansas agrees with the Senator from New York that, in the fight which we who are opposing the Holland joint resolution and supporting the Anderson substitute and the Hill amendment are waging, we are seeking not to filibuster, but to educate the people of the United States, and, as I said this morning, some of the Members of this great deliberative body, with respect to the dangers and evils of the pending measure. This joint resolution would deprive 48 States of their rights. It would deprive 159 million people of their rights, merely for the benefit of 3 States of the Union.

Mr. FULBRIGHT. The Senator is absolutely correct. I do not think there can be any doubt about it. Of course, I am in agreement with the Senator's point of view.

Mr. President, I am greatly heartened by the reaction of some of our newly arrived Members. They are exhibiting much more enthusiasm as an audience than any we have had so far. I think it has been rather sad that many proponents of the joint resolution have seen fit to absent themselves from the Chamber until this evening.

There is a strange thing about night sessions. None of us seem to like them. I do not particularly like them; yet there is always a better audience in the evening than there is at any other time during the day. It may well be that the business of the Senate would progress much more rapidly if we were to convene at 6 o'clock in the evening and leave the day free for committee work, or whatever other work must be done.

I understand that under the rules of the Senate committees are not supposed to meet while the Senate is in session. However, I have received notices right along concerning meetings of committees every afternoon of this week. There again there is a complete breakdown, it seems to me, of the rules of the Senate.

We certainly must be in a transitional period from a constitutional system, and from the rules of conduct in the Senate, to some unknown system of conduct.

If I may do so, I should like to return to the train of thought which I was seeking to develop with regard to the importance of education to our Government and the effect which the low level of education is having upon our present situation.

The ultimate power and strength of our whole society depends upon the reasonably wise and informed judgment of all our citizens. If we permit this creeping paralysis of our freedom of thought and expression to continue, I say we are doomed to lose our political freedom and to become the subjects of some domestic or foreign boss.

Mr. President, the statement which I placed in the RECORD a few moments ago was made by the dean of one of our most important schools engaged in training young people for journalism, and it is truly alarming.

Mr. President, I shall ask unanimous consent to insert a short statement from the magazine Newsweek of March 23, which is only one-third or one-half of a column in length. It is entitled "Rural Run Around."

First, I wish to cite 1 or 2 facts contained in the article. I shall not read the whole article, but only 1 or 2 passages from it, to indicate its general nature.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. FULBRIGHT. I would be willing to yield to Senators for questions, but my voice is weakening, and it is very difficult to speak above the furor which is being caused on the floor of the Senate by private conversations.

This article is based upon the National Education Association research bulletin of February 1953. It states the most recent statistics with regard to matters, which I discussed in very abbreviated form earlier today. Here is one aspect of the problem. It is very significant, and it ties in with the article to which I referred previously. It reads:

> Moreover, the teachers often feel gagged in the classroom and out. The NEA report states that they stay clear of controversial subjects in school or out for fear of outside pressure groups and adverse public opinion. One in three high-school teachers does not dare to discuss sex with pupils. One in ten rural high-school teachers does not dare to discuss communism.

Mr. President, what could be more ridiculous or disastrous in the long run, if there has grown up in our school system a timidity about discussing communism? If we are to raise a group of people who are completely unaware of the character and danger of communism, how can we expect an effective resistance to its spread? How can we expect to conduct an effective information program, for example, if many people do not know anything about it? It seems to me that this is an utterly fantastic and ridiculous policy that is developing in this country, as a result of a variety of causes, but primarily because of the poor quality of our educational system.

The article says:

> One in ten rural high-school teachers does not feel free to discuss communism.

I think that is one of the most disheartening statements I have ever read with regard to the future of our country.

The article quotes the report of the NEA.

> One in thirteen felt the same way about socialism.

All the Senators who are interested in the passage of the joint resolution profess to be opposed to socialism and communism. How do they expect to create a real bulwark against them if our children do not know anything about them, if they are forbidden subjects?

It is a strange characteristic of human nature that human beings are very often attracted to something they do not understand, because they are always looking for utopia. If they do not understand communism, they are likely to believe the false promises made about it. Unless they understand that the promises are false, they are likely to fall for them. I think that explains its popularity, such as it has, in many of the very backward countries. I think it is ignorance more than it is starvation, because their minds do not understand what is being said to them. It is because they fall for these phony promises that communism has made progress in China and in other countries. They believe these things largely because they do not know anything about them.

Yet it is becoming a forbidden subject in our schools. That is the report of the NEA. It is based on a very careful questionnaire sent to the rural teachers, and all the summaries are contained in the booklet I have in my hand. The last sentence is significant. It says:

> As for the country teacher, if he or she had to do it over again, 1 in 3 would choose some other profession.

Mr. President, what could be more damning to our system of education than the fact that 1 out of 3 of all those in it, if they had it to do over again, would choose another profession? Does anyone believe that a person engaged in any profession, whether teaching or other profession, who wishes he had never entered that profession, can be a really effective teacher or lawyer, or even a Senator?

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

Mr. FULBRIGHT. I yield for a question.

Mr. MURRAY. Does the Senator from Arkansas feel that the charge which has been made that liberal measures and many acts which have been proposed for the benefit and welfare of the American people are communistic, that that kind of advertising is benefiting communism and helping to put it on a pedestal? For instance, when we had before us the bill dealing with national health the charge was made that it had been taken from the Soviet constitution. Charges have also been made that other measures have been taken from the Soviet constitution. Yet those were liberal measures, and finally they were adopted.

Does not the Senator from Arkansas think that is a bad situation, namely, when so many things that are valuable to the people are charged as being communistic?

Mr. FULBRIGHT. I think the Senator from Montana is quite correct. In other words, as I understand him, there has been great confusion and a lack of knowledge about what communism really is. Some persons in our country have opposed some important developments which may or may not have been communistic. Yet by the loose use of the word "communistic," in describing those developments, such persons have confused the situation and have made it difficult to obtain a proper understanding of what communistic things really are.

In fact, I understand there is an increasing reluctance on the part of many persons to discuss such controversial questions. I suppose they fear that if they discuss them, at some unknown time in the future they may be haled before a committee and there may be accused of participating in Communist activities, at least insofar as they may be said to have discussed them.

So I say that a misunderstanding of both our own system and the Communist system is very dangerous. I think that is one of the greatest dangers we face in connection with the preservation of the integrity of our own system.

Mr. President, I now ask unanimous consent to have the résumé of the article printed at this point in the RECORD, for the information of the Senate.

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

RURAL RUNAROUND

"The plumbing is inadequate. There is no bathroom, no cupboards * * * and just cold running water," said one irate married man. A woman, also a country teacher, reported: "I also have to clean the knee-deep weeds off the school grounds * * * However, the school board sent me a rake and a hoe."

Nearly half of the Nation's 1,040,000 teachers work in rural schools. To find out how these educational jacks-of-all-trades were making out, the powerful National Education Association decided to survey them.

With 4,000 replies in by last week, the NEA researchers released some miserable facts. In most cases, the rural teacher is married (3 out of 4 are women) or has 1 dependent. Yet the average rural salary is only $2,484 a year, as compared with the national average for teachers of $3,405. Most country teachers are in debt $800.

Most live in small houses or apartments. One in four has no inside toilet, tub, or shower, and one in three has no telephone. Many classes are held in borrowed space. Samples: a cafeteria, a cheese factory, a dance hall, a pool room, a school bus garage, and a warehouse. After long school hours, the teacher is often expected to clean the schoolhouse, tend the fire, perhaps drive the school bus, or serve as general school repairman. Some are forbidden to smoke, have visitors, or go away on weekends.

Moreover, the teachers often feel gagged in the classroom and out. The NEA report states that they steer clear of controversial subjects in school or out for fear of outside pressure groups and adverse public opinion. One in three high-school teachers does not dare to discuss sex with pupils. One in 10 rural high school teachers did not feel free to discuss communism * * * one in thirteen felt the same way about socialism.

As for the country teacher, if he or she had to do it all over again, one in three would choose some other profession.

Mr. FULBRIGHT. Mr. President, I shall read one other sentence in the article, which I believe to be very significant:

Public opinion was by far the most frequent reason for avoiding issues both in the community and in the classroom.

I understand that to mean fear on the part of teachers that they would find themselves not in conformity with public opinion. That shows a very distinct lack of independence, a matter about which Mr. Ackerman was writing. I believe that situation ultimately will result in the disintegration and atrophy of our democratic institutions.

If this situation, as described in the bulletin of the National Education Association, is actually the state of mind of the teaching profession—and I must say that the evidence both here and from other sources leads us to believe that the situation is exactly as it is reported in that bulletin—then we are on the way toward the destruction of the most vital element of our democracy, namely, the inquiring and bold mind of the nonconformist.

Of course, Mr. President, not all of us can be nonconformists, nor do all of us have original or inquiring minds. But those among our people who may have such intellects have from time to time, almost since time immemorial, supplied the drive, the imagination, and the vision which have created our society. Does anyone believe that Jefferson, Madison, Payne, and all the other great men who founded our country and gave us our Constitution were conformists? Does anyone believe that those men hesitated to express their opinions because they thought they might not be in conformity with the public opinion which prevailed at that time?

There never would have been a United States if the spirit which now is becoming so prevalent among our teachers had prevailed at the time of Washington, Madison, and Jefferson; certainly not. Those men were nonconformists, with brains and intellects; and most of them were educated men with a thorough knowledge of other lands and of the history of human progress.

Mr. President, since the beginning of our Nation we have professed an unalterable abhorrence of tyranny of every kind, especially an abhorrence of the kind of tyranny which seeks to control the minds of freemen. Much of our Constitution is devoted to the problem of preventing the Government itself from controlling the free expression of thoughts by every citizen; and yet we know that illiteracy and ignorance have been and are most powerful tools of the tyrant. In fact, ignorance itself may be said to be the greatest tyrant over the minds of men. Yet the record shows what an inadequate job we have done to destroy that tyrant.

If I may once again use Thomas Jefferson as my authority, as I did earlier in my remarks—for I know of no better authority—let me say that one of the greatest statements Thomas Jefferson ever made was that—

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

I think that is what motivated Jefferson when he spent so much of his efforts and time in attempting to create in the State of Virginia a system of public education. Although we know that he failed in that project, even though he exerted himself to the utmost, yet we realize that he did succeed in establishing the University of Virginia, which has had a great effect upon both that commonwealth and the Nation as a whole.

It was his hostility to every form of tyranny over the mind of man which inspired Thomas Jefferson in his efforts to create a system of public education in Virginia and in his successful creation of the great university of that State.

Can any Member of the Senate doubt that if Jefferson were here today he would surely vote to dedicate these great national natural resources to the education of our citizens? I do not think there is any doubt in the world that if Jefferson had an opportunity to vote upon this measure to devote these natural resources to the education of the youth of our country he would vote to do so.

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

Mr. FULBRIGHT. I yield for a question.

Mr. LEHMAN. Can the Senator from Arkansas conceive of anything that would more greatly raise the educational standards of our Nation than to devote the royalties, amounting to between $5 billion and $15 billion, to the cause of education? Would not that change our entire educational system and make it possible to correct the many defects which now exist in it, and to advance the cause of education generally in our land?

Mr. FULBRIGHT. That is absolutely correct, and I can think of no other possibility in the foreseeable future of aiding so greatly our educational system.

That is a matter that puzzles me a little about the evident determination of the distinguished majority leader in this matter, because I recall quite well that he was a co-sponsor, or at least, was a supporter, of the bill providing for Federal aid to education. Of course, that bill passed the Senate, and I supported it. In those days, before the Senator from Ohio was majority leader, he evidenced a great interest in Federal aid to education. That bill contemplated the use of only $300 million, but it also contemplated the use of tax money from the Federal Treasury. I can understand how, with the prospect of a depression coming on, due to the usual policies of the Republican Party, such Senators might be very careful about the use of tax money.

Yet, here we have a proposal to use a fund which, if used, will in no way affect the tax moneys. It will in fact relieve the burdens of the taxpayer, if we can devote to the education of our young people the natural resources in question, which in effect are a kind of windfall that nobody expected a few years ago. It will not cause any burden on anyone at all. I think it is a God-given opportunity to cure the greatest defect in our society.

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

Mr. FULBRIGHT. I yield to the Senator from New York for a question.

Mr. LEHMAN. Does the Senator agree with me in my interpretation of what we are trying to do, namely, that the sums which I have mentioned would be applied to the education of the children of every one of the 48 States—New York, Illinois, Arkansas, Mississippi, California, Wyoming, Arizona, Montana, and all the rest of the 48 States—and would thus benefit every child and every citizen and resident of the country?

Mr. FULBRIGHT. The Senator is entirely correct. The Hill amendment provides for the distribution of the income from the lands in question on a per capita basis. It is very simple. There need be no argument about it. It will benefit, as the Senator says, all children, by providing better educational opportunities; and it is better opportunities for the children that we need.

Mr. President, there has never been a period in our history when the issues confronting our people have been more complex and more difficult to deal with. The Russians have, of course, deliberately, as a part of their war upon the free nations of the west, shrewdly and persistently set out to confuse everybody. The best defense that I know of to this kind of attack is a well-informed, intelligent, well-educated citizenry.

One of the very greatest handicaps this country has in this war of ideas is the fuzzy and confused ideas which are so prevalent about the nature of our enemy.

A few days ago, on April 9, there appeared an extremely interesting editorial in the Washington Post pointing out how inadequate are our ideas about communism. I should like to read this for the information of the Senate.

I think this goes to the very heart of the question we have been discussing. How can we expect people to combat something they do not understand? How do we go about trying to combat cancer or tuberculosis or any other dis-

ease of the body? I want to read this editorial. It is entitled, "What is a Communist?" I read:

The Capital Times, of Madison, Wis., has come forward with another resourceful piece of journalistic enterprise throwing some needed light on a deeply shadowed subject. This is the same puckish newspaper that celebrated Independence Day 2 years ago by sending out a reporter to solicit signatures to a petition composed exclusively of excerpts from the Bill of Rights and the Declaration of Independence. Virtually everyone approached rejected the petition as subversive. Recently the Capital Times published answers by 100 persons—together with their names and photographs—to the simple question, What is a Communist? Many of those approached refused to discuss the subject at all.

That is similar to the situation among the school teachers. They are not going to discuss communism. When they are asked, "What is a Communist?" they do not want to say a word about it for fear somebody might criticize them, or because they might be called to account for their answer. It is very significant that in America today people refuse, because of fear, even to answer such a question as, "What is a Communist?" The editorial continues:

Many refused to be quoted; 241 individuals had to be interviewed before 100 quotable answers could be obtained.

Sad to say, no very high level of understanding of communism is indicated by the answers.

Mr. President, these were adults, primarily, I think. They represented a cross section of the citizenry of the town. The editorial continues:

Distrust of it and distaste for it are prevalent and plain enough. But it can scarcely be said that these reactions are firmly grounded in knowledge of the subject. A considerable portion of those who answered admitted ignorance. A bookkeeper, for instance, replied with rather disarming candor: "A person who believes in the socialist form of government. I'm not sure I know what I'm talking about."

The PRESIDING OFFICER. The Senate will be in order.

Mr. FULBRIGHT. I thank the Chair. I hope the Chair will assist in keeping order in the Chamber. I continue:

A farmer said: "I don't know what they are, to come down to it. You hear a lot about them all the time, though."

That was a very frank answer. The editorial continues:

And a housewife put it this way: "I don't know much about it. I really don't know what a Communist is. I think they should throw them out of the White House."

Some of the responses were cast in cliches, as, for instance, that of the lady who declared that "a Communist is a person who never had anything and doesn't want anyone else to have anything." Many were grounded in antipathy to the anti-religious character of communism. One man declared that "a Communist is similar to an atheist and does not believe in God. I can't make a real definition of a Communist." Many were more abusive than informative.

That is a very common characteristic that has developed within recent years. There are a great many people who are inclined to be more abusive than informative. The editorial continues:

An elderly lady dealt with the subject very simply: "A Communist is not a good American; that would be my definition of one," while a younger lady let go at this: "A Communist is a person who wants war."

A few persons provided more precise definitions: "A Communist," one man put it, "is somebody that believes in the Russian form of government and believes that everything should belong to the state and wealth should be divided up." This seems to us remarkably accurate and descriptive—although no more accurate, perhaps, than the definition provided by a student: "It is a name McCarthy uses to smear his enemies with." Everything considered, it seems clear that the Communists are not popular in Wisconsin. It is not so clear, however—assuming knowledge to be power—that the people of Senator McCarthy's State are very well armed against the menace they detest.

Mr. President, I think that editorial is an extremely interesting commentary upon the present scene in this country. While I am on that subject, I should like to take occasion to compliment the Washington Post upon the originality of many of its editors. It was with great regret that I noticed in the Post only yesterday, I believe, or the day before, the retirement from the editorial page of Mr. Herbert B. Elliston, who I think has made a fine contribution to the interest and originality of the editorial page of the Washington Post. I only wish there were more newspapers in the country who had editors with as much energy and originality as Mr. Elliston. Not that I have always agreed with Mr. Elliston, for, if I recall correctly, he had a complete misapprehension of the significance of rule XXII of the Senate.

I have sometimes violently disagreed with him about that subject, and there have been other subjects on which I disagreed with him, but he was free to express his opinion on almost any subject. There are newspapers that do not dare to express themselves freely on any subject if they think they are not exactly in conformity with the prevailing public opinion of their communities. There are, of course, many smaller newspapers which have not yet succcumbed to this sort of miasmic fear which is creeping over the country. I think that has undoubtedly contributed to some of the mistakes we have made in the past 30 years. Because we did not understand it we have made some mistakes. I think that is the primary reason why we have made mistakes rather than any sabotage on the part of anyone in our Government. A few other reasons may have been discovered, but, by and large, I would say that ignorance of the nature of communism is more at the basis of some of the mistakes we have made than is any disloyalty on the part of anyone.

The confusion of thought on the part of our people about the nature of communism is, as I have said, very dangerous to the future of our country. People tend to exaggerate and to fear the unknown. I think our ignorance of communism, its real nature, and its purposes, has undoubtedly contributed to the mistakes we have made in meeting its challenge.

But with inadequate schools for our children and the growth of the fear of free discussion in the schools instead of making progress toward greater understanding, I am not at all sure but that we grow progressively more ignorant and blind as to our real situation in the world.

I do not think I overstate the facts when I say that during the past 8 years, since the close of World War II, there has been an appreciable change in the freedom of expression, not only of schoolteachers, but also of persons in public life and throughout our land.

In the 1930's, when I lived in Washington and when I taught school, there was no hesitancy in discussing any subject, certainly none in discussing communism. When people differed, the difference was attributed not to some evil, unpatriotic, or subversive motive, but simply to a difference in judgment. We then recognized that since all men have different backgrounds, different information, different parents, and different experiences, their different viewpoints were quite honest and natural. We endeavored to reconcile the differences by argument and conciliation.

But today, in many areas of political or public affairs, differences from those who are powerful or popular are often attributed to subversion. If one's motives are attacked, of course, there is no room for argument, for reasonable discussion, or for conciliation. This atmosphere is precisely that which the Nazis in Germany and the Communists in Russia have developed to the height of perfection. It tolerates no opposition; it is, in short, totalitarian.

Mr. President, as I have pondered the growth of this tyranny of the mind of our people in recent years, I recalled a passage in one of the great books about America, Democracy in America, by Alexis de Tocqueville. I am not saying, for I do not believe, that we have yet irrevocably lost the power to control our destiny; that we cannot reassert our intellectual freedom; but I do say that conditions justify our giving heed to the matter and taking steps to prevent the growth of the spirit of totalitarian thought control.

I should like to read to the Senate a short passage from Democracy in America, page 263, entitled "Power Exercised by the Majority in America Upon Opinion."

As a matter of fact, Mr. President, I was not sure that I would want to read it until I had seen the demonstration by the majority leader that he intended to use the full power of the majority he controls to enforce a gag rule upon the Senate. The majority leader, I suppose, is reflecting to some extent at least that same growth of the power of the majority and the desire to use force to bring people into line.

I want to read a short statement, in view of the great wisdom of Mr. de Toqueville—wisdom which I may say has been proved by experience and by what has actually happened in this country in so many instances. I would say he was a great prophet as to what we can expect in this Nation. He said:

Power exercised by the majority in America upon opinion.

In America, when the majority has once irrevocably decided a question, all discussion ceases. Reason for this—moral power exercised by the majority upon opinion—democratic republics have applied despotism to the minds of men.

That is the introductory statement, Mr. President. I read further:

It is in the examination of the exercise of thought in the United States that we clearly perceive how far the power of the majority surpasses all the powers with which we are acquainted in Europe. Thought is an invisible and subtle power that mocks all the efforts of tyranny. At the present time the most absolute monarch in Europe cannot prevent certain opinions hostile to their authority from circulating in secret through their dominions and even in their courts. It is not so in America; as long as the majority is still undecided, discussion is carried on; but as soon as its decision is irrevocably pronounced, everyone is silent, and the friends as well as the opponents of the measure unite in assenting to its propriety. The reason for this is perfectly clear: No monarch is so absolute as to combine all the powers of society in his own hands and to conquer all opposition, as a majority is able to do, which has the right both of making and of executing the laws.

The authority of a king is physical and controls the actions of men without subduing their will. But the majority possesses a power that is physical and moral at the same time, which acts upon the will as much as upon the actions and represses not only all contest, but all controversy.

I know of no country in which there is so little independence of mind and real freedom of discussion as in America. In any constitutional state in Europe every sort of religious and political theory may be freely preached and disseminated; for there is no country in Europe so subdued by any single authority as not to protect the man who raises his voice in the cause of truth from the consequences of his hardihood. If he is unfortunate enough to live under an absolute government, the people are often on his side; if he inhabits a free country, he can, if necessary, find a shelter behind the throne. The aristocratic part of society supports him in some countries, and the democracy in others. But in a nation where democratic institutions exist, organized like those of the United States, there is but 1 authority, 1 element of strength and success, with nothing beyond it.

In America the majority raises formidable barriers around the liberty of opinion; within these barriers an author may write what he pleases, but woe to him if he goes beyond them. Not that he is in danger of an auto-da-fé, but he is exposed to continued obloquy, and persecution. His political career is closed forever, since he has offended the only authority that is able to open it. Every sort of compensation, even that of celebrity, is refused to him. Before making public his opinions, he thought he had sympathizers; now it seems to him that he has none any more since he has revealed himself to everyone; then those who blame him criticize loudly and those who think as he does keep quiet and move away without courage. He yields at length, overcome by the daily effort which he has to make, and subsides into silence, as if he felt remorse for having spoken the truth.

Fetters and headsmen were the coarse instruments that tyranny formerly employed; but the civilization of our age has perfected despotism itself, though it seemed to have nothing to learn. Monarchs had, so to speak, materialized oppression; the democratic republics of the present day have rendered it as entirely an affair of the mind as the will which it is intended to coerce. Under the absolute sway of one man the body was attacked in order to subdue the soul; but the soul escaped the blows which were directed against it and rose proudly superior. Such is not the course adopted by tyranny in democratic republics; there the body is left free, and the soul is enslaved. The master no longer says: "You shall think as I do or you shall die"—

I submit this is exactly what has happened in this country—

"but," he says, "You are free to think differently from me and to retain your life, your property, and all that you possess; but you are henceforth a stranger among your people. You may retain your civil rights, but they will be useless to you, for you will never be chosen by your fellow citizens if you solicit their votes; and they will affect to scorn you if you ask for their esteem. You will remain among men, but you will be deprived of the rights of mankind. Your fellow creatures will shun you like an impure being; and even those who believe in your innocence will abandon you, lest they should be shunned in their turn. Go in peace. I have given you your life, but it is an existence worse than death."

That is exactly what has happened to many people in this country. They dare not express themselves. I know of no way to reverse that trend better than by education. I do not know how to repress this feeling, this expression of tyranny. We feel it in this body. We all know it. Things become too difficult when there is involved the insinuation which differentiates one from public opinion, if you like, the tyranny of the majority, as the author puts it in this passage. I do not say, and I do not wish to leave the impression, that this is irrevocable; that it is all done. I say this man's opinions, because of the astuteness of many of his observations, are well worth consideration. I say that we have drifted along that road. How can we reverse the trend? The only way we can do it is by imparting greater wisdom to our people, arousing in them an understanding of the values of our system, an understanding, above all, of the nature of our opponents, the Communists.

If we are going to shut our eyes to it and blind our children to it and remain ignorant of it, I do not know that we can survive. The fact of the matter is that, if we are going to survive, we shall have to do so by our own efforts and our own wisdom, in my opinion.

The only way in which to improve our wisdom is to improve the quality of the education of our young people who are growing up, and who will be the citizens to protect the fortunes of this country in the future.

As I have said, I do not think we have reached the deplorable conditions described by this eminent observer; but if our schools are permitted to deteriorate further, if we continue the wholly inadequate support of the schools, I think we can expect this condition to materialize, just as Mr. Alexis de Tocqueville has described it. Ignorance breeds fears and prejudices. Ignorance makes for fanatics and extremists. Ignorant people tend to follow the most flamboyant demagogs and easily throw off the restraints of civilized life. We have observed that in many parts of the world in recent years, in one country after another.

So in conclusion on this point, Mr. President, if this Nation is to play its proper role as the leader of the western democracies, if we are to understand the many complex issues confronting us, we must have enlightened people. For our own future, for the future of what we know as western Christian civilization, I think we should devote the natural resources of the marginal seas to the education of future generations of young Americans, as provided in the Hill amendment to the Anderson bill.

Mr. President, I ask unanimous consent that I may be permitted to ask the majority leader a question, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. TAFT. I shall be delighted to hear the Senator's question.

Mr. FULBRIGHT. I have finished this portion of my speech. I have one other matter which relates to the general problem of disposal of the public domain. I do not think it would take me very long to complete it. Would the Senator prefer that I proceed tonight?

Mr. TAFT. If the Senator could perhaps finish in a half hour——

Mr. FULBRIGHT. I should like to ask the Senator if he has any objection to recessing now, and I could finish in the morning, with an agreement by unanimous consent to complete my remarks by 11:30 a. m.

Mr. TAFT. I would be willing to agree to that.

Mr. FULBRIGHT. I do not wish to punish the Senate.

Mr. TAFT. That would be satisfactory to me.

Mr. President, I ask unanimous consent that the distinguished Senator from Arkansas may be permitted to retain the floor tomorrow morning, without his remarks counting as another speech, provided he relinquishes the floor at 11:30; or, if there be a quorum call, that he relinquish the floor a half hour after the quorum call is completed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

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

By Mr. DANIEL:

Statement prepared by him regarding San Jacinto Day, 1953.

By Mr. THYE:

Address entitled "The Challenge: Research," delivered by the Secretary of Agriculture, before the National Institute of Animal Agriculture, at West Lafayette, Ind., on April 21, 1953.

Editorial entitled "Mr. Humphrey Speaks Sense," published in the Washington Evening Star of April 21, 1953.

Article entitled "No Depression Under GOP," written by David Lawrence and published in the Washington Evening Star of April 21, 1953.

By Mr. CLEMENTS:

Article regarding the Astin case, written by Robert L. Riggs, and published in the Louisville (Ky.) Courier-Journal.

RECESS TO 11 A. M. TOMORROW

Mr. TAFT. Mr. President, I move that the Senate take a recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 11 o'clock and 10 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, April 22, 1953, at 11 o'clock a. m.

PETITIONS, ETC.

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

184. By Mr. FORAND: Resolution of Mrs. Helen D. Bridgford, Riverside, R. I., and 27 other signers, relative to the advertising of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

185. By Mr. LESINSKI: Resolution adopted by the Board of Supervisors of the County of Wayne, Detroit, Mich., urging enactment of legislation providing increases in salaries to postal employees; to the Committee on Post Office and Civil Service.

186. By the SPEAKER: Petition of Elmer E. Hunter and others, Daytona Beach, Fla., requesting passage of H. R. 2446 and H. R. 2447, social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

187. Also petition of Garnet O. Jack and others, Holly Hill, Fla., requesting passage of H. R. 2446 and H. R. 2447, social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

188. Also petition of Bertha Miller and others, Orlando, Fla., requesting passage of H. R. 2446 and H. R. 2447, social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

189. Also petition of Homer M. Mohr and others, St. Petersburg, Fla., requesting passage of H. R. 2446 and H. R. 2447, social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

190. Also, petition of H. C. Curtis and others, West Palm Beach, Fla., requesting passage of H. R. 2446 and H. R. 2447, social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

191. Also, petition of the president, Congress of Guatemala, Guatemala City, Guatemala, relative to the status quo for the territory of Belice; to the Committee on Foreign Affairs.

SENATE

WEDNESDAY, APRIL 22, 1953

(Legislative day of Monday, April 6, 1953)

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

Rev. Charles R. Smyth, D. D., minister, Epworth Methodist Church, Palmyra, N. J., offered the following prayer:

Almighty God, who hast shown us Thy pattern of orderliness in the design of Thy creation, who hast given us the law through Thy servant Moses, who hast challenged us with righteousness and justice through Thy prophets, and hast uncovered the secret of brotherhood in Jesus Christ; grant to these Thy servants in government the wisdom to find their guidance through Thy many revelations.

For the high responsibilities of this day we give Thee thanks and pray Thee to so sustain us by Thine almighty power that we shall not fail man nor Thee.

Direct all who serve in places of authority toward the end that this Nation shall fulfill its role in leading all peoples to mutual understanding, mutual trust, and mutual helpfulness.

Clarify our thinking with eternal truth, purify our ambitions with unselfishness, sanctify our duty with sacrificial service to the highest and best. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. TAFT, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 21, 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.

ANNOUNCEMENT AS TO TRANSACTION OF ROUTINE BUSINESS

The PRESIDENT pro tempore. The Chair understands that, under the unanimous-consent agreement entered into yesterday, the Senator from Arkansas [Mr. FULBRIGHT] has the floor.

Mr. TAFT. Mr. President, will the Senator from Arkansas yield to me for a moment?

Mr. FULBRIGHT. I yield.

Mr. TAFT. I had not intended to call a quorum at this time because many committees are still in session. But I had thought that when the Senator from Arkansas had completed his statement, in a half hour or so, I would then suggest the absence of a quorum. Following the quorum call I had planned to ask unanimous consent to have what would be similar to a morning hour. However, if the Senator desires to have a quorum called now, that will be satisfactory to me.

Mr. FULBRIGHT. Mr. President, I should prefer to have a quorum called now. I have completed the main part of my speech, and the remarks I have still to make really relate to a different aspect of the pending measure. So if it is agreeable to the majority leader, I should like to have a quorum called now. Of course, under the unanimous-consent agreement, I would not proceed beyond 30 minutes anyway.

CALL OF THE ROLL

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

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

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

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

Mr. SALTONSTALL. I announce that the Senator from Pennsylvania [Mr. DUFF] and the Senator from New Jersey [Mr. SMITH] are necessarily absent.

Mr. CLEMENTS. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Alabama [Mr. SPARKMAN] are absent by leave of the Senate.

The Senator from Missouri [Mr. HENNINGS] is absent on official business.

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

ORDER OF BUSINESS

Mr. FULBRIGHT. It is my understanding, if I understood the majority leader correctly yesterday, that I have the floor for 30 minutes. Is that correct?

The PRESIDING OFFICER. The Senator from Arkansas is correct.

Mr. HUMPHREY. Mr. President, will the Senator from Arkansas yield for the purpose of my making a unanimous-consent request?

Mr. FULBRIGHT. I yield for that purpose, provided I do not lose the floor.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that, following the address by the Senator from Arkansas [Mr. FULBRIGHT], I be permitted to have the floor.

The PRESIDING OFFICER. Is there objection?

Mr. TAFT. Mr. President, will the Senator permit me to incorporate another unanimous-consent request? I ask unanimous consent that when the Senator from Arkansas [Mr. FULBRIGHT] has completed his remarks Senators be permitted to transact the usual routine business, which would be in order during the morning hour, with the usual provision that remarks not exceed 2 minutes, and that at the conclusion of that period the Senator from Minnesota [Mr. HUMPHREY] be recognized.

The PRESIDING OFFICER. Is the proposed unanimous-consent agreement acceptable to the Senator from Minnesota?

Mr. HUMPHREY. Yes; indeed it is.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

TITLE TO CERTAIN SUBMERGED LANDS

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

Mr. FULBRIGHT. Mr. President, I shall not undertake to discuss any further the merits of the pending legislation. I consider that I have said about all I have to say on the merits of the

so-called Holland joint resolution and also on the merits of the amendment offered by the Senator from Alabama [Mr. HILL], of which I am a cosponsor.

I have only one or two observations that I should like to make with regard to the situation in which we find ourselves in the Senate. I am particularly distressed by the attitude and the participation of some of the Members of the Senate with whom I was closely associated only a short time ago in an effort to preserve the integrity of the procedure of this body. I believe they will regret their apparent approval, or participation, at least, in the effort and design which, as I understand, has been agreed upon to limit debate, by using a motion to table.

I recall very well the junior Senator from Georgia [Mr. RUSSELL] having expressed himself most forcefully on the whole question of limitation of debate; and he and other Members of this body know that the device of a motion to table is for all intents and purposes equivalent to a drastic limitation of debate. All I can say is that permitting the gradual indirect erosion of our traditions of free debate in this body, by the acceptance of such a procedure, will be regretted in the future, when other measures of importance to the country will be considered by this body, particularly measures about which I am sure these same Members of the Senate will feel very strongly.

This is not, I remind Members of the Senate, an isolated instance. Throughout our history we have had many issues about which many Senators have felt very strongly and wished an opportunity to try to educate the public to their point of view. As I said yesterday, I think it is the unique and outstanding virtue of this body that such a right exists, and that all Senators may take advantage of it.

I want to mention only this point in the present situation. It was stated yesterday by the majority leader that he expects to move to table the Anderson substitute, which, of course, will carry with it the Hill amendment, because the Hill amendment cannot possibly apply to the Holland joint resolution, since there are no funds to which it could attach. But this is the situation that presently exists: Debate will be cut off on the Anderson substitute and on the Hill amendment, although approximately 12 cosponsors of the Hill amendment have not yet had an opportunity to speak even once. It is my information—and I think I am correct—that the Senator from West Virginia [Mr. NEELY], the Senator from New Hampshire [Mr. TOBEY], the Senator from North Dakota [Mr. LANGER], the Senator from Oregon [Mr. MORSE], the Senator from Alabama [Mr. SPARKMAN], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Missouri [Mr. HENNINGS], the Senator from Iowa [Mr. GILLETTE], the Senator from South Dakota [Mr. CASE], the Senator from Montana [Mr. MANSFIELD], the Senator from Washington [Mr. MAGNUSON], and the Senator from Rhode Island [Mr. PASTORE] have not had an opportunity to speak even once on the Hill amendment.

It is very unfortunate indeed that such a situation should arise in the Senate, and that debate should be stopped on a subject so important as the Hill amendment without every cosponsor having had a full opportunity to discuss a measure in which he has evidenced his interest by his cosponsorship.

Leaving aside the aspect of how it may be embarrassing to them in trying to explain to their constituents why they failed to say a single word about their own amendment, I think it is unfortunate that the country will not have the benefit of their observations and comments on the merits of the Hill amendment.

So, Mr. President, I regret most sincerely that the majority leader has found it necessary and feels it is wise to follow such a procedure. It is very difficult for me to understand how some of my Southern colleagues, with whom I have consulted, and whose attitude I thought I understood, could agree to limit debate in this body. It is very difficult for me to understand how they can bring themselves to approve such a procedure. They can be very sure that such a procedure will be used at a later date with regard to measures about which they may feel differently from the way they feel about the pending measure. All I can say is that they will regret that they have given their tacit approval to the procedure.

So far as I am concerned, I have tried to make it clear that I opposed this kind of procedure in the past, when it was proposed to amend the rules of the Senate, a proposal which at that time, of course, was directed toward so-called civil-rights legislation.

At that time strong feelings were expressed by many of my colleagues and by me against a limitation of debate. I had the same attitude then that I have today on that question. I think some of my colleagues may well find that this shift in their position may very greatly weaken their persuasiveness when the ancient struggle over the change in the rules recurs in this body. But, Mr. President, of course that is in the future, whereas now we have before us a very important measure which involves very large sums of money. So, I suppose my pleas will go unheeded today.

Mr. President, I do not intend to detain the Senate any longer. I regret most deeply that the Senate is in the position of having to vote upon a measure which I am thoroughly convinced is misunderstood by a large majority of the people of the United States and by a large segment of the press. I do not blame the press too much because, I think, a well organized and concerted effort has been made to confuse the press. There are so many things with great reader interest which attract the attention of the press, that, I suppose, the press has had very little opportunity to study this matter and to understand it.

Mr. President, with those words, I now yield the floor, under the agreement which was made a moment ago.

TRANSACTION OF ROUTINE BUSINESS

Mr. DIRKSEN. Mr. President, as I understand, under the arrangement which has been made, following the conclusion of the remarks of the Senator from Arkansas, we are to have a morning hour for the transaction of routine business.

The PRESIDING OFFICER. That is correct.

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED SUPPLEMENTAL APPROPRIATION, THE JUDICIARY (S. DOC. NO. 40)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the Judiciary, in the amount or $350,000, for the fiscal year 1953 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

REPORT ON SOIL SURVEY AND LAND CLASSIFICATION OF CERTAIN LANDS

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classification of the lands to be benefited by the Naponee Canal and laterals, Franklin-Red Cloud Unit, Bostwick Division, Missouri River Basin project, Nebraska, had been completed (with an accompanying paper); to the Committee on Interior and Insular Affairs.

AUDIT REPORT ON GOVERNMENT SERVICES, INC.

A letter from the Comptroller General, transmitting, pursuant to law, a short-form report on the audit of Government Services, Inc., for the year ended December 31, 1952 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON INLAND WATERWAYS CORPORATION

A letter from the Comptroller General, transmitting, pursuant to law, an audit report on the Inland Waterways Corporation, for the fiscal year ended June 30, 1952 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Post Office and Civil Service:

"Assembly Joint Resolution 24

"Joint resolution relative to the compensation of postal employees

"Whereas postal employees have received only one wage increase since 1949, and that increase was not equal to the increase in the cost of living that has occurred since 1949; and

"Whereas most employees in both public service and private industry have received wage increases enabling them more nearly to catch up with the increased cost of living; and

"Whereas the wages of postal employees are so low that any increase in the cost of living hits them with particularly great force; and

"Whereas aside from the obvious inequality of treatment there is a serious possibility that postal employees will not long be able to resist the lure of greater reward for employment in defense and other industries: Now, therefore, be it

$347 to offset the cost of transferring his family to Washington.

Thus we find that Mr. Cave, who in 1951 was drawing $6,600 per year in Miami as an administrative assistant to the collector, when the disciplinary action was started, ended up a year later with:

First. A more responsible position at the Washington level.

Second. An increase in grade from GS-12 to GS-13.

Third. An increase in salary of $1,760—a part of this increase in salary can be attributed to Public Law 429, 81st Congress, which increased all Government salaries; however, the major portion resulted from better and higher paid positions.

Fourth. $1,396.25 per diem allowance.

Fifth. And $347 moving expenses.

These transfers, promotions, and bonuses to an employee who by the Treasury Department's own records was earmarked for disciplinary action could not possibly have materialized without the consent of either the Commissioner of Internal Revenue, Mr. Dunlap, or Secretary of Treasury, Mr. Snyder, or both.

They can debate between themselves as to how they wish to divide the responsibility.

RE ROBB N. KEYSER, DIRECTOR OF INTERNAL REVENUE, WEST VIRGINIA

There is another case to which I made reference in my remarks of April 2, 1953, when criticizing the reorganization plan in general and upon which I have since received additional information—that is the case of Mr. Robb N. Keyser, who was appointed the Director of Internal Revenue of West Virginia.

As explained on April 2, Mr. Keyser failed to pass the civil service examination the first time. Upon the intervention of the two Senators from that State, he was given a reexamination, and this time he was rated eligible and was appointed to the job.

The Civil Service Commission explained this reversal by pointing out that in the second examination their attention was called to the significant fact that Mr. Keyser, who had worked in the Bureau for many years, had in reality had much greater experience as an administrator than they had originally understood.

They claimed that this additional experience was obtained as a result of the fact that the former collector at Parkersburg, W. Va., Mr. F. Roy Yoke, was during his term of office the national head of the Moose and that this position required that he be away from his office for extended periods of time, and that Mr. Keyser, in the absence of the former collector, had actually functioned as the head of the office.

The Civil Service Commission states that as a result of this widespread experience obtained by Mr. Keyser during the extended periods of time in which the former collector was absent from his official post, Mr. Keyser was declared eligible.

A review of the record shows that:

First. Mr. F. Roy Yoke was appointed collector of internal revenue, Parkersburg, W. Va., October 1, 1937, and served in that capacity until September 5, 1952.

Second. During this approximately 15 years as collector of internal revenue Mr. Yoke never missed a single day's pay, that is, he was never charged with taking any leave without pay.

Third. On September 5, 1952, upon his separation from the service, Mr. Yoke collected $3,398.21 lump sum payment for accumulated annual leave which he claims not to have taken during his term of office.

Fourth. The total annual leave or vacation time charged to Mr. Yoke during these 15 years was 235 days, while his sick leave accounted for 21 days and 4 hours.

Whether Mr. Yoke did leave his office for "extended periods of time" without charging to his annual leave or—whether the Civil Service Commission and the Treasury Department were in error when they reappraised Mr. Keyser's qualifications on the basis of such, I am not in a position to say; but it is certain that the facts in each of the cases cannot be reconciled.

Mr. President, I also have here a letter dated April 17, 1953, signed by the Honorable T. Coleman Andrews, Commissioner of Internal Revenue, in which he confirms the amount of lump-sum annual-leave payments made to some of the various top Treasury officials who were fired during the past couple years.

Thinking the American taxpayers will be interested in knowing just how much it cost to get rid of a discredited bureaucrat under the New Deal regime, I ask unanimous consent to have incorporated in the RECORD the letter from Mr. T. Coleman Andrews.

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

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, April 17, 1953.

Hon. JOHN J. WILLIAMS,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: In accordance with your request of April 2, 1953, addressed to the Secretary of the Treasury and referred by him to this office, I have set forth below the amounts and dates of annual leave payments made to six of the former Internal Revenue officials named in your letter.

No lump-sum payments were made to Messrs. Denis W. Delaney, Lipe Henslee, Joseph P. Marcelle, James P. Finnegan, and James G. Smyth.

Very truly yours,
T. COLEMAN ANDREWS,
Commissioner.

Name	Amount of annual leave	Lump-sum payment	Paid on—
James W. Johnson	101 days, 1 hour	$4,285.87	Aug. 29, 1951
Charles Oliphant	80 days, 7 hours	4,774.56	Dec. 19, 1951
George J. Schoeneman	105 days, 2 hours	6,360.54	Aug. 15, 1951
Carroll E. Mealey	13 days	484.57	Oct. 24, 1951
		75.32	Jan. 24, 1952
Daniel A. Bolich	25 days, 4 hours	1,247.90	Dec. 5, 1951
James B. E. Olson	21 days	795.52	Sept. 12, 1951

Mr. WILLIAMS. Mr. President, I present this report as a supplement to my remarks of April 2, 1953, and to further demonstrate the complete farce with which the past administration approached the cleanup program of the Bureau of Internal Revenue.

On the farm one of the first lessons is that whitewash applied over dirt will soon peel.

Mr. DIRKSEN. Mr. President, I have observed that the informal rule with reference to Senators making speeches during the morning hour is 2 minutes, but since another Senator did not consume his full 2 minutes, as the acting majority leader for the present, I was inclined to be a little generous.

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. HUMPHREY. Mr. President, I rise to speak on the pending amendment which is sponsored by the Senator from Alabama [Mr. HILL] and other Senators, and the amendment in the nature of a substitute which is sponsored by the Senator from New Mexico [Mr. ANDERSON].

I may say, Mr. President, that this is my first speech on this subject matter. I hope the majority leader will take note of that fact, because he has paid me undeserved tribute by saying that I apparently had engaged in extended debate. I would have the majority leader know, so that he may be properly informed.

My task in speaking upon this very vital issue of the submerged lands and the natural resources to be found under them is a pleasant one; it is one to which I have long looked forward.

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

Mr. HUMPHREY. I yield for a question.

Mr. LANGER. I take it that later some of us will have an oportunity to speak on the Hill amendment.

Mr. HUMPHREY. We are anxiously awaiting the comments of the Senator from North Dakota on the Hill amendment, and other amendments. We know he will help us in the discussion.

Mr. LANGER. The distinguished Senator from Minnesota knows that no subject which has arisen in recent years has been of greater interest to the people of the Northwest than has the Hill amendment, which would help to provide better educational opportunities for the school children of the Nation.

Mr. HUMPHREY. The Senator is correct. The volume of mail coming to my office concerning the Hill amendment has increased day by day. It is from parent-teacher associations, mayors of

The Senator from Pennsylvania [Mr. DUFF] is paired with the Senator from Massachusetts [Mr. KENNEDY]. The Senator from New Jersey [Mr. SMITH] is paired with the Senator from Missouri [Mr. SYMINGTON]. If present and voting the Senator from Nebraska [Mr. BUTLER] would vote "nay," and the Senator from Missouri [Mr. HENNINGS] would "yea"; the Senator from Pennsylvania [Mr. DUFF] would vote "nay," and the Senator from Massachusetts [Mr. KENNEDY] would vote "yea"; the Senator from New Jersey [Mr. SMITH] would vote "nay," and the Senator from Missouri [Mr. SYMINGTON] would vote "yea."

Mr. CLEMENTS. I announce that the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from Iowa [Mr. GILLETTE], the Senators from Missouri [Mr. HENNINGS and Mr. SYMINGTON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from West Virginia [Mr. KILGORE], the Senator from Washington [Mr. MAGNUSON], the Senator from South Carolina [Mr. MAYBANK], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

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

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

The Senator from Mississippi [Mr. EASTLAND] is paired on this vote with the Senator from Tennessee [Mr. KEFAUVER]. If present and voting, the Senator from Mississippi would vote "nay," and the Senator from Tennessee would vote "yea."

The Senator from Missouri [Mr. HENNINGS] is paired on this vote with the Senator from Nebraska [Mr. BUTLER]. If present and voting, the Senator from Missouri would vote "yea," and the Senator from Nebraska would vote "nay."

The Senator from Massachusetts [Mr. KENNEDY] is paired on this vote with the Senator from Pennsylvania [Mr. DUFF]. If present and voting, the Senator from Massachusetts would vote "yea," and the Senator from Pennsylvania would vote "nay."

The Senator from Missouri [Mr. SYMINGTON] is paired on this vote with the Senator from New Jersey [Mr. SMITH]. If present and voting, the Senator from Missouri would vote "yea," and the Senator from New Jersey would vote "nay."

I announce further that, if present and voting, the Senator from West Virginia [Mr. KILGORE] and the Senator from Washington [Mr. MAGNUSON] would vote "yea."

The result was announced—yeas 26, nays 50, as follows:

YEAS—26

Aiken	Hill	Mundt
Anderson	Humphrey	Murray
Case	Jackson	Neely
Cooper	Johnson, Colo.	Pastore
Douglas	Langer	Sparkman
Fulbright	Lehman	Tobey
Gore	Mansfield	Wiley
Green	Monroney	Young
Hayden	Morse	

NAYS—50

Barrett	Bricker	Butler, Md.
Beall	Bridges	Carlson
Bennett	Bush	Clements
Cordon	Hunt	Potter
Daniel	Ives	Purtell
Dirksen	Johnson, Tex.	Saltonstall
Dworshak	Johnston, S. C.	Schoeppel
Ellender	Knowland	Smathers
Ferguson	Kuchel	Smith, Maine
Flanders	Long	Smith, N. C.
Frear	Malone	Stennis
George	Martin	Taft
Goldwater	McCarran	Thye
Hendrickson	McCarthy	Watkins
Hickenlooper	McClellan	Welker
Hoey	Millikin	Williams
Holland	Payne	

NOT VOTING—20

Butler, Nebr.	Griswold	Magnuson
Byrd	Hennings	Maybank
Capehart	Jenner	Robertson
Chavez	Kefauver	Russell
Duff	Kennedy	Smith, N. J.
Eastland	Kerr	Symington
Gillette	Kilgore	

So Mr. DOUGLAS' amendment was rejected.

EXECUTIVE SESSION

Mr. TAFT. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. SALTONSTALL. Mr. President, from the Committee on Armed Services I report 29 nominations of general rank in the Marine Corps and flag rank in the Navy and ask that they be printed in the Executive Calendar. I also report reference No. 232 containing the 7 names of Reserve general officers in the Army for indefinite-term appointments as required by section 224 of the Armed Forces Reserve Act of 1952, and I ask unanimous consent that this reference number be placed on the Executive Calendar, immediately following Calendar No. 109, message No. 186.

I also report from the committee 1,542 routine nominations in the grade of lieutenant colonel and below in the Army, and in the grade of lieutenant and below in the Air Force and Navy. As in executive session, I request that in order to save the expense of printing this large list of names in the Executive Calendar, and inasmuch as they have already appeared once in the CONGRESSIONAL RECORD, that they be ordered to lie on the Vice President's desk for inspection by any Senator, prior to their confirmation.

The PRESIDING OFFICER (Mr. PAYNE in the chair). Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

The nominations ordered to be placed on the Executive Calendar are as follows:

Maj. Gen. John Francis O'Ryan and sundry other officers for appointment as Reserve commissioned officers of the Army;

Arthur Howard Ackerman and sundry other cadets, United States Military Academy, for appointment in the Regular Army of the United States;

Rear Adm. John W. Roper, United States Navy, when retired, to be placed on the retired list with the rank of vice admiral;

Bernard E. Manseau and sundry other officers of the Navy for permanent appointment to the grade of rear admiral;

Vernon E. Megee for permanent appointment to the grade of major general of the Marine Corps; and

Albert D. Cooley for permanent appointment to the grade of brigadier general of the Marine Corps.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will proceed to state the nominations on the Executive Calendar.

Mr. TAFT. Mr. President, I ask unanimous consent that the treaties appearing on the first page of the Executive Calendar, and the nominations which have been passed over and which appear on the second page of the Executive Calendar, be passed over at this time. After the vote, on next Tuesday, on the pending joint resolution, I intend to call again the Executive Calendar in order that the treaties may be considered. I hope Senators will examine them. After the treaties are disposed of, I intend to ask for the consideration of the other nominations which have been on the Executive Calendar for some time. I ask that the Executive Calendar now be called, beginning with No. 202.

The PRESIDING OFFICER. Without objection, it is so ordered, and the nominations will be stated.

THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Army.

The PRESIDING OFFICER. Without objection, the nominations in the Army are confirmed en bloc.

UNITED STATES AIR FORCE

The Chief Clerk proceeded to read sundry nominations in the Air Force.

The PRESIDING OFFICER. Without objection, the nominations in the Air Force are confirmed en bloc.

DEPARTMENT OF THE ARMY

The Chief Clerk read the nomination of John Slezak, of Illinois, to be Assistant Secretary of the Army.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of James P. Mitchell, of New Jersey, to be Assistant Secretary of the Army.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of George Wadsworth, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Czechoslovakia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Jack K. McFall, of the District of Columbia, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Finland.

The PRESIDING OFFICER. Without objection, the nomination is confirmed; and, without objection, the President will be notified of the confirmation of all nominations made this day.

4. With the increasing costs in education as in everything, many of the areas in our United States are suffering in an attempt to provide an education for its growing citizens. This money realized from the Hill amendment would be a boon to all States in helping to support public education. It would more nearly equalize the educational opportunities among the States.

5. Finally in view of the decisions of the United States Supreme Court holding that the United States Government has supreme or paramount rights to these tidelands oil resources, the board feels that any legislation which goes counter to that decision would be harmful to the citizens of the United States.

For these reasons the board urges you to continue your fight for the Hill amendment to the tidelands bill. Passage of such legislation would mark this Congress as one of the historic groups which supported free public education not only by word of mouth but by actual deed, assuring through the years a sum of money for the use of public schools all over the many United States of America.

Very truly yours,

EARL E. OLSON,
Superintendent.

Mr. HUMPHREY. Mr. President, I have selected these letters because they represent what might be called a cross section of the public opinion which is now reaching my office in the form of petitions, letters, telegrams, or other messages. Certainly I do not wish to burden the CONGRESSIONAL RECORD with the weight of communications which have been received from all over the Northwest. I have never seen an issue which has brought forth such an outpouring of public sentiment and such an insistent demand on the part of American people that the great resources affected by the pending proposal be protected for the public welfare.

At the outset, Mr. President, I wish to pay tribute to the high quality of debate which has taken place so far on the question before the Senate. Seldom during my membership in the Senate have I seen quality, scholarship, research and integrity of debate such has been present on the Senate floor in recent days. The splendidly documented address by the Senator from Illinois [Mr. DOUGLAS] is on a par with, if it does not excel, the historic address which he made on the Senate floor on the subject of natural gas and on the subject of basing point legislation.

The address by the Senator from Alabama [Mr. HILL] was so filled with thought, so full of history and thoroughly factual and legal analysis, that it is, indeed, the last word on the subject—although the Senator has as yet, I am informed, not spoken his last word on the subject.

The remarks of the Senator from Montana [Mr. MURRAY], the Senator from New Mexico [Mr. ANDERSON], and the Senator from Washington [Mr. JACKSON] were profound and concise explanations of the position many of us have taken on the Senate floor in opposition to the Holland joint resolution.

I wish to pay particular tribute to the Senator from New Mexico [Mr. ANDERSON] and the Senator from Alabama [Mr. HILL] who have given of their energy and great ability in leading the fight against what I consider to be a most unbelievable and extraordinary measure, which would literally take away from the American people their heritage. These fine leaders, by their participation as members of the Senate Interior and Insular Affairs Committee, deserve the thanks of all Americans who are concerned with protecting the public interest against raids on the public domain.

The statement by the Senator from New York [Mr. LEHMAN] is in keeping with his fine humanitarian tradition in the Senate. This great American and public servant will, in my mind, always remain a symbol of the maxim that a democratic government is a government with a heart. He represents, and his participation in the Senate represents, the highest elements of what we mean when we say "government with a heart."

The Senator from Tennessee [Mr. KEFAUVER], has many millions of loyal friends and admirers in the United States. They can be very proud of his performance on the Senate floor during the course of this debate. He has again, with courage and determination which are typical of him, demonstrated his allegiance to the principle of government by integrity. He is again in the vanguard of those who stand out against special privilege. He went to the people in California, spoke to them of his opposition to the Holland joint resolution, and nevertheless, gained their support in the presidential primary elections last year in overwhelming numbers. I submit that was a tribute not only to the man, but also a tribute to the issue he espouses.

There are many of us who have participated in this debate in opposition to the Holland joint resolution. The Senator from Massachusetts [Mr. KENNEDY] has spoken on the Senate floor in an effort to protect the fishing industry which is so vital to the prosperity and welfare of his State, demonstrating fully and capably that the Holland measure is a threat to that industry. The people of Massachusetts are to be congratulated for sending him to the Senate. They have no abler representative or protector.

The Senator from North Dakota [Mr. LANGER], the Senator from Oregon [Mr. MORSE], and the Senator from Tennessee [Mr. GORE], have spoken, and I understand will speak again in much more detail and in an even more precise and comprehensive manner in their efforts to protect the public interest.

I wish to pay special tribute to the Senator from Arkansas [Mr. FULBRIGHT], who yesterday addressed the Senate in detail and with full knowledge of the importance of the submerged lands and the vital natural resources they contain.

The Senator from Arkansas made a ringing appeal to the Senate to take action which would result in the improvement of education in the United States. Indeed, he is one of our foremost educators, and has devoted his efforts, with great success, to the improvement of education. His address is a landmark in this debate. It should be noted that the Senator from Arkansas has again come to the rescue and defense of the educational structure of America by asking that the revenues from the oil and gas resources in the submerged lands be dedicated to the welfare of American children and American education. I submit that there can be no better cause.

All the credit, however, is not merely on one side. I regret that the Senator from Texas [Mr. DANIEL] and the Senator from Florida [Mr. HOLLAND] are not on the floor, for I desire to pay them high tribute also.

Mr. DANIEL. The Senator from Texas is present.

Mr. HUMPHREY. Mr. President, I am glad to observe that the Senator from Texas is on the floor, and has heard my statement.

Though I am particularly partial to those of my colleagues with whom I have been associated in favor of the Anderson bill and against the Holland joint resolution, I wish to pay my tribute to our opponents. The contributions of the Senator from Louisiana [Mr. LONG], the Senator from Florida [Mr. HOLLAND], the Senator from Texas [Mr. DANIEL], and the Senator from Oregon [Mr. CORDON], have been thoroughly in harmony with the fine traditions of Senatorial debates which have enhanced the dignity and the prestige of this body. Indeed, here is proof that the Senate remains the greatest deliberative body in the world. I am happy that I can engage in this debate on an issue so vital as this one, and still preserve a sense of respect for the other man's point of view.

Why this historic debate? Why have so many Senators of integrity, public devotion, and ability, given of their time and their energies to speak on this issue? There are many other Senators who wish to speak. Let me say now that they must speak and must be heard. None of the propaganda techniques or the cries of "filibuster" or "extended debate," or whatever other term may be employed, should in any way be used to hush them. This is one subject that requires the greatest exploration and most exhaustive treatment.

I believe I shall be able to show today, despite what the majority leader and other Senators have said on occasion, that there is something new to be said on the issue. Some Senators have spent hours, weeks, and months in research and study, to the end that they might give to the Senate information which may be of help in their formulation of a final determination on this subject.

So let no one say that there is nothing new to be said on this subject. I am confident that as each Member of the Senate speaks—as I hope will be the case, both with respect to the proponents and the opponents—he will be able to add something new, or at least some elaboration, upon the vital issues which are involved in these great policy questions concerning the national domain and its natural resources.

We are not dealing with an ordinary legislative matter. We are dealing with perhaps the most crucial and significant public issue which we will discuss in this Congress. Its ramifications have international as well as domestic implications.

I say to the public, and I say in particular to my colleagues, that this is not an

ordinary legislative matter, which affects only a few people within our own great Nation. It affects the entire international relations of this Republic. Before I am through with this discourse, I think I shall be able to document that assertion, not merely as a claim or opinion, but as a fact.

It is for these reasons that this issue calls for exhaustive study by the Members of the Senate. It is for these reasons that we cannot depend on the easy way of "legislation by committee." We must, instead, depend on our constitutional processes of "legislation on the Senate floor."

There are those who complain about the length of this debate. I would remind them, however, that when we deal with a legislative problem which concerns perhaps more than $50 billion and its allocation—and I think that is a conservative estimate—this subject is worthy of exhaustive debate, consideration, and scrutiny. I would further remind the Senate and the American people that it took the courts of this Nation many years to decide this very issue on legal grounds alone.

Surely no Member of the Senate would ask the courts to hurry their decisions in cases involving issues so great as this. Surely no one should ask that a deliberative body representing many different points of view should hurry its decision on a matter so vital as this. The courts require months to decide one case. Here we are called upon to decide an entire public policy, affecting not only our own Nation, but the world in which we live.

Our debate and our responsibility is not only to consider the legal implications of this question, but also the public policy implications of this question. To debate this question for less than weeks would, therefore, be a violation of our trust as Members of the United States Senate.

The Holland bill would not only repudiate three decisions of the Supreme Court, but it would overrule a doctrine of sovereignty proclaimed by Thomas Jefferson and a basic governmental principle of conservation established by Theodore Roosevelt. Such a step is a heavy responsibility and calls for full understanding on the part of the American people before we act hastily and precipitately.

I make note again that the pending joint resolution would not only repudiate three decisions of the Supreme Court, but would overrule a doctrine of sovereignty which even now is being contested by our Communist adversaries—a doctrine of sovereignty proclaimed by Thomas Jefferson—as well as the basic governmental principle of conservation established by the late and great President Theodore Roosevelt.

There is one further reason why the public has seen the need for an extensive and exhaustive debate. I have yet to receive a message from the people of the State which I in part represent in the Senate asking that this debate be curtailed. In fact, I am receiving telephone calls, telegrams, resolutions, letters, and other communications saying that this debate must be extended to the fullest, for the purpose of ascertaining every fact. The people I represent want a decision.

I have previously made note of the fact that a filibuster has as its objective no decision, no vote. However, a debate has as its objective, first of all, information, the exchange of ideas, and, secondly, a decision arrived at by a vote following upon the exchange of ideas.

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

Mr. HUMPHREY. I yield for a question.

Mr. DOUGLAS. When our friends on the other side of the aisle complain about repetition, do they not ignore the statement of Dr. Samuel Johnson, to the effect that men need not so much to be informed as to be reminded?

Mr. HUMPHREY. The Senator from Illinois is indeed correct. Let me make one of my off-the-cuff observations. I have often said that education is essentially a process of repetition and osmosis. It appears that there is a crust of propaganda around this issue which seems to be almost impenetrable. Therefore, it is necessary, not to pour oil on the issue before us, but to expose it to the truth, the truth of information, which we can give in this debate. Then possibly we shall be able to penetrate the crust.

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

Mr. HUMPHREY. I yield for a question.

Mr. DOUGLAS. Is it not also true that repetition is the basis of advertising, and therefore at the very foundation of the American business system.

Mr. HUMPHREY. I thank the Senator for his very germane comment upon the American way of life, and upon one of the aspects of our free-enterprise system, which is, of course, apropos in this debate.

I further point out to the Senator from Illinois that the propaganda which has surrounded this issue has been under way in this country for years, quietly, subtly, and effectively. It has been carried on by persons in key positions of responsibility. The Association of Attorneys General has been doing a fine job. All sorts of organizations have been actively engaged. There have been many newspaper articles, editorials, and magazine articles on the subject. There have been articles in trade journals and similar publications. Only within recent weeks have we had the opportunity to come to grips with this issue. Therefore, it is all the more important that our argument be not only comprehensive, but exceedingly effective. I hope it will be devastating in terms of bringing out the truth—devastating to the propaganda which seeks to undermine the truth.

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

Mr. HUMPHREY. I yield for a question only.

Mr. LEHMAN. Is it not a fact that throughout this debate the opponents of the Holland joint resolution have made it crystal clear that they not only would not oppose a vote on the joint resolution and on the Anderson substitute and the Hill amendment, but that they wanted a decision, after sufficient time had been given to Members of the Senate to make clear to the American people and, as I have said before, to Members of the Senate itself, the dangers and implications of the Holland joint resolution?

Mr. HUMPHREY. The Senator is absolutely correct. If I recall correctly—and I believe the communication is in the RECORD—those of us who oppose the Holland joint resolution sent a letter to the majority leader stating our willingness to take up any necessary legislation of an emergency character, such as the Defense Production Act extension. We have made it very plain that we wanted to arrive at a decision, that we were looking forward to the opportunity to vote. However, with equal candor we have said that there is much to be explored in this area. We wish to debate the issue until every Member of the Senate has had an opportunity to be heard and to say what is on his heart and mind.

I speak only for myself. Let the RECORD be perfectly clear. I heard the Senator from New York make his comment as to the desirability of orderly procedure. I point out what I said on the floor of the Senate on Friday last:

> Under no circumstances will we stand in the way of vitally needed legislative action by the Congress. * * * We are prepared at any moment, at the request of the majority leader, to legislate in any field in which legislation may expire, for example, or with respect to which the needs of the Government or of the country may require definite, precise, and quick action. * * * Regardless of what may be the requirements of the present debate and the present legislative proposal, we stand ready to cooperate unqualifiedly with the majority leader in processing and passing whatever legislation may be necessary * * * for the well-being of the country.

We know that the Defense Production Act expires on April 30. I point out that the majority leader has this question within his own decision. If he feels that the passage of the Holland joint resolution is more important than curbing inflation, if he feels that it is more important than being able to give the Government the machinery to carry on the defense production program, that is a decision which the majority leader must make. But let it be crystal clear that no one here will deny the majority leader the opportunity at any time he wishes, to bring up any legislative proposal of an emergency character which is required by our Government. We stand ready to cooperate. We will help him. We will expedite matters. But we do not intend to yield to a psychological club wielded to make the Holland resolution a must bill, at the expense of all other legislative action in Congress. I submit that there is nothing in the joint resolution of an emergency nature which requires quick and immediate action.

The oil will still be there. Even a little more of it may drip in. The oceans will still be there, so far as we know. The submerged lands will still be there. Texas will still be there. Florida will still be there; Louisiana will still be there. California will still be there. I hope we will still be here, so that we will be able to take care of these matters.

However, April 30 is the expiration date for the Defense Production Act. I say now that the responsibility for legislation which is necessary for the protection of this Republic, such as the Defense Production Act, rests upon the majority. They have the power, and they have the means, and they should have the will to expedite it, to get it before the Senate, and to get it out of the way.

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

Mr. HUMPHREY. I yield for a question.

Mr. LEHMAN. Is it not a fact that even now there are a great many Members of the Senate who have not had an opportunity of expressing their views on the very important pending legislation, which may involve between $50 billion and $300 billion.

Mr. HUMPHREY. The Senator is correct. I know of several Members of the Senate who have said to me that it is their intention to address themselves to the subject matter in somewhat extended debate.

Mr. LEHMAN. Mr. President, will the Senator from Minnesota yield for one more question?

Mr. HUMPHREY. I yield for a question.

Mr. LEHMAN. Is it not a fact that even though the Senator from Minnesota and the Senator from New York, and many other Senators opposing the joint resolution have offered to temporarily lay the pending measure aside, so that other and possibly more emergent legislation may be taken up, that it is his intention, as it is mine, to make every effort to see to it that every Member of the Senate who wishes, in an orderly manner, to express his point of view on the submerged lands issue, will be given an opportunity to do so?

Mr. HUMPHREY. That is exactly my intention. It is my desire to do so, and I hope that that will be the procedure and program of the Senate. I thank the Senator from New York.

Mr. President, let me make it quite clear that the Senator from Minnesota has no apologies to make for the debate which has occurred on the pending issue. It has been an enlighting discussion. I think it has been of tremendous importance to the American people, and I think it will be of importance in the days to come. I may suggest with equal candor that it is amazing to me that we should get into such a hurry in April, when we were not in a hurry in March or in February or in January. Apparently it is the call of the wild, the call of the great out-of-doors.

Frankly, the Senate Chamber is air-conditioned. It is very pleasant here. I see no reason for anyone to get his blood pressure up by being in a hurry about this matter. We have something before us now that will be a policy question for years to come. Our children and our children's children will live under the decision we make on it. I submit that the least we can do, as representatives of the people, is to cite for the RECORD every available known fact we can command at this time. I submit that if the Holland joint resolution is passed, it will be subject to litigation, as has been pointed out again and again in the debate. If it is subject to litigation in the Supreme Court, I am confident that the Justices of the Supreme Court will review the debates in Congress and seek, at least, a general understanding of the debate and of the issues discussed. I feel that we can at least make that much contribution to the future protection of the public resources of this land.

I should like to make a few additional observations, Mr. President. There is another reason why the public has need for extensive and exhaustive debate. I know that my colleagues will be interested in this point. I refer to the fact that the issue has been thoroughly confused as a result of the recent political campaign. We spoke during the campaign in generalities and in political phrases; rather than realistically. Evidence of the fact that the political campaign served to confuse rather than clarify the issue for the American people can be seen from the attitude of the administration and of the representatives of the administration toward this vital piece of legislation.

Later in my discussion I intend to refer to some of the campaign material. I have before me the statements of both presidential candidates, as well as the platforms of both political parties, and I think it will be very interesting to note how much slip there has been 'twixt the cup and the lip. Maybe we should put the lip first in this case, because the lip was there during the campaign, and now the cup is apparently running over with oil. There has been a great deal of slipping. After all, this is a slippery subject. [Laughter.]

Mr. President, by the time we have considered what was said during the campaign and what is being said now, someone will surely wonder whether the campaign took place in the same century, or whether the representatives of the executive branch of the Government had even been known to the Chief Executive before the campaign.

Mr. NEELY. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. NEELY. Would the distinguished Senator from Minnesota object to my adding a line to the poem which he quoted, so as to indicate the present situation of the Republican administration?

With the addition, the quotation would be:

There's many a slip 'twixt the cup and the lip,
When you're out on the sea in a wobbly ship.

Mr. HUMPHREY. Mr. President, I thank my poetic friend. I always refer to him as my major source of research material in such matters as poetry and Shakespeare. As I said many times, with the exception of some scholars and some members of the clergy, there is no better scholar on the Bible than the Senator from West Virginia. If I should quote passages today from the great Book, I hope the Senator from West Virginia will make sure that I quote them correctly, because there is no greater authority than he.

Mr. MURRAY. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield for a question only.

Mr. MURRAY. I should like to ask the Senator from Minnesota whether in his investigations he has found that the President was given full information on the subject prior to the time he made the promise that he would sign an offshore bill if it passed Congress.

I understand he stated at one time subsequent to his promise that he did not know that the Supreme Court of the United States had decided that the title to these vast deposits was in the Federal Government.

Mr. HUMPHREY. That is my understanding.

Mr. MURRAY. It seems to me that it would be very important to protect the President from being imposed upon by not having full and complete information before he was asked to support such a bill. I think it would be very improper to impose upon the President in a matter of this kind, because it was known that he had not been in this country very much and therefore was unfamiliar with most of the problems that came up in the campaign. I should like to inquire if the Senator from Minnesota understood that the President had information on that point?

Mr. HUMPHREY. I may say to the Senator from Montana that what he has stated in the form of a question is what I had heard. I have no such documentation, however. But I will refer to what I have in the form of documentation. I know the Senator from Montana will be very much interested in hearing about what I consider to be at least a lateral pass, which has not only confused the public but I think has also confused the committee. The committee's recommendations in this field have little, if any, relevancy to the suggestions the President's representatives made before the committee. I shall go into that subject quite extensively.

During the campaign, General Eisenhower and the Republican Party gave the people of Texas, Louisiana, and Florida reason to believe that he was in favor of a policy and a legislative program which would allow their States to explore, develop, and own the offshore oil reserves in the ocean and open seas off their coasts. Now, after assuming office with the responsibilities of public office on his shoulders and on the shoulders of his administration and in a position to ascertain the true facts, he and his associates in the administration throw doubt on their previous campaign position.

This is no mere assertion. I shall quote verbatim from the record taken before the Committee on Interior and Insular Affairs. At the appropriate time in the debate I shall quote from speeches made in the campaign. Then I shall quote from what the Attorney General, representatives of the State Department, and the Secretary of the Interior had to say before the committee. I shall also quote from the joint resolution and certain bills.

In that way, Mr. President, three complete shows will be afforded for the price

of one admission. They are three complete shows, I may say, with each act distinctly different. In each the story has a new plot. Sometimes I wonder if they do not also have different characters, because I do not see how anyone could remember so much.

I refer specifically to the testimony presented by Attorney General Brownell and Secretary of the Interior McKay, as well as to the testimony of the State Department, presented by Mr. Jack Tate. But more of this later when I discuss their testimony in detail. For me that will be a happy moment in this debate. I really can hardly wait to reach that point, because that is really a juicy bit of information.

It will be my purpose in the course of my remarks, to discuss the Holland joint resolution and its implications—both its domestic and its international implications—its implications as it affects our national sovereignty, our State rights, our conservation policy, our fishing industry, and other ramifications of the Holland joint resolution. The advocators of the Holland joint resolution have stated their position with eloquence and brilliance. I want to pay them particular tribute for the quality of their debate because it is particularly enhanced as a result of the weakness of their subject. In fact, I must say that the points brought out in their debate were, on first notice—and I emphasize the words "on first notice"—very convincing; but when I listened to the Senator from Illinois [Mr. DOUGLAS] in his rebuttal, as well as in his affirmative statement, let me say that the points which earlier had been made by the proponents of the joint resolution seemed to wither away.

We have more than the Holland joint resolution before us, however. The Anderson bill and the Hill amendment to that bill are likewise before us. It is my intent to discuss them and their implications for the social good, as well.

It is my hope that my remarks today will be in the public interest. It is my intent to make my comments calm, deliberate, and as an appeal to reason, rather than to passion. I am reminded of the old story of the revered law professor who told his students: "When you are short on the law emphasize the facts. When you are short on the facts, emphasize the law. When you are short on both the facts and the law, pound the table."

I shall try not to do any table pounding, for there is no need to indulge in table pounding. This matter can be dealt with in a very friendly and gentlemanly manner because the facts and the law are on the side of those who oppose the Holland joint resolution. The facts and the law are on the side of those of us who support the Anderson counterproposal and the Hill amendment. So there will be no need for table pounding. There will be need only for calm judgment and, I may add, procedure in good taste and in good humor. So I hope I shall be able to keep a smile on my face during this discussion, no matter how sharp the comment may become at times. Of course, sharp comment itself would be interesting, too, because it seems to do something to one's glands and helps one get along better.

As I have said, Mr. President, we have many matters to submit and we shall discuss all of them. With all due respect to my distinguished colleagues from Florida and Texas who led off by figuratively pounding the table, those of us who oppose the Holland joint resolution are fully confident of our law and our facts. So we need not pound the table. Instead, we appeal to the reason of the American people.

The background of this debate is clear. Oil was first discovered in the marginal seas about 1894, but the question of the ownership of these submerged lands in which oil was found was not expressed until the 1930's, when the present controversy developed in earnest. It was at that time that the Federal Government sought to add these oil resources to the naval oil reserve.

By the way, Mr. President, let me say this is not unusual. The Federal Government has had an interest for many years in the naval oil reserve. Let me point out with equal candor that some persons had an interest in those oil reserves away back in the 1920's, and that caused one of the sad and dark chapters in our history. In the 1920's, the Government wanted to have the vast supplies of oil found off the coast of the United States placed in the naval oil reserve, and that was done for the purpose of enhancing the national security and protecting the public interest.

On August 19, 1937, in the first session of the 75th Congress, the Senate passed Senate Joint Resolution 208, known as the Nye resolution. This joint resolution authorized and directed the Attorney General of the United States to take speedy and appropriate steps for the purpose of asserting and establishing the title of the United States to the submerged lands of the Continental Shelf off the coast of the United States and the petroleum deposits underlying such lands.

Mr. President, I think our colleagues would well note this. As I said recently in a colloquy with, I believe, the Senator from Alabama [Mr. HILL], it is not as if those of us who are opposing the Holland joint resolution have just suddenly found some reason to oppose it. We go back at least to the 1930's, when the issue of the submerged lands and the vast treasures of oil and gas held within them became of national importance.

At that time the Senate—composed then, as now, of 96 Members, representing 48 States—unanimously passed a joint resolution, which had been unanimously reported from the committee, directing the Attorney General to take speedy and appropriate steps for the purpose of asserting and establishing the title of the United States to the submerged lands of the Continental Shelf off the coast of the United States and the petroleum deposits underlying such lands. It should be noted that the reference was to the Continental Shelf, for we did not have to establish title in the 3-mile belt, to which we have had title ever since the days of Thomas Jefferson, in 1793. Of course, the Holland joint resolution would ignore that great historical policy.

However, I wish the Members of the Senate and the members of the public who are within the range of my voice and the members of the press to know one thing about the Holland joint resolution, namely, that it provides for doing away with a principle which for 160 years this Government has held to be vital to its national security. It was in 1793, during the Presidency of George Washington, that Thomas Jefferson proclaimed the sovereignty of the Federal Government 3 miles out from the coastline, and stated it was under Federal control. Since then, it has been a subject of international law, and the basis of many treaties, and the subject of discussions between foreign ministers, and has been brought up before the International Tribunal at The Hague. Books have been written on the subject. One of them, The Law of Nations, a book which I have before me now, is one of the most memorable documents of its kind. This book was written by J. L. Brierly. The subhead of the book is "An Introduction to the International Law of Peace." This is a monumental work, and in it there is lengthy discussion of the entire subject of territorial waters and the entire subject of the 3-mile limit.

Thomas Jefferson's position on this matter was seldom contested. It was accepted within our own country. It is true that it was contested by our enemies from without and sometimes by our friends, but seldom by the people within our country.

So the subject matter to which we address our attention in connection with this debate is that of protecting the traditions of our Republic and protecting what is a part of the constitutional law of our Republic and protecting the doctrine of the national sovereignty of this Republic, and, let me say with even more vigor, carrying through what the Congress began in 1937, when the Senate, by unanimous action, passed a joint resolution directing the Attorney General to assert and establish the title of the United States to the Continental Shelf.

In that connection, let me point out that in that joint resolution the Senate directed the Attorney General to take that action; the Senate did not simply request that he do so. I also point out that at that time, as now, the Senate was composed of 96 Senators, representing the 48 States; and I repeat that they knew then about the existence of oil in these areas, for oil had been discovered in 1894 in the land under the marginal seas. I also repeat that in passing that joint resolution the vote in the Senate was unanimous. The joint resolution was unanimously reported by the Senate Committee on the Judiciary, and was unanimously passed by the Senate. I must say that that fact was not mentioned in the propaganda which was circulated when discussion about tidelands began.

As an editorial in the Washington Post this morning appropriately notes:

> Although the controversy is generally said to concern tidelands, the fact is that tidelands—the offshore strip between high tide and low tide—are not now and have never been in dispute.

Yet we receive hundreds of communications, we hear radio broadcasts, and we view television shows about the tide-

lands. I repeat, Mr. President, that the tidelands are not the subject of the debate now in progress any more than is Mother's Day. We are talking about something entirely different. We are talking about the authority of the Government of the United States—the people's Government. Lincoln referred to it as a Government of the people, by the people, and for the people—all the people—all 48 States, in whom jurisdiction in the open seas rests.

By the way, let us get the term "submerged lands" in proper perspective. What we are really talking about is the bed of the ocean. When, in court cases, one talks about submerged lands, ordinarily, he is referring to lands under inland waters, under rivers, and under bays. It is a term which has a particular legal application. The term or phrase "submerged lands" is not appropriate when we are referring to the bottom of the sea.

Mr. President, did you ever hear anybody really claim to own the bottom of the sea? Well, I have; but generally it might be said that perhaps the man was not feeling well, perhaps he had been too filled with the "spirit." We are talking about the ocean bed, and we are talking about deep down under the ocean bed, and it is perfectly obvious that we are talking about the water above, in the ocean, too. Likewise, it is perfectly obvious that the Government of the United States defends those waters, controls those waters, secures those waters.

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

Mr. HUMPHREY. I yield to the Senator from New York for a question.

Mr. LEHMAN. Is it not also a fact that, by means of false propaganda, the people of the country have been misled into believing that the rights of the States to inland waterways, lakes, filled-in lands, for public uses, are in very serious jeopardy, when, as a matter of fact, there is no question at all, and has never been any question, about the paramount rights of the States with respect to all the navigable streams, lakes, and other bodies of water, including the Great Lakes, within their boundaries? Those rights have never been challenged, so far as I know; at least, so far as I know they have never been challenged successfully. Yet, the people of the United States have, through propaganda, been misled into believing that the rights of their respective States are in jeopardy, so far as their lakes, rivers, ponds, and other bodies of water within their boundaries are concerned.

Mr. HUMPHREY. I thank the Senator. I may point out that again the Washington Post editorial this morning states:

> Although proponents have persuaded inland States that the legislation—

Meaning the Holland joint resolution—

> is necessary to safeguard their inland waters, the plain fact is that the Federal Government has never laid claim to inland waters in any way.

Mr. President, the doctrine regarding State ownership of inland waters is as fully accepted as is any doctrine of American law. The doctrine is a part of the whole American judicial structure. It is part of the law of the land. So there is no need, I think, of going into it in any more detail. It is sufficient to point out and make it quite clear that the States have jurisdiction over the waters within their borders. For example, the State of Minnesota, with 11,000 lakes, I am proud to say, with the mighty Mississippi, whose headwaters are in the State of Minnesota, cutting across the State, with Lake Superior, the greatest of the Great Lakes, making one of the State's borders, has jurisdiction of all those waters. Yet, Mr. President, the propagandists for the granting of the offshore oil to the States told the people of Minnesota and their representatives in public office that the Holland joint resolution was necessary in order to protect the rights of the State, and that if the Federal Government was not stopped, they would lose control of their inland waters and of the land under them.

Mr. President, I shall go into this subject in a little more detail, but I may state now that the people of my State know better. The house of representatives of the Minnesota legislature says "We are opposed to the Holland resolution. We are for the Anderson bill; we are for the Hill amendment."

As I have pointed out, thousands of letters repeat this sentiment. City councils and mayors of large cities endorse it. What is more, the general population now knows that they were sold a false bill of goods. They now know what the law is, because, I may say, of the debate that has taken place on the floor of the Senate. They know it because it has been explained to them again and again and again.

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

Mr. HUMPHREY. I yield to the Senator from New York for a question.

Mr. LEHMAN. I wonder whether the Senator from Minnesota knows that the people of my State of New York were told for a long time that unless the Holland joint resolution were passed, the piers and docks in New York Harbor would be in jeopardy, the Hudson River would be in jeopardy, and many of the other streams, lakes, ponds, and harbors would be in jeopardy.

Mr. HUMPHREY. Yes, and even Coney Island.

Mr. LEHMAN. That is correct. That claim was made, and it fooled a great many people. However, by the pending debate, I am glad to say I believe that that misleading propaganda has been answered.

Mr. HUMPHREY. I thank the Senator. He is correct in saying that the people of New York had been led to believe that the docks, piers, filled-in land, and so forth, were in jeopardy unless the Holland resolution were passed. As a matter of fact, the Anderson bill contains section after section specifically dealing with and treating of these particular points which have been raised. It was not necessary to do that because the question has been determined by Court decision. But the Anderson bill—which is the bill I support—takes the Court decisions and writes them into statutory law. So if we pass the Anderson bill, there will never be a shadow of a doubt as to what the law regarding inland waters is. In fact, the Anderson bill would make it crystal clear for the public and for all to see, that the decisions of the Court have the full support of the Congress of the United States.

I am delighted that the Senator from New York has brought this point out, because how unfortunate, how tragic it is, that an issue so vital as this should become so confused, so beclouded, and so distorted. So we can write it down now that, insofar as bays, inlets, rivers, and inland waters are concerned, the land under such rivers, bays, and inlets, and under lakes including the Great Lakes, are within the jurisdiction of the respective States, and under their control. There is case after case, to which I shall allude in a moment, documenting this fact. So I do not believe anyone now denies that the Supreme Court has consistently, from the very beginning and without exception upheld the right of the States to inland waters. The Anderson bill, for which we ask support, merely proposes to take those judicial decisions and write them into law; and, as the Senator from New Mexico has pointed out, if there is any area in which there is doubt, that can be the subject of further legislative treatment. The Senator from New Mexico made that point in particular in regard to filled-in areas, and I do not think there is any need of discussing it in greater detail. It was discussed yesterday by the Senator from Arkansas [Mr. FULBRIGHT], with the able assistance of the Senator from New Mexico [Mr. ANDERSON].

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

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

Mr. MURRAY. I should like to inquire whether the Senator from Minnesota feels that the introduction of extraneous matter, such as tidelands and submerged lands, could have confused the people of the country during the campaign, and could have misled the President into the notion that he was turning these lands over to the States which owned them, and that he was completely in ignorance of the real facts, which should have been the basis of his action?

Mr. HUMPHREY. I say to the Senator, in reply to his question, that I am sure, in my own mind and from what I have read and heard, that the President did not have all the facts at his command which have been brought out in this debate. He did not have the decisions of the court at hand when, for example, he wrote the letter from his headquarters in Paris which was printed in Washington by the Washington Post. I also submit to the Senator from Montana that General Eisenhower, since he has become our Chief Executive, has had his own officers of the Government, including his own Attorney General, his chief law-enforcement officer, appear before the committee to make his position pretty plain.

I think we ought to take note of the fact that there is no guaranty at all that the President would sign the Holland measure. I should like to be able

to predict that in view of this debate he would veto it, because I think the Holland joint resolution completely ignores the recommendations of the representatives of President Eisenhower and of his administration. I submit that those of us who signed the letter to the President outlined in it certain of these matters to him. I hope that letter was printed in the body of the RECORD. If not, I ask unanimous consent that a copy of the letter which was sent to President Eisenhower by those of us who are opposing the Holland joint resolution be incorporated at this point in the body of the RECORD.

The PRESIDING OFFICER. Is there objection?

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

UNITED STATES SENATE,
April 17, 1953.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The undersigned Members of the Senate are opposed to the passage of Senate Joint Resolution 13, the proposed legislation to give to 3 States at the expense of the other 45 the natural resources in oil and other minerals in the submerged lands of the marginal seas.

We do not believe a single valid reason exists for such a gift, nor for giving away the Federal revenues collected since the time the Supreme Court decided that the rights in the submerged lands of the marginal sea belong, in fact and in law, to the United States and not to the States.

What gives us concern, however, is the fact that Senate Joint Resolution 13 is generally regarded as an administration measure, and is being supported by the administration leaders in the Senate. In the light of this circumstance, we have concluded that it is our duty to call your attention to the fact that Senate Joint Resolution 13, if enacted in its present form, would be highly detrimental to the interests of the United States, not only according to our views but according to statements made by or in behalf of members of your own Cabinet.

The official spokesman for the State Department testified before the Senate Committee on Interior and Insular Affairs that any legislation by Congress attempting to extend or approve any State boundary beyond the 3-mile limit claimed by the United States as the extent of its territorial sovereignty would seriously embarrass and obstruct the United States in its foreign relations.

Senate Joint Resolution 13 purports to recognize State boundaries in the sea far beyond those of the United States, itself. The matter of State boundaries in the sea has never before been of any great national concern because the Supreme Court has made it clear that the international domain, despite any State boundary, begins at the low-water mark. If, however, your administration now proposes to give to coastal States the title to submerged lands of the sea within State boundaries, then it becomes of vital concern to all of us to know exactly where those boundaries are.

Senate Joint Resolution 13 proposes to give every coastal State a seaward boundary:

1. At a line 3 geographical miles distant from the coast line; or
2. At the line as it existed when the State became a member of the Union; or
3. At a line as "heretofore or hereafter" approved by Congress.

The State Department has publicly enunciated compelling reasons why no State should be given a boundary line in the sea extending more than 3 miles from the low-water mark. The three different sets of "boundaries" described in Senate Joint Resolution 13 not only involve violations of the national policy first promulgated by Secretary of State Thomas Jefferson, but also create discriminations between the States and violate the policy of admitting all States to the Union on an equal footing. Of course, the effort to convey to the States property rights in the submerged lands goes directly against the advice publicly given by your Attorney General.

We are being told by Senate supporters of Senate Joint Resolution 13 that this bill sets up State sovereignty within a 3-mile belt for every coastal State, except Florida and Texas, where the belt will be 10½ miles. But, in fact, Senate Joint Resolution 13 does not say that. It is far less definite. But even if Senate Joint Resolution 13 were specific on this matter, the extension of the boundaries of Florida and Texas to 10½ miles beyond the low-water mark would violate the boundaries of the United States, and cause complications with other nations, particularly Mexico; even at the present moment citizens of Florida and Texas are claiming fishing rights up to 3 miles off the Mexican coast, and are insisting that the State Department protect their claims.

Neither Florida nor Texas has established any right to a boundary of 10½ miles. They have only claims, most of them of recent origin. Unilateral claims are not proof of anything. Texas has enacted legislation claiming boundaries to the outer edge of the Continental Shelf, thus making two sets of claims. So have other States. Louisiana, for example, claims a boundary line 27 miles at sea, and is still collecting revenues from mineral resources in that area.

We respectfully ask why your congressional leadership is pressing for the enactment of provisions strongly opposed by leader of the Executive Branch of your administration. We would like to know, for instance, whether Congress has, in fact, "heretofore" approved any boundaries in the sea greater than 3 miles for any State, and, if so, what State and what boundary? There should be an official search of all court decisions and all statutes enacted down through the years to determine these facts.

We respectfully suggest that the people of the country should be told what the attitude of your administration will be if Senate Joint Resolution 13 is passed, with respect to these extended boundary lines in the open sea for Florida, Texas, California, Louisiana, and other coastal States which may claim more than 3 miles. Will your administration oppose any such claims, or will it endeavor to give some States wider boundaries in the sea than others—boundaries greater than those ever claimed by the United States?

Repectfully your,

CLINTON P. ANDERSON, JAMES E. MURRAY, ESTES KEFAUVER, MICHAEL J. MANSFIELD, PAUL H. DOUGLAS, J. WILLIAM FULBRIGHT, W. STUART SYMINGTON, MATTHEW M. NEELY, THEODORE FRANCIS GREEN, WILLIAM LANGER, JOHN J. SPARKMAN, GUY M. GILLETTE, HARLEY M. KILGORE, LISTER HILL, THOMAS C. HENNINGS, JR., MIKE MONRONEY, WAYNE MORSE, HERBERT H. LEHMAN, HENRY M. JACKSON, ALBERT GORE, CHARLES W. TOBEY, JOHN O. PASTORE, DENNIS CHAVEZ, WARREN G. MAGNUSON, HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, I merely desire to note two or three of the salient provisions of the joint resolution which we have called to the attention of the President, as follows:

We do not believe a single valid reason exists for such a gift, nor for giving away the Federal revenues collected since the time the Supreme Court decided that the rights in the submerged lands of the marginal sea belong, in fact and in law, to the United States and not to the States.

What gives us concern, however, is the fact that Senate Joint Resolution 13 is generally regarded as an administration measure, and is being supported by the administration leaders in the Senate. In the light of this circumstance, we have concluded that it is our duty to call your attention to the fact that Senate Joint Resolution 13, if enacted in its present form, would be highly detrimental to the interests of the United States, not only according to our views but according to statements made by or in behalf of members of your own Cabinet.

Mr. President, when the public reads the text of the letter which we have submitted to the President, I think they will see that we have made not only a good case, but that we have made a factual, an honorable, and a convincing case for the President, if the Holland joint resolution should pass, to veto it. I think it is time the American public began to speculate upon the fact that the President may very well veto the Holland joint resolution, because it does not meet the standards established by the President's Cabinet members.

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

Mr. HUMPHREY. I yield for a question only.

Mr. ANDERSON. Does the Senator not recognize the fact that the terminology to which he referred a moment ago was a part of the propaganda favoring the Holland measure? I hold in my hand a book, a bound copy, bearing the caption "Title to Submerged Lands." The book contains the hearings held during the 76th Congress in 1939. The Senator can read the whole page if he wishes, and he will not find the word "tidelands" there. It deals only with submerged lands. Does the Senator not think it is somewhat interesting that Senators dealing with the subject in 1939 recognized that they were dealing with submerged lands, but that phrase was turned into "tidelands"? Certain interests could not win on "submerged lands," so they tried to win on "tidelands."

Mr. HUMPHREY. The Senator is absolutely correct. He hold in his hand the hearings of the United States Senate in 1939, before the Committee on Public Lands and Surveys, 76th Congress, 1st session, with reference to Senate Joint Resolution 83 and Senate Joint Resolution 92. As the Senator from New Mexico has pointed out, there is no reference whatever to tidelands. In bold-face type at the head of the page appear the words "Title to Submerged Lands." The Senator has again very appropriately and astutely observed that there was a whole series of court decisions with reference to tidelands, and with reference to inland waters. Because it appeared to be of publicity value to attach to the offshore lands the name "tidelands," which had been repeatedly adjudged by the Supreme Court to be within the jurisdiction of the States, the term "tidelands" was applied to the measure we are now discussing. That, indeed, is anything but a factual or an honorable name for the subject matter involved. One would not

designate uranium as spearmint gum. He would not call water which is H_2O, sulfuric acid, or vice versa. We try to use the right name for the right subject. In this instance, as the Senator from New Mexico has suggested, there was a premeditated plan, well directed, to becloud the issue and fool the public by confusing submerged lands with tidelands. They are not tidelands.

Many fine songs have been written with reference to the bottom of the sea. If I had a good bass voice I might attempt to sing "Way Down in the Bottom of the Ocean." Children have been interested and entertained by stories of what lies at the bottom of the sea. There are many things that may be down in Neptune's Kingdom at the bottom of the sea. Sometimes treasure to be found there have been referred to by sailors of old in their legends and traditions. But when it was found there was oil at the bottom of the sea, Mr. President, certain interests sold a story to the American people which makes all other fiction stories look ridiculous. This is the fiction story for all time—trying to identify the submerged lands under the sea with tidelands along the coast.

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

Mr. HUMPHREY. I yield for a question.

Mr. LEHMAN. Is it not a fact that this is also the giveaway proposal of the century and of many centuries, anywhere in the world, greater than has ever before been attempted?

Mr. HUMPHREY. I have not had an opportunity to check all the records of giveaways, but, so far as I know, this is the prime giveaway. I have heard of many tricks, such as trying to sell the Brooklyn Bridge, with which the Senator from New York may be familiar, but I have never heard of trying to sell the bottom of the sea. Certain interests are trying to sell the myth that the lands there belong to the States, when the Court says they belong to all the people of the Nation.

Mr. KEFAUVER. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield for a question.

Mr. KEFAUVER. Does not the Senator believe that a good deal of misapprehension has probably been caused by the mistaken idea of a great many editorial writers that what is involved in the debate is the part of the coast where the tide ebbs and flows, rather than the submerged lands beyond that point? As evidence of that fact, the Chicago Daily News at one time, in September 1952, published an editorial which was based entirely on the erroneous idea that the subject matter involved was the tidelands, where the tide ebbs and flows. Those lands have always belonged to the States.

I wonder if the Senator from Minnesota has seen a letter written to the Chicago Daily News, which that newspaper was good enough to print in full on its editorial page, by a well-known international lawyer, Urban A. Lavery. As a result of his letter I think the Chicago Daily News may have changed somewhat its position on the question. Has the Senator seen this letter, and, if so, I wonder if he would like to read part of it into the RECORD.

Mr. HUMPHREY. I do not recall having seen the specific letter. However, I have had the privilege of having had correspondence with Mr. Lavery. I hold him in high regard. He is an eminent lawyer and an authority on constitutional law.

Mr. President, I ask unanimous consent that Mr. Lavery's letter to the editor of the Chicago Daily News, entitled "Asserts 'Tidelands' Not an Issue in Dispute Over Submerged Oil," as printed in the Chicago Daily News of Wednesday, September 10, 1952, be incorporated in the RECORD at this point in my remarks.

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

ASSERTS TIDELANDS NOT AN ISSUE IN DISPUTE OVER SUBMERGED OIL

Your interesting editorial of August 29, Who owns Land? raises a basic and fundamental issue for the American people that far transcends in importance any transient campaign propaganda.

The real truth is that instead of any mere tidelands area being involved, we are here confronted with the fictitious claim of a few States to the entire deep-sea area known as the Continental Shelf off their shores.

The Continental Shelf has long been the accepted name for the underseas area opposite the shores of the United States over which the Federal Government, under international law, exercises a special dominion and control. The tidelands area, on the other hand, is that strip of shorelands along each coastal State which are covered and uncovered by the tide.

Contrary to the general impression left by your editorial, these tideland areas have traditionally been recognized in the law as being entirely within the jurisdiction and control of each particular State.

Due to the discovery of oil in this Continental Shelf area, a few States have recently attempted to assert their individual jurisdiction and control far beyond the tidelands limit. Thus the Legislature of Louisiana recently has attempted to assert ownership and control over the Continental Shelf, for the purposes of drilling oil wells, to the extent of 27 miles out in the open sea; while the Texas Legislature has attempted to assert the same doctrine in a way that would extend Texas jurisdiction 130 miles into the gulf.

Ever since Jefferson's time the Federal Government has vigorously asserted and defended its dominion and control over this Continental Shelf area.

In 1945, by presidential proclamation, the Federal Government formally reannounced its control "over the natural resources of the subsoil and seabed of the Continental Shelf."

In each of three recent cases the Supreme Court not only confirmed the dominant right of the Federal Government over these undersea lands but actually enjoined each of those States from attempting to remove oil from the seabed beyond the low-tide mark.

It is generally agreed by experts that the area of the Continental Shelf along these three States alone has oil reserves already explored of more than 250,000,000 barrels. Prior to the Supreme Court's injunctions these three States had illegally abstracted more than 200 million barrels of oil from this federally controlled area.

Expert estimates say that more than 2,500,000,000 additional barrels of oil are likely to be discovered in the federally controlled undersea lands off the shores of these three States. Nevertheless, your editorial criticizes the President's veto as "a presidential grab of State power and property."

The people of the other 45 States of the Nation certainly will be interested in having these vast Federal resources used for the good of the whole people of the Nation rather than for a few States.

URBAN A. LAVERY.

CHICAGO.

Mr. HUMPHREY. I thank the Senator from Tennessee for bringing this letter to our attention. Mr. Lavery points out quite specifically that the previous editorial in the Chicago Daily News was in error and that the tidelands are not an issue nor are they in dispute at all in connection with the proposed legislation.

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

Mr. HUMPHREY. I yield to the Senator from Tennessee for a question.

Mr. KEFAUVER. I was very much interested in what the Senator had to say about the likelihood of President Eisenhower's vetoing the Holland joint resolution if it should pass, and I ask the Senator if he does not think the President would be fully justified in vetoing the measure, because the proponents have gone much further in trying to give rights to the States and establishing boundaries out into the international domain, than did any concession the President made even during the campaign.

Mr. HUMPHREY. That is my opinion. I might point out that my views of what President Eisenhower might do were voiced as a hope. I may say that it is a hope grounded on some careful observation as to facts involved in the case.

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

Mr. HUMPHREY. Yes.

Mr. KEFAUVER. Is it not generally the practice of Presidents, in considering whether or not to veto measures, to secure the recommendations of the various departments concerned, which in this case would be the Department of State, the Department of Justice, and the Department of the Interior? In view of the fact that the Holland joint resolution does not meet the specifications of any of those departments, and that at least two of them have, in their testimony, expressed direct opposition to what is contained in the Holland joint resolution, does not the Senator feel that if the President should follow the usual practice of acting upon the recommendations of his Cabinet members whose departments are vitally concerned, he would be justified in vetoing the measure?

Mr. HUMPHREY. That is my opinion. I shall later elaborate in some degree upon the views of the Department of State, the Department of Justice, and the Department of the Interior.

As the Senator has appropriately pointed out, when the President has before him a measure of this significance either for signature or for veto, he always calls upon the heads of the respective

departments which might be concerned with the proposed legislation in order that they may give him their opinions, advice, and counsel. That is the purpose of having a Cabinet.

I am confident that Attorney General Brownell will have to advise the President on the Holland joint resolution as he advised the committee. The only difference is that I really believe the President will take the advice of the Attorney General. At least, that is my hope. The committee ignored the advice of the Attorney General. I desire to have the RECORD perfectly clear about that. After having called upon the Attorney General, the representative of the Department of State, Mr. Tate, and also Mr. Morton, Assistant Secretary of State, the Senate committee completely ignored the advice that was given to them. In fact, those gentlemen might very well have asked the chairman of the committee, "Was this trip necessary?'" It was simply a nice, social visit, and very brief. There was not too much exploration into the views of the Attorney General, or the representatives of the Department of State and the Department of the Interior.

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

Mr. HUMPHREY. I yield for a question.

Mr. ANDERSON. Does not the Senator think that the comments which have been made about the early use of the terms "tidelands" and "submerged lands" might give some point to the resolution introduced by the Senator from Tennessee [Mr. KEFAUVER]? Does not the Senator from Minnesota think that if this matter is to be considered properly, a study should be made of the early hearings and an effort made to ascertain what Congress was thinking originally? One might learn that the city of Long Beach, when it submitted its first statement, which appears at page 289 of the hearings, referred exclusively to submerged lands. It was not until they discovered that the Supreme Court decisions were against them, or were other than in their favor, that they switched their use of the words.

Does not the Senator believe it somewhat significant that since that time they have not referred to "submerged lands" but have been speaking of tidelands, whenever there was an opportunity to use it, although in the beginning they were using the term "submerged lands"?

Mr. HUMPHREY. It is very significant that there was a switch in the terminology, so to speak. It is of equal significance that the Senator cites for the RECORD that the representatives of Long Beach, Calif., which does have a very serious interest in this proposed legislation, talked about submerged lands.

We have laws which impose severe penalties on industrialists, wholesalers, and retail distributors who falsely advertise. We have laws which protect the public from unscrupulous advertisers, who advertise products and claim for them certain values or meritorious qualities which they do not possess. Such people receive court orders to cease and desist. If they persist and refuse to cease and desist, then fines and other punishments are imposed upon them. If ever there was an example of false advertising, the Senator from New Mexico surely has pointed it out. There simply is no justification for this sort of treatment, except to say that when one has a poor case, he calls names. As a revered lawyer or judge has said, when one is short on facts, he quotes law. When he is short on law, he quotes facts. When he is short on both law and facts, he simply pounds the table.

There has been much table-pounding with the stamp of "tidelands," "tidelands," "tidelands," in an effort to justify the pending measure on the basis of tidelands decisions in the courts, which, I repeat, are of no relevancy so far as the offshore submerged lands, or the lands under the marginal sea, are concerned.

Mr. President, I shall now read the germane portions of the earlier joint resolutions, of which I spoke, because I desire to reemphasize that if the United States Senate should defeat the Holland joint resolution, it would only be in the tradition of a former Senate. In the year 1937, in the 75th Congress, the Senate passed Senate Joint Resolution 208, which would have protected the Federal control and ownership of all these resources as trustee of the people. The pending Senate joint resolution would deny the Federal Government ownership and control as trustee of the people. Therefore, I read from the earlier joint resolution:

> Whereas large petroleum deposits underlie various submerged lands along the coast of the United States and below low-water mark and within a distance of 3 miles under the ocean below said low-water mark; and
>
> Whereas all submerged lands—

It will be noted that in those days reference was made to "submerged lands," not to "tidelands"—

> Whereas all such submerged lands below said low-water mark and within such 3-mile limit lying along the coast of the United States are asserted to be the property of the United States; and
>
> Whereas various persons have heretofore entered, or in the immediate future propose to enter, upon such submerged lands and remove the petroleum deposits underlying the same with the consent or permission of the United States, and to the irreparable damage and injury of the United States; and
>
> Whereas immediate action on the part of the United States is necessary to preserve such petroleum deposits for the future use of the United States.
>
> * * * the Attorney General of the United States be, and he is hereby, authorized and directed, by and through speedy and appropriate proceedings, to assert, maintain, and establish the title and possession of the United States to the submerged lands aforesaid, and all petroleum deposits underlying the same, and to cause and effectuate by proper proceedings the removal and ejectment of all persons now or hereafter trespassing upon or otherwise occupying the said submerged lands or removing the petroleum deposits therefrom, without the consent and permission of the United States, and through such proper proceedings to be by the said Attorney General instituted to stop and prevent the taking or removing of petroleum products by others than the United States from the said submerged lands as aforesaid.

I submit that the resolution speaks for itself. It proclaims by a unanimous vote of the Senate what was a known historical fact with respect to the title, ownership, and control over the marginal seas and submerged lands. Thus, nearly 16 years ago the Senate of the United States asserted these claims to make certain that no one, without the permission of the United States Government, in any way would trespass upon the great petroleum deposits which belong to the people of the United States.

This resolution was favorably reported to the House of Representatives by the House Committee on the Judiciary, with some amendments so that it would apply only to the submerged lands of the State of California. No further action was taken. I submit that two committees of the Congress acted favorably, and the Senate of the United States acted unanimously.

Beginning with the 1920's, California began claiming the ownership of submerged lands underlying the Santa Barbara Channel. That is a beautiful place, by the way. I should like to stop and think about it. It makes me feel very rested to talk about Santa Barbara. It issued oil and gas leases as a result of that claim. By 1938, Louisiana and California began to take a real and active interest in the offshore oil. Louisiana passed an act asserting that her boundary extended 27 miles into the Continental Shelf.

That is a convenient thing to do. If a State runs short of land, all it has to do is pass another law and extend its boundaries.

In 1941 the Texas Legislature passed a statute proclaiming its boundary to be 10½ miles into the open sea on the basis of the previous boundary of the old Republic of Texas. Since then both States have even gone further, on occasion asserting control of the whole of the Continental Shelf which in some places extends nearly 150 miles out in the ocean.

That is the trouble with the doctrine of State ownership of the submerged lands. We never know where the States are going to stop. That is one of the difficulties with the Holland joint resolution. It is written in very ambiguous language. It is filled with so much ambiguity and uncertainty that I think one can safely predict that if the Holland joint resolution passes, the States will immediately proceed to claim out into the Continental Shelf, beyond the 3-mile border, and beyond their historic boundaries. By the way, the words "historic boundaries" are not to be found in the Holland joint resolution. That is again part of the propaganda. I say that the Holland joint resolution does nothing with certainty except to give away by legislative action title to lands, which cannot be given away without limiting the sovereignty of the United States. I shall point out again that this giveaway of land to the coastal States—and in this instance particularly California, Texas, and Louisiana—runs counter to the opinion of every law officer who appeared before the committee. It runs counter to the courts. It runs counter to our national history, and is a violation of the sovereign power of the Federal Government in external matters.

Thus the issue and the controversy between three States and the Federal Government. To resolve this question a case was brought to the Supreme Court when the Federal Government brought suit against the State of California. Both sides submitted long briefs on the question. The Court had ample information before it on which to decide the case. In 1947 the Court held for the Federal Government.

Let me digress for a moment to answer some of the legal jargon to which we have listened in this debate. There has been a great deal of legal hair splitting in this debate.

From time to time the junior Senator from Minnesota has said to the Senator from Texas and to the Senator from Florida that the Court had before it the information concerning this case. I think I used the word "evidence," and was soundly and roundly chastised for using that word. In any event, the Court had before it information pertaining to the claim of California to ownership of the land under the seas. The Court had information from the Federal Government. It had before it briefs from the Federal Government, in which the representatives of the Federal Government asserted that the Federal Government had title and ownership to the land under the seas. In the words of the legal profession, these documents are called "briefs." The only trouble with the concept of briefs is that the briefs are never brief. The briefs are exhaustive.

I wish to make the record very clear, so that we shall not have any further arguments of the nature of the argument as to how many angels can dance on the point of a needle. They constitute what I call legal hair splitting. Let us make it quite clear that in the California case, as well as in the Louisiana case, to which I shall refer later, and in the case involving Texas and the United States, all three of which cases were before the Supreme Court, the briefs were anything but brief. The briefs were exhaustive, and they carried within their context the information which the Court needed as to the pertinent facts involved in the case.

We can rest assured that the attorneys for both sides in this litigation used every bit of information at their command. We can rest assured that when an attorney appears before the United States Supreme Court or files a brief before the Supreme Court he is not merely putting down his name, address, and telephone number. He is giving to the Supreme Court all the information bearing on the question before the Court.

I am not at all moved or impressed by the argument of the Senator from Texas and the Senator from Florida that they never had an opportunity to be heard in Court. Perhaps they did not have an opportunity to make a speech, but they had an opportunity to present their documentation. We have heard all sorts of talk about this question.

Some of us are not lawyers, but we can all read. From an examination of the documentation in the briefs it is perfectly obvious that the Supreme Court had plenty of information before it. It had volumes of information, hundreds of pages of information, in the form of briefs, upon which to base its decision. Both sides submitted long briefs on the question. That expression may sound like a contradiction in terms, but the attorneys submitted long briefs. The Court had ample information before it on which to decide the case.

In 1947, in the case of California against the United States, a case precisely and specifically directed toward the issue of whether the Federal Government or the State government had title and ownership in the lands under the sea, at the bottom of the sea, the court ruled that the submerged lands under the sea were the property of the United States of America, and not the property of California. The Court ruled that the Government of the United States had paramount rights—dominium et imperium—ownership and control. I submit that that ruling is today valid. I submit that the Court knew what it was doing, and I submit that the Congress of the United States is no place to retry a lawsuit which has been tried before the Supreme Court.

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

Mr. HUMPHREY. I yield to the Senator from Illinois for a question.

Mr. DOUGLAS. Is it not true that the Latin word "dominium" which the Court used in the Louisiana case, I believe, means ownership?

Mr. HUMPHREY. That is my understanding.

Mr. DOUGLAS. Would the Senator say whether the word "imperium" means control?

Mr. HUMPHREY. It means control or jurisdiction.

Mr. DOUGLAS. So is it not true that the Court said that the Government not only had ownership of the submerged lands, but had ownership plus, rather than ownership minus?

Mr. HUMPHREY. That was the ruling of the Court.

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

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. Are not those who say that the Court did not declare that the Federal Government has ownership, therefore unintentionally misinterpreting the Court's decision?

Mr. HUMPHREY. I should say that the Senator, in his very charitable way, has stated the case accurately.

Mr. DOUGLAS. Is it not true that the Court really said that the Federal Government had ownership plus sovereignty, with respect to the submerged lands?

Mr. HUMPHREY. That is what the Court said.

Mr. DOUGLAS. And did not the Court say that the two coalesce and fuse together?

Mr. HUMPHREY. That was said in the Texas case, where it was made very clear, referring back to the California case, and referring to the peculiar nature of sovereignty, that political rights and property rights flow together—coalesce, in this instance—when sovereignty is involved.

The Senator has again refreshed the record, so that we may nail these points down. I wonder why we have to do it so often. Possibly we have to repeat and repeat and repeat so that the people of the United States may know that the law of the land, which has been interpreted and applied by the Supreme Court in its rulings and decisions in 3 instances, is now subject to a political discussion in this great deliberative body, the United States Senate. Later I shall refer to the fact that perhaps we are setting a very dangerous precedent here.

I wish to make the passing comment that under the Federal system of this great Republic, a system of government which is one of the marvelous and ingenious discoveries of all time, the powers of the sovereign States are balanced with the powers of the central Government, both internally and externally. That is what we mean by the Federal system. Certain privileges, rights, and responsibilities are in the hands of the Federal Government; other privileges, rights, and responsibilities are in the hands of the respective State governments.

I would say that the Founding Fathers, in establishing the Constitution, set up the judicial branch of the Government as a balance wheel, to make sure that the Federal Government would not usurp authority of the States, and to make sure that the State governments would not usurp authority of the Federal Government. The Supreme Court was established for this purpose. The Supreme Court maintains a very peculiar and yet significant function in the relationship between the central Government and the State governments. I shall point out that anyone who tampers with that system tampers with the core and the heart of the American system of government, the American system of shared governmental responsibility.

Mr. President, two other cases reached the Supreme Court, affecting Texas and Louisiana. Again the Supreme Court held in favor of the Federal Government, again on the basis of long briefs by both parties.

Let me say to the Senator from Illinois that a few moments ago I referred to the colloquy which has taken place from time to time between the Senator from Minnesota and the Senator from Texas [Mr. DANIEL], and other Senators, with respect to whether or not the Supreme Court really had full information before it. I noted the fact that the Supreme Court had before it long briefs, and that the word "brief" should not in any way misinform a person as to the extent or comprehensiveness of the information presented. We have here a contradiction in terms. Lawyers' briefs are not brief. Lawyers' briefs are extensive, exhaustive, and comprehensive. The lawyers who appeared before the Supreme Court were desirous of presenting the best case they could present. Therefore, they documented their case to the fullest extent. Of course, that is to their credit.

In spite of these cases, Mr. President, and in spite of a long tradition, which I shall discuss in a few moments, we are being asked today to vote for legislation which will give the submerged offshore lands to the States.

In other words, Mr. President, if the history of the country is against you, if the law of the country is against you, if

the courts of the Nation have ruled against you, if the Congress of the United States—at least the Senate, by its resolution in 1937—is against you, if the facts are against you, and if all the law is against you, what do you do? You come back into the Congress of the United States, after 7 years of effective propagandizing—and I emphasize that fact—by outside groups, and after you have softened up or hushed up the public, and after you have the editorial writers so bewildered that they write confusing editorials, and after you have lined up the governors, who have been told, "If you do not go along, you will lose control of your rivers and lakes," and after you have confused, confounded, and compounded everything, then you come back to Congress and say, "Now we have everything so confused that there is only one thing to do, and that is to establish a new policy."

The argument now is that there is confusion. Well, Mr. President, who made the confusion? The confusers made the confusion. There was not any confusion after the Supreme Court decisions. Some people did not like the decisions. Well, Mr. President, there are a great many people who do not like its decisions. The steel workers did not like the Supreme Court decision in the steel case. I recall that President Truman did not like the decision, but he abided by it. The steel workers abided by the decision, too.

In a dispute between a State and the Federal Government the Supreme Court has original jurisdiction, not appellate jurisdiction. There is a reason for it, too. The reason is that the Supreme Court of the United States is the great tribunal of justice which stands as the safeguarding mechanism of our Federal Republic.

The issue before the Senate is clear. The issue is oil. The entire issue is oil. It is the ownership of oil. That is the real issue. It seems that whenever oil becomes involved in the affairs of the Federal Government something always goes wrong.

In my judgment, the issue is not States' rights. It is not socialism, either. Regardless of whether a State government or the Federal Government has control of the title to these lands, it is still political control. We do not get any less socialism because of State ownership instead of national ownership. So there is no socialism involved. Socialism is merely a word designed to obscure the issue.

The issue is not tidelands. That has been gone into exhaustively. The issue, as I hope to show, is oil in the marginal sea and along the Continental Shelf. The issue is who shall have ownership and control for the purpose of development and exploration and for the purpose of the common good. Shall it be 3 or 4 States? Shall 3 or 4 States have all of it, or shall the 48 States through their Federal Government share on an equal basis, with due deference to and respect for the security of our Nation and the education of our young people?

I now turn to a discussion of that issue and its consequences.

I believe it is of vital importance that we, as legislators, keep constantly in mind the possible consequences of what we are doing. We cannot afford ever to legislate in a vacuum. We cannot, in this case, confine ourselves simply to the legal history of the measure in question, although this is an important part of the total picture. What is most important is that we consider the consequences at public policy of the proposal to cede, to give away, an estimated $50 billion worth of natural resources to 3 or 4 States.

Now let me refer to the legal issues. I want to speak today chiefly to what I fear will be the consequences of this measure. But first, I want to say something about its legal history. In a constitutional nation, as ours is, legal history is extremely important in the establishment of public policy. The legal history and doctrine which has been so thoroughly and so brilliantly discussed in the course of this debate are among the most important chapters in the constitutional history of our country. They are part of the chapter concerned with sovereignty—both internal and external sovereignty. They have consequences both for the adequacy of our Federal Government to manage our affairs at home, and for the operations of our Government in its dealings with the rest of the world.

The roots of the legal argument are evident in the vital difference between the Anderson bill and the Holland joint resolution. The Anderson bill confirms ownership in the States of tidelands, submerged lands beneath inland waters, filled lands, and historic bays and harbors. The Holland joint resolution, in addition to confirming the State ownership recognized by the Anderson bill, would also cede to the States the submerged lands in the marginal sea and, in certain cases, beyond the marginal sea.

Let me say a word at this point about a curious development in the legal argument of those who support the Holland joint resolution.

As I have said, one of their initial arguments to the people of my State and to the people of other States bordering on the Great Lakes was that a legal doctrine which reaffirmed the proprietory rights of the Federal Government in the offshore land beyond the tidelands and out to the ocean was in reality a threat to continued State ownership of the lands beneath the Great Lakes.

Mr. President, I have heard that argument again and again. In fact, I recall that at one time the distinguished junior Senator from Texas [Mr. DANIEL] and myself were on a radio program, where we were the guests of one of the great radio commentators, Mr. Edward Murrow. I recall how well the Senator from Texas did on that program, because "right off the bat" he began to talk about the Great Lakes—knowing that I come from a State that is very much interested in the Great Lakes. He used two principal arguments. One was that if the Federal Government took the submerged lands under the open sea—as if the Federal Government did not already have them—what would happen to the Great Lakes? In other words, he put up warning signals, and the attempt was made to frighten the people who live around the Great Lakes.

A moment later the argument was made that, "You folks along the Great Lakes have the submerged lands there. Why don't you give us the submerged lands along the coast"—in other words, Mr. President, one of those 50-50 propositions, in the proportion of one horse to one rabbit.

We have legislatures to pass laws, and we have courts to adjudge the constitutionality and the reasonableness of the laws, within the constitutional system. However, every once in a while a member of the legislature wishes to be a judge, and sometimes he cannot wait for an official appointment—particularly if he is a lawyer. He begins to pull at the bit, in his anxiety to be a judge. Of course, a judge has a lifetime position, and he does not have to run for office. His position is one of respect. I approve of all those features of the position. There is even a suggestion that the salaries of judges may be increased. I approve of doing that. Furthermore, judges are able to retire at full pay, and judges are honored and respected.

But what happens in this case is that when we in the legislature become engaged in the business of legislating, occasionally one of us will wish to wander far afield and will wish to be a judge in his own right. In other words, sometimes some of us are not content with quoting from the opinions of judges, but we wish to set up ourselves as judges, and we wish to become accustomed to the judicial robes and the "feel" of the position, and we begin to develop a judicial temperament. That is said to be one of the most important elements of the job. Sometimes one spends years in acquiring a judicial temperament, but never gets appointed to be a judge.

As I have said, one of the points made in connection with the discussion of the submerged lands was on the basis of assertions relating to the lands beneath the Great Lakes. One of the assertions was directed to the people of Minnesota, Wisconsin, Michigan, Illinois, Ohio, New York, and other States along the Great Lakes. That assertion was to the effect that, "If you do not help to have the Holland joint resolution enacted into law, do you know what will happen to you? The Government of the United States will scoop out the bottom of the Great Lakes and will own it."

A little later, when there entered the argument someone who knew better than that—someone who knew about the decisions of the Supreme Court and who knew that under both the Holland joint resolution and the Anderson bill, all the waters of the inland States are protected for State jurisdiction—then the statement was made, "Well, be fair. You have these lands under the Great Lakes, so give us ours."

That was an effective argument for a time. The public officials and citizens of the Great Lakes States, without too carefully investigating the consequences and legal intricacies of the issues, knew that their States had a historic, legal, and moral claim to the Great Lakes lands. Many of them, therefore, reacted to the appeal, and associated themselves with the effort of Texas, California, and Louisiana to gain for them-

selves, and away from the Federal Government, the submerged lands off their coasts as far out as their eyes and the oil can travel. But the one thing wrong with this argument was that it was not true. The Supreme Court buried their argument in its grave, and beyond recall. Not only have the Supreme Court decisions been uniform and unequivocally clear in establishing State ownership of the Great Lakes, but the Court clearly held that there was a difference between the lakes and the ocean or the open seas.

Mr. President, I shall not go into detail in all those cases, because they have been gone into again and again. However, I should like to refer to one case which has been referred to by the Senator from Illinois [Mr. DOUGLAS]. That case, the leading case on the point of State ownership of the Great Lakes, is the Illinois Central case of 1892. The citation is *Illinois Central Railroad Co. v. Illinois* (146 U. S. 387). The Court concludes:

> That 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 the tide water, 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 from the title which the United States holds in the public lands which are open to preemption and sale. It is a title held in trust for the people of the State (452).

In other words, in the Illinois Central case, so far as the Great Lakes States are concerned, it is settled that the State holds title to the lands under the navigable waters of Lake Michigan within its limits, and it holds its title in trust for the people of the State.

So the fear technique has apparently been abandoned by the supporters of the Holland resolution; and now they have replaced the fear technique with the "it isn't fair" technique. We now have the slogan, "It isn't fair," and it is a very interesting slogan, because most Americans want to be fair. The analogy is hardly appropriate, because land within the continental limits of the United States is one thing and land outside the continental limits of the United States is another. Not being able to frighten the people of Minnesota and other States, the proponents of the joint resolution are now attempting to appeal to their essential sense of fairness. But this tactic is failing, too, and it is failing for the same old reason—because it is not correct. If we are to legislate on the basis of fairness, it is clear that the oil beneath the submerged lands belongs to all the people through the Federal Government, and not merely to 3 or 4 States only. That is the fair solution, and I suggest that we legislate on that basis.

Evidence that the new technique is failing is the growing support from all parts of the United States for the Anderson bill and against the Holland resolution. In my own State of Minnesota the house of representatives resolved to that effect and similar resolutions have been passed in other State legislatures this year. The CONGRESSIONAL RECORD is full of resolutions from civic groups to the same effect.

But in order to allay any unnecessary fear and to quiet the erroneous contention that the Great Lakes States are somehow involved in the Holland bill—other than to their detriment—the Anderson bill expressly confirms State rights in the waters and subsoils.

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

Mr. HUMPHREY. I yield to the Senator from Illinois for a question.

Mr. DOUGLAS. Is it not also true that under the Anderson bill the title to submerged lands under inland waters is given to the States regardless of whether they are coastal States or inland States?

Mr. HUMPHREY. The Senator is correct.

Mr. DOUGLAS. So, California, Texas, Louisiana, and Florida will have the same rights to the submerged lands under their inland waters as will the States adjoining the Great Lakes. Is that not correct?

Mr. HUMPHREY. The Senator is correct.

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

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. Is it not also true, therefore, that we who are opposing the offshore giveaway nevertheless want to recognize the legitimate rights of the States to the submerged lands under their inland waters?

Mr. HUMPHREY. The Senator is correct. He is stating what is in essence the philosophy of the Anderson bill, and what is in essence the philosophy of the court in its decisions. But he is reaffirming it for all to see and behold, namely, that all States will be treated equally and equitably, on the same honorable terms; that all inland waters, bays, inlets, lakes, and rivers—all inland waters—will be subject to the jurisdiction of the States, and the lands thereunder will be in the control and ownership of the States.

I sometimes wonder, Mr. President, why we have to make it so precise by statutory language, since it is equally precise in the law laid down by the Court, and the law of the Court is equally compelling and as controlling as is the statute. But we have done so in order that there may be no doubt. I venture to say if everyone could know that, there would be a great deal of new thinking regarding the legislative proposals before the Senate.

I pointed out, in a letter to the governor of my State of Minnesota, that the Anderson bill would completely protect the rights of the inland States to inland waters. I had not intended really to use the governor's reply, but the Senator from Texas [Mr. DANIEL] one day on the floor of the Senate during the debate with the junior Senator from Minnesota mentioned the Governor of Minnesota. I am delighted to see the Senator from Texas come onto the floor at this time, because I want him to hear the letter I have received from the Governor of Minnesota.

> My only concern over the legislation pending in Washington on underwater mineral or oil deposits is for the protection of our State's interest.
>
> If Minnesota is assured any revenue from deposits to be found beneath Lake Superior or our principal streams without necessity of the pending legislation—

Namely, the Holland resolution—

> I assure you I am agreeable to such situation.

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

Mr. HUMPHREY. I yield to the Senator from Texas for a question.

Mr. DANIEL. Does the Senator from Minnesota not realize that it would be unfair to the State of Texas and to the 21 coastal States for Minnesota to have a quitclaim to all its million and a half acres under Lake Superior, one of the Great Lakes, which have been held to be open sea, and then for the Federal Government to take our lands, which have been held under the same rule of law? In other words, is it fair for the Senator or for the Governor of Minnesota to support a legislative measure which would leave Minnesota with all its valuable resources under the Great Lakes, while at the same time taking away a lesser amount of acreage from the 21 coastal States?

Mr. HUMPHREY. I am delighted the Senator has asked that question.

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

Mr. HUMPHREY. No; I think we ought to consider this little difficulty for the moment, because, as the Senator from Texas will, I am sure, testify—for he is an honorable man—formerly it was not "Is it fair?" The old line was, "You had better be for State ownership of these things, or the Federal Government will get you."

That is a very curious argument, it seems to me, because what we are talking about, I may say to the Senator from Texas, is whether it is fair for the coastal States to go out into the open seas, which are declared to be under the jurisdiction of the Federal Government, and take out all the reserves and resources. The sea, if it belongs to anyone, belongs to the Federal Government, and the Government is asked to give the resources away to three States.

The question whether it is fair should be applied to that situation. The Court said the Great Lakes have some of the characteristics of the open sea. Well, Mr. President, monkeys have some of the characteristics of people, but they are not people. There are laws that pertain to people, and there are laws that pertain to monkeys, but they are not the same laws.

I am not going to be moved by this argument about the Great Lakes having characteristics of the sea. To be very frank about it, the rabbit has some of the characteristics of the kangaroo, but it is not a kangaroo.

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

Mr. HUMPHREY. I should first like to yield to the Senator from Texas, who has engaged me in battle——

Mr. DANIEL. Having heard my name called in the cloakroom, I came immediately to the field of battle.

Does not the Senator from Minnesota know that the Supreme Court, in the case of United States against Rodgers,

said that the Great Lakes not only have characteristics of open seas, but went on in the next sentence and said, "They are high seas?"

Mr. HUMPHREY. The Senator from Texas is a wise and good man, but he knows that that was an admiralty case. Admiralty law applies on the Great Lakes just as it applies on other large bodies of water. The case had nothing to do with who owns or controls submerged lands, or property rights. It had to do with admiralty law.

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

Mr. DANIEL. Mr. President, will the Senator from Minnesota yield to me for a moment?

Mr. HUMPHREY. Yes.

Mr. DANIEL. Can the Senator cite any case or any statute which says the Great Lakes are inland waters?

Mr. HUMPHREY. I cannot cite a single case in which a court has ever ruled that the Great Lakes are governed by any other law than that which applies to inland waters.

Mr. DANIEL. Does not the Senator know that the case to which I have just referred holds that the Great Lakes are high seas, and that in 1893 Congress passed a law in which it was said:

> The words "inland waters" used in this act shall not be held to include the Great Lakes and their connecting and tributary waters as far east as Montreal.

The courts have always treated the Great Lakes as open seas, not as inland waters, exactly like the waters along our 3-league belt in the State of Texas.

I wish only to invite attention to the fact that I believe it is unfair for Senators from the Great Lakes States to be supporting a measure which provides that they shall keep all their lands, but which refuses to allow the 21 coastal States to keep their same type of submerged land. Both Congress and the courts have said that the Great Lakes are not inland waters, but are open seas.

Mr. HUMPHREY. I should like to say to the Senator that, despite the eloquence of his argument, the courts have never ruled that the Great Lakes are open seas and as such are outside the sovereignty of the Federal Government. The courts have had a consistent doctrine that they are inland waters, and they are treated as inland waters, the law to which the Senator has referred notwithstanding.

I now yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that the Rodgers case, to which the Senator from Texas referred, involved an act of violence on board a ship which was on the Canadian side of the Detroit River, and the question arose whether the jurisdiction of the United States and the laws of admiralty prevailed on board an American ship which was temporarily in foreign waters, in a river connecting the Great Lakes?

Mr. HUMPHREY. That was the issue. That is why I said it was one of admiralty law, and that it did not relate to dominion, control, jurisdiction, or ownership.

Mr. DOUGLAS. Is it not true that the Rodgers case, like the flowers that bloom in the spring, has nothing to do with the case of submerged lands underneath inland lakes?

Mr. HUMPHREY. The Senator is correct. When one can cite a case, particularly if he thinks he can catch his opponent off guard, it sounds convincing, but the Rodgers case is nongermane and irrelevant to the problem which we have before us.

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

Mr. HUMPHREY. I yield for a question.

Mr. DOUGLAS. Now that our good friend from Texas is present, may it not be a good thing to reassure him that control and ownership of the submerged lands under inland waters of the State of Texas will be confirmed for Texas just as they will be for Minnesota and Illinois?

Mr. HUMPHREY. Indeed they will. There are quite a few square miles of inland waters. Expressed in acres, 2,364,800 is the approximate area of the so-called submerged lands. Minnesota contains 297,760 square miles, and has over a million acres under the Great Lakes. We cannot always win from Texas. Occasionally a little thing like having a few more drops of water gives us a sense of pride and achievement. I want to thank Texas for letting us win that one.

Mr. DOUGLAS. With reference to the ownership of submerged lands under inland waters, is it not a fact that the State of Illinois has control of approximately 1,275,000 acres, whereas Texas has control of more than 2,000,000 acres? Therefore, is not the Anderson bill twice as generous to Texas as it is to Illinois?

Mr. HUMPHREY. That is correct. If we are going to complain about what we have in our States, I am going to complain about Texas having all the oil. Texas ought to share with us. Let us be fair. Give us an oil well. I should like to see every American have an oil well. I submit that the Anderson bill, with the Hill amendment, provides great opportunity for every American, not only to be free and equal, but to have an oil well. If it is not in his backyard, he can at least go out and look at it in the free and open seas, if the Federal Government maintains jurisdiction.

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

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

Mr. DANIEL. I should like to point out to the Senator from Minnesota that neither does Texas have any of the iron-ore deposits with which the good Lord blessed the State of Minnesota. The Lord blessed all of the States with certain natural resources.

Mr. HUMPHREY. Of course.

Mr. DANIEL. I have pointed out to the Senator from Minnesota heretofore that the $2 million received by his State as royalties from iron ore obtained beneath the submerged land of his State, whether inland or not, is more than Texas has received in royalties from oil produced in her marginal sea.

Mr. HUMPHREY. In whose marginal sea?

Mr. DANIEL. In Texas' marginal sea.

Mr. HUMPHREY. Of course, that is the point at issue.

Mr. DANIEL. From within our seaward boundaries. Is the Senator willing to divide with us all the iron ore under the Great Lakes within the State of Minnesota? Is the Senator willing to put all the iron ore in a common pot with the oil and divide it among all the people, or does he wish to hold all the iron ore for Minnesota?

Mr. HUMPHREY. The Senator from Texas is a very difficult man to deal with in such matters. I never knew that such a socialistic scheme would come forth on the floor of the Senate. Here we have an exponent of private rights of individuals who wishes us to divide what is ours. The Senator says, "We will divide up also what is yours."

The Senator speaks of "our borders." But while the Senator asserts it, the Court has said, "You do not." Thomas Jefferson, in 1793, proclaimed once and for all that the 3-mile belt around the Texas boundary belonged to the United States of America, and now 158 million Americans share in it.

I say to the Senator from Texas that Texas will get what the Court says it deserves to get. The place where cases are adjudicated, the place where justice is dispensed, is not a political tribunal, such as a legislative body. That place is the courts.

The whole judicial structure of our country was created, for one purpose, namely, to settle cases at law and cases in equity. This is a case involving jurisdictional authority between the Federal Government and State governments. No Member of the Senate knows better than does the Senator from Texas that the Supreme Court has original jurisdiction of questions arising between the States and the Federal Government. Yet, unwilling to recognize its constitutional prerogatives of adjudication, the Senator says, "Let us settle the case here, because we think we know how it should be decided. We will take a political decision."

What the Anderson bill proposes is a simple solution. I shall discuss the matter of arithmetical division, to which the Senator from Texas has referred, and point out that in the great international domain, not under Pike Lake or Lake Minnetonka, not under any little inland water or lake, but out in the great open sea—and the United States for a century and three-quarters has adhered to the doctrine of the open sea—in the bottom of the ocean, where Minnie the mermaid and all the little mermaids live, there is some oil, which the Senator from Texas says is "ours." But no one else says so. The Supreme Court does not say so. Three times the Court has said that was not true. The Senate did not say so back in 1937. Unanimously, with two Senators from Texas on the floor, the Senate did not say so.

Those sponsoring the giveaway have talked about the Federal Government

taking something that was theirs. They said that the Federal Government was going to grab something. Grab something? The Federal Government was born with it. This matter has to do with sovereignty in the ocean areas, and is as much a part of the Federal Government as the personality of a human being is a part of his person. He did not acquire it. It came with birth.

But submerged lands beneath inland waters belong to the States. Both the Holland joint resolution and the Anderson bill make it crystal clear that, whether it be Lake Superior, Lake Michigan, Lake Huron, Lake Ontario, or Lake Erie, those inland waters belong to the States, not because Congress has said so, but because the Supreme Court has already determined that question.

In the Illinois Central Railroad case, the Court ruled that the State of Illinois could not sell the lake-front land, because the State held it in trust for the people. The doctrine underlying the Illinois Central case is closest to the point now raised, and the Senator from Texas cannot find an argument to overrule that doctrine.

The Anderson bill takes from the legal decisions of the Court and writes into the statute language providing that wherever there are in Texas inland waters, including bays, I may say to the Senator from Texas, inlets, and inland lakes, those belong to Texas. But the great ocean, where the waves are high and the storms rage in the night, where the Navy of the United States must patrol in order to safeguard our coasts, the ocean, is within the jurisdiction of the United States of America.

The States along the coast are not going to build navies to defend that area. They are not going to be able to convince other nations that they can speak for themselves when questions of international law arise.

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

Mr. HUMPHREY. I yield. I thank the Senator from Texas. I was becoming a little sleepy at that point.

Mr. DOUGLAS. I ask the Senator if it is not true that if oil, gas, or iron ore should be found under the submerged inland waters of Texas, such resources would belong to the people of Texas, just as iron ore, gas, or oil found under the inland water of Minnesota would belong to the people of Minnesota.

Mr. HUMPHREY. Indeed, that is correct. That is only equity.

Mr. DOUGLAS. Therefore, does it not follow that the Anderson bill is as fair to one set of States as to another?

Mr. HUMPHREY. That is correct. There can be no doubt about it. I shall point out that the opposition does not recognize the law. They do not recognize historical precedents. When we analyze this question we find that it is not only a domestic question. It is an international question.

That is why no one is really happy with the Holland joint resolution. The Holland joint resolution is a measure of uncertainty and doubt respecting international affairs. It satisfies neither the father nor the mother, neither the godfather nor the godmother. It satisfies no one. It just had to happen. The delivery of something was promised, and it came about. It is not really the child that was expected. In fact, there is some doubt even as to its parentage, because there is such complete confusion in its provisions. We will go into them later.

Supporters of the Holland bill say that the Anderson bill is unfair because it confirms, for instance, the ownership of the Great Lakes States over submerged lands beneath the Great Lakes, but does not give the marginal sea to the States. The Senator from Illinois [Mr. DOUGLAS] and the Senator from Alabama [Mr. HILL] met this issue head-on in their speeches, and completely demolished this argument. However, those who made the argument are not demolished, because they are back in the fray today.

The fact is that the States have always owned the tidelands, submerged lands beneath inland waters, and filled lands. The States have never owned the marginal sea, much less 10½ miles of the ocean. The Supreme Court has so ruled, in its every decision on these questions.

Let me take up the first point first. The States have always owned the tidelands and submerged lands beneath inland waters. I am only reviewing what the distinguished Senator from Alabama [Mr. HILL] and the distinguished Senator from Illinois went through at some length.

The Pollard case of 1845—*Pollard's Lessee* v. *Hagan* (Howard 212)—decided this issue alone. It did not decide anything with regard to the open sea. In 1947 the Supreme Court acknowledged that the Pollard case applied solely to tidelands proper.

I refer also to the case of *Mann* v. *Tacoma Land Company* (153 U. S. 273), in the year 1893. That was a case in which the Court held that the title to tidelands is in the State, a proposition which has again and again been confirmed by the Court.

Moreover, the States have always owned submerged lands beneath inland waters. As the Senator from Illinois [Mr. DOUGLAS] has pointed out, the courts have always and consistently ruled that this is the case. Once again the line of decisions referred only to inland waters, and to lands bordering on the sea and landward from the sea. These decisions in no way touched upon the question of the territorial sea.

In all fairness, let me say to my friend from Texas that there are no decisions which touch upon the territorial sea, or relate to the land under the territorial sea. The Senator from Texas may say that some day there may be such a case. His prophecy is as good as mine. But I submit that either measure, the Holland joint resolution or the Anderson bill, covers this point fairly, and in a comprehensive manner.

Finally, the States have always been held to own bays and harbors less than 10 miles in width, and also certain historic bays and harbors. The case of *Martin* v. *Waddell* (16 Peters 367), which, I again recall, was the subject of great debate on the floor of the Senate, is the leading case, and all other court decisions have been consistent with it. The ruling so far as the Great Lakes are concerned has been consistently followed.

The courts have ruled with reference to inland lakes, and such decisions have been consistently followed. They have ruled, as in the case of Martin against Waddell, with reference to bays, and those decisions have been uniformly followed. So no shadow of doubt is cast upon the legal doctrine which has been made clear and plain by the court.

Let us now turn to the fundamental point of difference between the Anderson bill and the Holland joint resolution. The Holland joint resolution seeks to go further than the Anderson bill in ceding to coastal States properties which they have never owned and which the Federal Government has always owned.

I wish I could say that loud enough so that it would echo from one shore to the other. The Holland joint resolution seeks to cede to the coastal States properties which they have never owned.

The Holland joint resolution, therefore, seeks to go further than the Anderson bill. There can be no shred of doubt that the coastal States do not have ownership in the territorial sea.

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

Mr. HUMPHREY. I yield to the Senator from Tennessee.

Mr. KEFAUVER. The Senator was talking about going to the courts with arguments. Does not the fact that a case reaches the Supreme Court indicate that there has been some controversy or some claim? Would the fact that a claim had been made in the Supreme Court, and there denied, justify Congress in overruling the Supreme Court? If that were the case, would we not have chaos? Would not the same justification be available to every person who lost a case in the Supreme Court? He could come to Congress and make a plausible argument, or try to make an argument, to the effect that because he was a contender in the Supreme Court and the Supreme Court decided the case against him, therefore Congress ought to step in and reverse the Supreme Court.

Mr. HUMPHREY. There are times, it seems to me, when there is involved the question of constitutionality of a law, or when some imperfection in the law may be pointed out by the court in holding the law to be unconstitutional. Then it becomes the duty of the Congress to legislate in that field, and to clarify the situation.

However, I make this differentiation: When there is a dispute between a State and the Federal Government relating to boundaries or to the sovereign powers of the respective political jurisdictions, that is a case for the Supreme Court. I do not see how the Congress of the United States could add anything but confusion by trying to interfere in a question of equity or a question of legal sovereignty. The Senator and I both know that the Congress of the United States can do nothing beyond what the Constitution permits. I submit that the measure before us might very well be declared to be unconstitutional, because I think it limits the sovereignty of the

Federal Government, and I do not believe that the Congress of the United States can limit the sovereignty of the Federal Government. In other words, Congress cannot limit constitutional powers.

Mr. KEFAUVER. Suppose the State of Maryland or the State of Virginia should make some claim to ownership or control of portions of the District of Columbia, after valuable oil resources had been discovered in the District of Columbia, and suppose the State should take the case to the Supreme Court. Of course, it would lose the case in the Supreme Court. Then, because the State had made a certain contention in the Supreme Court, it could use that as a jurisdiction for trying to persuade Congress to overrule the Supreme Court and give the State title and ownership with respect to certain portions of the District of Columbia. Would not such a case as I have supposed be parallel to the case we have before us at the present time?

Mr. HUMPHREY. I think that would be an analogous case. I think it has characteristics of similarity.

Mr. KEFAUVER. Would not this situation also be somewhat similar? At one time six of the original Colonies claimed all the rest of the United States. If they carried a case to the Supreme Court and claimed that at one time they had made a claim to the rest of the United States, and if they lost their case in the Supreme Court, that fact would not be very much justification for them to come before Congress and ask that all the other States be abolished and their territory be given back to the original States, would it?

Mr. HUMPHREY. Certainly it would not be. I pointed out earlier today that whenever we have peculiar problems that relate to the States and the Federal Government, the Supreme Court has jurisdiction. The Supreme Court was provided for in the Constitution as a sort of balance wheel. In other words, it was set up as an arbitrator. It was set up as the institution to preserve the Federal structure and to guarantee the powers of the Federal Government, as well as the powers of the State governments.

It is a very sensitive governmental structure. There is nothing like it in the rest of the world. The Supreme Court was given original jurisdiction. I emphasize the fact that there are only a few instances in which original jurisdiction is given to the Supreme Court, which means that a case is originally brought in the highest court. Such cases are those relating to Ambassadors, Ministers, and consuls. Their offices are symbols of the attributes of national sovereignty. They represent the sovereign power. The Supreme Court also has jurisdiction in disputes between States and the Federal Government. Why did the constitutional fathers provide for that? They provided for it in the Constitution in order to protect the integrity of the Federal system of our Government—the relationship between National powers and State powers, the relationship between the sovereign powers of the respective 48 States, or at that time of the Original Thirteen States, and the sovereign powers of the Federal Government.

I am amazed to hear some persons say that the Supreme Court ought to be overruled in its decisions which have brought about the measure now before the Senate. This is not ordinary legislation. It essentially affects the constitutional structure of our country. It involves the sovereign power of the Federal Republic. It concerns the relationship of the Federal Government to the States. There is only one place where such questions can be settled, and that is in the Supreme Court of the United States.

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

Mr. HUMPHREY. I yield for a question.

Mr. KEFAUVER. I was going to ask the Senator from Minnesota it we would not be embarking on a very dangerous philosophy, if Congress should pass the joint resolution, which, if followed logically, might result in reducing the Supreme Court to an impotent body, or in even abolishing its power altogether? If we establish the precedent of overruling the Supreme Court when it decides a contested matter, because large and powerful influences feel that they are not going to get as much out of some exploitation as they would like to receive, will we not be starting on the path of rendering the Supreme Court impotent, and even abolishing it as a very important judicial part of our Government?

Mr. HUMPHREY. That is my opinion, I say to the Senator from Tennessee. I believe that when we start to tamper with the original jurisdiction of the Supreme Court, the unique function that is reserved for it in the constitutional system, we are literally tampering with the whole structure of the American Government.

I listened to the Senator from Tennessee as he developed this point at some length on Saturday, and I think it would be well for us to read the RECORD carefully and review what the Senator from Tennessee brought to our attention?

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

Mr. HUMPHREY. I yield to the Senator from Tennessee for a question.

Mr. KEFAUVER. Does the Senator from Minnesota find anywhere in his study of the debates in the Constitutional Convention of 1787, when the remarkable document under which we live, the Constitution, was written, that any proposal was seriously made at any time that the Congress be given the power or function to overrule decisions of the highest court of the land, particularly in matters wherein the Supreme Court had been given original and exclusive jurisdiction, as it is given in contests between the Federal Government and the States?

Mr. HUMPHREY. I say to the Senator from Tennessee that I did not find any such information. I believe I have studied the subject rather carefully. I have studied very carefully the proceedings of the Constitutional Convention, not only recently, but throughout the years. I point with some justifiable pride to the fact that that has been a special area of study of the junior Senator from Minnesota, and it has been a very interesting area of study.

An interesting point to be noted at this juncture in the debate is that the purpose of our Constitution was to prevent what might be called jungle warfare between the respective States and between the States and the Federal Government. That was the purpose of it. I am not referring to statutory law. Congress can always give the Court jurisdiction by statutory law. The jurisdiction over controversies between the States and between the States and the Federal Government was what might be called basic jurisdiction provided for in the Constitution.

The reason behind that was to keep a semblance of order in the Federal system. If we remember the background, if we remember what transpired before the Annapolis convention and before the Mount Vernon convention—meetings called by George Washington and his compatriots to review the tremendous difficulties of the time, in order to determine what could be done to strengthen the Articles of Confederation—we will remember that the large States, such as Virginia, which was considered to be one of the large States, were setting up their own tariff barriers and their own currency, and even trying to conduct their own foreign relations. The entire confederation began to break down. There were trade wars and diplomatic difficulties. At that time the American States were the laughing stock of the world, because the other countries did not know with which one of the American States to deal. No European government knew with which of the American State governments it should deal.

One of the purposes of the Constitution was to make sure that the Federal Government would have sovereign power. Mr. President, sovereign power cannot be divided. One of the purposes of the Constitution was to make sure that the Federal Government would have sovereign power in all foreign affairs and in all external matters and in so far as the law between nations is concerned.

For example, the President has great powers as Commander in Chief, for purposes of our national defense. He also has tremendous powers in foreign policy; we may as well admit that. After all, the foreign policy of our country is made by the President, under the Constitution, and through his Secretary of State.

Mr. President, I had intended to refer a little later to one of the Federalist Papers, but perhaps it will be just as well for me to refer to it now.

In one of the Federalist Papers, Alexander Hamilton speaks of the defects of the then existing confederation; and he states why the new Constitution—which today is our basic law—was written.

I now read from Federalist Paper No. XXII:

> A circumstance which crowns the defects of the confederation, remains yet to be mentioned—the want of a judiciary power.

Mr. President, I know the Senator from Tennessee will particularly remember this passage.

I read further:

Laws are a dead letter, without courts to expound and define their true meaning and operation. The treaties of the United States, to have any force at all, must be considered as part of the law of the land.

I shall repeat that portion of this one of the Federalist Papers, as written by Alexander Hamilton:

The treaties of the United States, to have any force at all, must be considered as part of the law of the land. Their true import, as far as respects individuals, must, like all other laws, be ascertained by judicial determinations. To produce uniformity in these determinations, they ought to be submitted in the last resort to one supreme tribunal.

In other words, Mr. President, Alexander Hamilton there was calling for the Supreme Court.

I read further:

And this tribunal ought to be instituted under the same authority which forms the treaties themselves. These ingredients are both indispensable. If there is in each State a court of final jurisdiction, there may be as many different final determinations on the same point as there are courts. There are endless diversities in the opinions of men. We often see not only different courts, but the judges of the same court, differing from each other. To avoid the confusion which would unavoidably result from the contradictory decisions of a number of independent judicatories, all nations have found it necessary to establish one tribunal paramount to the rest, possessing a general superintendence, and authorized to settle and declare, in the last resort, a uniform rule of civil justice.

This is the more necessary, where the frame of the Government is so compounded, that the laws of the whole are in danger of being contravened by the laws of the parts.

Mr. President, that is necessary where the laws of the Federal Government are in danger of being contravened by the laws of the State governments; in other words, where the authority of the Federal Government is in danger of being contravened by the assertions of Senators from the States of Texas, Louisiana, and Florida, for example.

NOTICE OF POSTPONEMENT OF MOTION TO TABLE

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

The PRESIDING OFFICER (Mr. GRISWOLD in the chair). Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. HUMPHREY. Yes; provided it is understood that in yielding, I shall not lose the floor.

Mr. TAFT. Yes; with that understanding, of course.

Mr. HUMPHREY. With that understanding, Mr. President, I yield.

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

Mr. TAFT. I should like to make a brief statement.

Last night I stated that at 7:30 this evening, I would move to lay on the table the Anderson amendment. I have received protests from approximately five Senators who are out of town, and who have either telephoned or telegraphed to the effect that I did not give adequate notice about this matter.

There are also 3 or 4 Senators who have felt that there should be some additional debate; and they are Senators who favor the joint resolution.

Therefore, my intention is to change the plan, and to postpone until Monday making the motion to table.

I myself do not think the motion I was proposing to make at 7:30 this evening would in any way shut off debate, because other amendments can be offered and ample debate can be had. Nevertheless, I do not wish even to be subject to the charge that has been made, namely, that in some way we are arbitrarily cutting off debate.

Therefore, on next Monday I shall make the motion to table. At that time every Senator will have a chance to be present, and every Senator will feel there has been adequate debate.

In this connection, I may say that this evening it is planned to have the Senate take a recess when the Senator from Minnesota finishes his speech, but not earlier, let us say, than 7 p. m. The debate will continue tomorrow, tomorrow night, Friday, Friday night, and Saturday, at least during the day on Saturday.

Under those circumstances, I believe that every Senator will have time to say everything he wishes to say on the amendments and on the joint resolution, and there will be no question about the availability of ample time to discuss this matter.

Mr. HUMPHREY. As I understand, then, the Senator from Ohio will move on Monday to lay the Hill amendment on the table.

Mr. TAFT. Yes, on Monday.

Mr. HUMPHREY. Would the Senator from Ohio be willing to postpone that motion until Wednesday ?

Mr. TAFT. No.

In fact, I am very hopeful that it will never be necessary to make the motion; I hope that Senators who are opposing the joint resolution will agree on a limitation on debate which I shall submit to them in the morning. Thus, I hope that it may not be necessary to make the motion on Monday, but that the question of voting directly on the amendments and on the joint resolution may be settled before then.

Mr. HUMPHREY. Is the Senator from Ohio proposing that the Senate take a recess this evening at 7 o'clock?

Mr. TAFT. Yes, and that the debate continue on Thursday and Thursday evening and Friday and Friday evening.

If the Senator from Minnesota wishes to continue after 7 p. m. today, in order to finish his speech, then we shall continue; but if he wishes to stop at a time around 7 o'clock or thereafter, we shall promptly take a recess until tomorrow.

Mr. HUMPHREY. I wonder whether the Senator from Ohio will agree that if I have not concluded my remarks by 7 p. m. today I may complete them tomorrow, beginning at 11 a. m.

Mr. TAFT. I should like to make a "deal" about the length of the speech the Senator from Minnesota will make tomorrow, if that is the case. I do not think I could agree about that in advance.

Mr. HUMPHREY. Would it be satisfactory to the Senator from Ohio to agree that I be permitted to speak for a couple of hours tomorrow?

Mr. TAFT. I would rather discuss that later.

Mr. HUMPHREY. The Senator from Ohio is in a very charitable mood at this time, and I should like to bargain right at the moment.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Minnesota yield to me?

Mr. HUMPHREY. I yield.

Mr. JOHNSON of Texas. I think the distinguished majority leader has made a very wise move and a very wise decision. If the Senate continues to consider the pending matter tonight and Thursday and Thursday night and Friday and Friday night and Saturday, it seems to me there will be ample time for every Senator to record his views.

It seems to me essential that we arrive at an understanding as to when we will take final action on this measure. I hope that all Senators, particularly those on this side of the aisle, will take note of the announcement just made by the distinguished majority leader. If Senators have speeches which they wish to make on the pending amendment, I hope they will be prepared to make them this week, and then be ready with any other speeches on the subject they may wish to deliver next Monday, when the Senate convenes.

Mr. HUMPHREY. Mr. President, I hope to confer a little later with the Senator from Ohio, to see whether we may negotiate about the proceedings tomorrow. I feel, as does the Senator from Ohio, that collective bargaining is an honorable process; and if we could get away from the present discussion for a moment, I believe it perhaps would be possible for us to settle the matter in a few minutes.

Mr. President, I was referring to the contention of the coastal States to ownership of the territorial seas. By this time the RECORD is filled with evidence on the point, that the coastal States do not have ownership to the territorial seas. It ought to be sufficient to point out that the Supreme Court, in the first case ever to deal with the subject of ownership of the territorial seas—and I wish to emphasize that it was the first case ever to deal with the subject—decided in 1947 that the Federal Government had ownership and paramount rights in those seas. The Court reaffirmed that decision twice in 1950.

An article entitled "Who Owned the Ocean in 1776," written by Irving Brant and published in the New Republic, points out that from the time of the Declaration of Independence, the Continental Congress claimed control over the territorial waters. Mr. President, I think this is a new point brought out in the debate, and since we have been told there were no new points, I should merely like to bring this matter to the attention of my colleagues.

In 1779, a committee of the Continental Congress reported on the supreme control of the United States over the several State jurisdictions in maritime matters. It stated:

That this control is necessary in order to compel a just and uniform execution of the law of the nations, and being essential to the supreme sovereign power of war and peace, the Congress could not divest themselves of it.

That is a very significant statement. In 1779 the Continental Congress, which was our first legislature, once the Colonies declared their freedom as several independent States declared for the supreme control of the United States over the several State jurisdictions in maritime matters. It stated:

> That this control is necessary in order to compel a just and uniform execution of the law of nations, and being essential to the supreme sovereign power of war and peace, the Congress could not divest themselves of it.

In other words, the Continental Congress said that even the Congress itself could not divest itself of the responsibility for supreme control over the territorial seas. I have the exact quotation in reference to this, from the journal of the Continental Congress. I have here the journals of the Continental Congress, and the one to which I wish to refer is volume XIII, of the year 1779, pages 1 to 500. I quote from page 135, which bears a date in February 1779. I read:

> That by the sixth section of the same resolution the Congress assert the supreme control by appeal over the several jurisdictions for deciding on captures made in the high seas. That this control is necessary in order to compel a just and uniform execution of the law of nations, and being essential to the supreme sovereign power of war and peace, the Congress could not divest themselves of it. That this control extends as well over the decisions of juries as judges; otherwise the juries would be possessed of the ultimate supreme power of executing the law of nations in all cases of captures, and might at any time exercise the same by a general verdict without a possibility of being controlled; a construction which involves many inconveniences, and absurdities, which destroys an essential part of the power of war and peace; and would disable the Congress from giving satisfaction to foreign nations complaining of a violation of neutralities, of treaties, or other breaches of the law of nations, and would, therefore, enable a jury in any one State, to involve the United States in hostilities; a construction which for these and many other obvious reasons, is inadmissable.

I think that is a very important doctrine. What it boils down to is that the Continental Congress believed that not even the Congress itself could divest itself of the responsibility for supreme control in matters pertaining to the external affairs of the United States, and that an attempt by any of the several States to assume such authority might get us into all kinds of trouble—and it used the word "hostilities."

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

Mr. HUMPHREY. I yield to the Senator from Montana.

Mr. MURRAY. Is it not a fact that at the hearings the Attorney General of the United States conceded that if the Congress attempted to cede or make a quitclaim grant to the particular States in question, it would face a constitutional question?

Mr. HUMPHREY. That is exactly correct. The Senator from Montana, who is a member of the Committee on Interior and Insular Affairs, knows that the Attorney General admonished the committee to be extraordinarily careful in the matter of such legislation as is proposed.

Mr. MURRAY. Yes, but at the same time he suggested, did he not, that some of the constitutional difficulty might be avoided by merely giving the States the right to administer and develop the oil deposits in question, and to retain the proceeds thereof? Would not that in the Senator's estimation, be a mere subterfuge, a mere piece of political trickery, to avoid the constitutional question which would be raised if there were an attempt to convey the title outright?

Mr. HUMPHREY. I agree with the Senator. I would think so. The Senator has put his finger on the very crucial point in all the hearings. If I may again refer to the Continental Congress report, which is all a part of the great legal history of this country, even in 1779 the Congress said it would be impossible to have separate juries in the several States making separate decisions in maritime cases, because in that event all sorts of trouble would ensue. So it said it was inadmissible—unthinkable, literally—to have separate juries in the several States undertake to decide on maritime matters.

I submit that the international questions involved in such a situation are so numerous and so perplexing that I cannot for the life of me see how anyone can ignore the effect of the Holland measure on such vital international questions, when in fact they are very serious, and cause us great trouble even at this hour.

During the period of the Revolution the national sovereignty was deemed to extend to the territorial waters. I desire to repeat that because I think it should be given prominence, and should be made an integral part of this RECORD. The national sovereignty was deemed to extend to the territorial waters during the period of the Revolution, even before the formation of the present constitutional government. Last Thursday the Senator from Illinois [Mr. DOUGLAS] developed this point still further. I do not think it necessary to repeat the points he made—I would refer the Senate to pages 2891–2893 of the RECORD of April 9, particularly the quotations from Mr. Justice Story's commentary upon the Constitution, and from Mr. Justice Sutherland's celebrated opinion in United States against Curtiss-Wright Export Co. The burden of the remarks of the Senator from Illinois [Mr. DOUGLAS] was that national sovereignty, from the date of the Declaration of Independence, resided not in the individual States, but in the United States. Thus the control over the territorial sea, traditionally exercised by the British Crown during our colonial period, passed to the United States of America, and not to the individual States.

Let me now read a little bit from Mr. Justice Story's Commentaries on the Constitution, page 152, book II, section 210:

> Now, it is apparent that none of the colonies before the Revolution were, in the most large and general sense, independent or sovereign communities. They were all originally settled under, and subjected to, the British Crown. Their powers and authorities were derived from and limited by their respective charters. All, or nearly all, of these charters controlled their legislation by prohibiting them from making laws repugnant or contrary to those of England. The Crown, in many of them, possessed a negative upon their legislation, as well as the exclusive appointment of their superior officers; and a right of revision, by way of appeal, of the judgments of their courts.

Mr. Justice Story then proceeds to point out that the colonies could make no treaty, could declare no war, could send no ambassador, regulate no intercourse of commerce, nor in any way act as sovereigns in negotiations between independent States in respect to which they stood in common relation as British subjects. The legislation of one could not be controlled by any other.

In section 211 Mr. Justice Story says:

> In the next place, the colonies did not severally act for themselves, and proclaim their own independence. It is true that some of the States had previously formed incipient governments for themselves; but it was done in compliance with the recommendations of Congress.

In the next place, the colonies did not severally act for themselves, and proclaim their own independence. It is true that some of the States had previously formed incipient governments for themselves; but it was done in compliance with the recommendation of Congress. * * * But the Declaration of Independence of all the colonies was the united act of all. It was "a declaration by the Representatives of the United States of America in Congress assembled;" "by the delegates appointed by the good people of the colonies," as in a prior declaration of rights they were called. It was not an act done by the State governments then organized, nor by persons chosen by them. It was emphatically the act of the whole people of the united colonies, by the instrumentality of their representatives, chosen for that among other purposes. It was not an act competent to the State governments, or any of them, as organized under their charters, to adopt. Those charters neither contemplated the case nor provided for it. It was an act of original, inherent sovereignty by the people themselves, resulting from their right to change the form of government, and to institute a new one, whenever necessary for their safety and happiness. So the Declaration of Independence treats it. No State had presumed of itself to form a new government, or to provide for the exigencies of the times, without consulting Congress on the subject; and when they acted, it was in pursuance of the recommendation of Congress. It was, therefore, the achievement of the whole for the benefit of the whole. The people of the united colonies made the united colonies free and independent States, and absolved them from all allegiance to the British Crown. The Declaration of Independence has accordingly always been treated as an act of paramount and sovereign authority, complete and perfect per se, and ipso facto working an entire dissolution of all political connection with, and allegiance to, Great Britain. And, this, not merely as a practical fact, but in a legal and constitutional view of the matter by courts of justice.

Mr. President, what does that prove? It proves what the Senator from Illinois [Mr. DOUGLAS] pointed out in even greater detail, and, I may say, with more persuasiveness, that national sovereignty was deemed to extend to territorial waters; that by the time of the Declaration of Independence the sovereign power of the Government was already

established, both externally and internally. The burden, therefore, of the Senator's remarks was that the jurisdiction resided not in the individual States, but in the United States, which is exactly what the commentary of Justice Story points out.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. In his review of the constitutional history of our country, both preceding and during the Constitutional Convention, has the Senator from Minnesota reached the clear conclusion that there is no question about the fact that the doctrine of American sovereignty is what we call a doctrine of totality; namely, it was a doctrine of the Nation as a whole, and whatever sovereignty an individual Colony had, merged with the total sovereignty of the Nation as a whole?

Mr. HUMPHREY. I surely concur in that statement. I may say that the Court case to which I referred a moment ago, United States against Curtiss-Wright Export Co., bases its whole ruling upon the absolute soverign power of the Federal Government over these questions.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Does the Senator agree with me that involved in the measure pending before the Senate is the important constitutional question as to the meaning of sovereignty?

Mr. HUMPHREY. That is correct.

Mr. MORSE. Does the Senator agree with me that when Texas, California, Louisiana, and Florida, or any other State or any other Territory that became a State, joined the Union, whatever sovereignty it may have previously had merged with the total sovereignty of the Nation?

Mr. HUMPHREY. That is a doctrine which I accept as being valid, and I think it is generally accepted in court decisions.

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

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. Does the Senator agree with me that under the doctrine of national sovereignty it is absurd to assume that such sovereignty would cover a variety of boundaries over which it would be applied?

Mr. HUMPHREY. Yes; I would say that would be a valid assumption.

Mr. MORSE. Does the Senator agree with me that when we refer to national sovereignty, we are referring to the sovereignty of one country with a common boundary, and not a country with a variety of boundaries, so that the boundary from the coastal line of one State would be one distance, and from the coastal line of another State it would be another distance?

Mr. HUMPHREY. I agree completely with what the Senator has said. So far as the boundary line of our country is concerned, it is the geographic boundary line of the Nation, the earth and coastline borders of the Nation, and for purposes of national sovereignty, namely, the protection and the security of the people, a 3-mile safety belt, so to speak, around the exterior limits of the area of the United States. A doctrine of international law developed in the early 18th century and later clarified in more precise terms by Thomas Jefferson established the 3-mile belt.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield for one other question at that point?

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. Is it not true that Jefferson talked about a unit boundary line, and not a boundary line of variations?

Mr. HUMPHREY. That is correct.

Mr. MORSE. Does the Senator agree with me that his research on this problem causes him to reach the conclusion, as I have reached the conclusion—and when I deliver my speech on the subject I shall deal primarily with the international problems involved—that there is no precedent in international law cases to which the United States has been a party for a claim that under the doctrine of sovereignty we have a valid boundary line along the coastlines of the United States beyond the 3-mile limit?

Mr. HUMPHREY. I will say to the Senator that I think that one of the most intelligent and controlling argument in the present debate is the fact of the consistency of the position of the United States Government in terms of exercising sovereign power over a 3-mile uniform belt around the coastline of the United States, in cases in court and out of court, in conferences with foreign ministers, in consultation at the international tribunal at The Hague.

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

Mr. HUMPHREY. Yes.

Mr. MORSE. First, I wish to ask the Senator if he has any objection to my propounding a series of questions. I shall be glad to oblige him if he does not desire interruptions, but I should like to ask a series of questions regarding the sovereignty of this Nation, in connection with points I desire to bring out.

Mr. HUMPHREY. I am delighted the Senator from Oregon is taking the time to ask questions. I only regret that I cannot ask the Senator from Oregon questions. I can only pay him the just and well-deserved tribute that I know very few men, not only in the Senate, but also in the Nation, who know the law better than does the Senator from Oregon, or who are better equipped to explain to the Senate and to the public the implications of the legislative proposals now pending, so far as they concern international law and the sovereign power of the United States. I am honored by the Senator's questions and his presence on the floor.

Mr. MORSE. In asking my next question, let me assure the Senator from Minnesota that I fully appreciate but do not deserve the compliment he has extended to me. I wish to ask this series of questions because they relate to what I regard as one of the important weaknesses of the joint resolution pending before the Senate.

Does the Senator from Minnesota agree with me that undoubtedly the passage of this measure will accrue to the benefit of certain selfish economic interests and forces in the respective States to which the joint resolution would apply, and that that fact is probably a great motivating reason why we are confronted with this type of proposed legislation in the Senate today?

Mr. HUMPHREY. It is my opinion—and I make this statement strictly as my opinion—that while, for example, the respective oil companies have not become directly involved in the controversy, nevertheless, because of the limited area in which they would need to exercise any influence, it would be to their advantage to have State control rather than Federal control. In other words, it is simply a political fact that the smaller the area of jurisdiction is, the more subject to concentrated economic and political pressure this wide expanse would be.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Has not that been the history of the activity of powerful economic lobbies throughout the life of this Nation, in respect to their activities in State legislatures?

Mr. HUMPHREY. The answer to the Senator's question is a very obvious one. If one refers to the legislative history of the several States, he will find that what the Senator has asked in the form of a question turns out to be a political truth; namely, that it has been well acknowledged in the history books of this land, and in the great economic interpretations of our history, that, for instance, the timber interests, the railroad interests, and the utility interests had their heyday at State levels of government.

The many acts which were passed in the reform period of the 1880's, including the Warehouse Acts, and some of the cases that came before the courts, related to excesses on the part of groups that were running rampant.

Lincoln Steffens' autobiography and other books point out that legislature after legislature was completely controlled. It was said that certain railroad companies could literally tell on what day a legislature would meet and at what hour it would recess. Those events are now a matter of history. Thank goodness some of it is in the past.

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

Mr. HUMPHREY. Yes.

Mr. MORSE. Is it not true that one of the many objectives of the great fight which was made by those two great liberal conservationists, Teddy Roosevelt and Gifford Pinchot, in their effort to protect the natural resources of this country, was to bring to an end the depredations of powerful economic lobbies operating in the public domain, which they were exploiting to the detriment of future generations of Americans?

Mr. HUMPHREY. The Senator's statement is absolutely true. The two great Americans to whom the Senator has referred have gained a position of, I might almost say, immortality in the

hearts and minds of the American people, because they had the courage to fight exploiters and to develop a policy of conservation.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Does the Senator agree with me that the Holland joint resolution raises again for conservationists in the United States the challenge to keep faith with the great objectives of Teddy Roosevelt and Gifford Pinchot in protecting the national resources of the country, belonging to all the people, for the continued benefit of all the people?

Mr. HUMPHREY. I think that is one of the basic issues involved in the proposed legislation in connection with the entire subject matter of public policy relating to the conservation and use of the natural resources of the United States. I am delighted that the Senator from Oregon again has accented the particular problem before the Senate.

Mr. MORSE. Mr. President, will the Senator yield for a further question, which I shall ask before I begin my line of questions on the problem of international law?

Mr. HUMPHREY. Yes.

Mr. MORSE. Does the Senator agree with me that whatever oil there may be under the submerged lands is the last great reservoir of oil belonging to all the people of the Nation, and that it ought to be conserved and preserved for the national defense, and not turned over to private industry for exploitation, particularly since we do not know what is going to happen 10, 20, 30, 40, or 50 years from now, the world situation being what it is, and do not know how soon we may need that oil for national defense and the protection and security of the United States?

Mr. HUMPHREY. Certainly, I agree with the Senator. I think the Senator from Oregon was present when the Senator from New York [Mr. LEHMAN] spoke at some length on the national defense aspects of the legislation pending before the Senate.

I recall, as perhaps does the Senator from Oregon, a conference with the former Secretary of the Interior relating to some of the tremendous problems that affect our country in connection with oil, oil products, and the international questions involved.

I believe that Americans ought to know, that they ought to be told in no uncertain terms, that the necessity for vast oil reserves is a matter of life or death. I think the public ought to know that this matter is every bit as important as the stockpiling of atomic bombs, if not more so.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Does the Senator agree with me that it was very wise and statesmanlike for Harry Truman, as one of his last acts as President of the United States before leaving office, to place this great oil reserve under the jurisdiction of the United States Navy for its protection and wise conservation, and for use at any time it might be needed, when the security of the Nation might be threatened by another holocaust?

Mr. HUMPHREY. I think it was certainly a very wise and patriotic decision on the part of the President; and I wish to goodness that we could get the people to realize how very important it is that the naval reserve of oil which President Truman established be maintained and continued, and not be permitted to be utilized and exploited for momentary benefit.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Does the Senator agree with me that it is important to emphasize, reemphasize, and reiterate over and over again the fact that today we are importing, to meet our oil needs, in excess of 1 million barrels of oil a day?

Mr. HUMPHREY. The Senator is correct. I think it should also be noted that the population of the Nation is growing. Industrial expansion continues. With both population increase and industrial growth, there is a greater demand upon the oil reserves of this country.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Does the Senator agree with me that, in view of the fact that our oil needs now are such that it is necessary for us to import in the neighborhood of 1 million barrels, more or less, a day, it is plain shortsightedness on the part of the Congress to proceed to turn over this last great oil reserve which we have to the States, which in turn will soon see that it is placed in the hands of the oil companies for exploitation for industrial purposes, when it should be kept as a safety-first measure, for the defense of our country in case of a third world war?

Mr. HUMPHREY. I could not agree more thoroughly with the Senator. I am delighted that the Senator from Oregon has seen fit to highlight, by questions, the strategic importance of the vast offshore oil reserves. It is incredible to me that something as important as the subject matter to which we now give our attention is not spread across the front pages of every newspaper in the land. We ought to be worried about the situation. We ought to be wondering what may happen in the days to come, and whether our great Nation may someday be short of the substance needed to defend itself.

Let me say to the Senator that it is my intention, during my discussion, to invite the attention of Senators to some of the findings of the Paley Commission on Natural Resources.

We Americans are a proud and boastful people. We think we have unlimited quantities of everything. We have been brought up to believe that all we have to do is to pick the heart out of every watermelon and throw the rest of it away, when, in truth, our Nation is in dire need of protecting and conserving every mineral, every bit of timber, its waterpower, and its oil and gas reserves. We are using them up at unprecedented rates, and are now a great importing nation with respect to many of the basic materials we need in our economy.

I do not know how we can get Americans to become excited about their future. They can become excited about a mink coat, but they do not seem to be excited about a $50 billion bath of oil. They do not seem to be excited about the great natural resources and reserves of this country. They need to become excited over that question.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. The comments of the Senator open up a great many vistas and subjects upon which I should like to cross-examine him. They take me away from the main line of questions which I wish to raise in connection with sovereignty, and the international complications which I think would result from the passage of the pending measure. I shall come to that question in a moment.

First, let me ask a question based upon the last comment of the Senator.

Does the Senator from Minnesota agree with me that the American people are being sold political soap these days by clever propagandists and public relations experts who are trying to delude the American people into believing that the protection of their Federal rights somehow involves creeping socialism?

Mr. HUMPHREY. I can only say this to the Senator: First of all, I agree that one of the greatest soap operas of all times is being perpetrated, particularly with reference to some of the misinformation which has gone out with respect to the legislative proposals before us. The Federal Government has been painted as a bogeyman.

The Senator from Oregon knows as well as does the Senator from Minnesota that some of the greatest programs for the protection of the public good have come from the Federal Government. I refer, for example, to the conservation program of Theodore Roosevelt, the public-power program of Teddy Roosevelt, and other programs. Teddy Roosevelt was a great socialist.

I refer also to the fights against monopoly in order to give free enterprise an opportunity to live under the Clayton Act, the Sherman Antitrust Act, and the Robinson-Patman Act. I refer also the establishment of the Federal Trade Commission.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. In asking the questions, I want to say that the Senator from Minnesota is a most delightful person to cross-examine, because he keeps opening up new vistas for questions I should like to ask. The question I now want to ask him is this: Is he aware of the fact that when Abraham Lincoln enunciated the great Republican doctrine I still stand on, although so many of my former party members, I respectfully say, have left it, namely, that it is the duty of our Government to do for all the people what they cannot do for themselves, which places responsibility on the Congress to protect the public interest by passing the necessary legislation to do for all the people what needs to be done, was smeared by the smear artists of his generation as a Communist?

Mr. HUMPHREY. Yes, indeed; the Senator is right. What was written about Lincoln in those days would not even be permitted to be printed these days. We modern politicians think that we take it on the chin occasionally. Let me say that no man ever suffered more abuse from his opposition, unless it be Thomas Jefferson, than did Abraham Lincoln. Generally we can find out what kind of man a person is, not so much by who is for him, but who is against him. That is generally true. I think that goes back to time immemorial.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield further?

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. Is the Senator also familiar with the fact that when Lincoln took the stand that the Federal Government should do the things necessary to be done to protect the interests of the people, he was smeared as a Socialist and as a Communist?

Mr. HUMPHREY. I did not know that they called him a Communist at the time. If they did not, they certainly had another word for it.

Mr. MORSE. They did.

Mr. HUMPHREY. They called him a Socialist, I know.

Mr. MORSE. And a Communist. Will the Senator yield for a further question?

Mr. HUMPHREY. I yield.

Mr. MORSE. The Senator does not labor under the impression, does he, that the smear leveled against liberals by calling them Communists, fellow travelers, or Socialists is new to our generation?

Mr. HUMPHREY. No, indeed.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. I will get back to the question of sovereignty in a moment or two.

Mr. HUMPHREY. I may say to the Senator that the question of sovereignty is a very interesting legal study. I am delighted to discuss it with the Senator from Oregon. I have done my homework in that subject. I have gone through many documents and books on the subject. However, I am so entranced with what the Senator from Oregon is discussing with me in his questions, I hope we can keep it up. We can later return to a discussion of sovereignty, perhaps during the coffee hour.

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

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. In mentioning the sales tax in his very pertinent and keen remarks a moment ago, I wonder whether the Senator from Minnesota was aware of the fact that today's press indicates that the Republican Secretary of the Treasury is on the side of a national sales tax.

Mr. HUMPHREY. That is what I have read in the press. I always like to give the gentleman the benefit of the doubt. In other words, I have not heard Secretary Humphrey say himself that he is in favor of it. It has been reliably reported that he is.

I may say to the Senator from Oregon that it is hardly news to me. We have been toying around with the general idea in Congress for quite a while. Every time we have a little trouble raising revenue someone figures out a way of getting a sales tax across. Of course, we must not call it a sales tax.

It is similar to what is before us. We must not say it is a giveaway. We must call it a tidelands bill. We must not call what we are doing here a debate. We must not call it an effort to bring some enlightenment upon the subject matter before us, because of its many ramifications. Instead, it is called a filibuster.

It is said, "Maybe we will lay the Anderson amendment on the table, or vote on it tomorrow or the next day."

Mr. President, there is a certain amount of psychological warfare going on. However, I want to tell the Senator from Oregon something. We are not scared. We have a lot to say. There is much more argument to be made. Even if motions are made to lay amendments on the table, the Senator will be surprised what will happen. The amendments will jump right up again as quickly as they are pushed out. They will come back reborn. So there will be plenty of work for us to do in the days to come. I do not want anyone to interpret what I am saying as being anything but what I mean, namely, that there is a lot of debate to be had yet.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Let us stay for a while with the sales tax. It is a dangerous threat. Does the Senator from Minnesota agree with me that a sales tax is not based upon the principle of the ability to pay, but upon the principle of necessity to buy?

Mr. HUMPHREY. That is correct. There is only one tax that is based on the ability to pay, and that is the income tax.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Does the Senator agree with me that a national sales-tax proposal is a typical Republican reactionary doctrine?

Mr. HUMPHREY. Yes; I do.

Mr. MORSE. Will the Senator yield for a further question?

Mr. HUMPHREY. I was about to expand on that general subject matter, but I shall yield to the Senator from Oregon for another question.

Mr. MORSE. My next question still has to do with the sales tax. Does the Senator from Minnesota agree with me that any proposal for a sales tax is a proposal, in fact, to make the rich richer and the poor poorer?

Mr. HUMPHREY. The Senator has given a philosophical and economic evaluation of the sales tax that I think is beyond contradiction. I think he is absolutely right. It is a shifting of the burden of responsibility of paying for the Government to those who can least afford it and removing it from those who are best able to pay it. That is putting it another way.

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

Mr. HUMPHREY. Yes. I wish the Senator from Oregon would ask me whether I am in favor of a sales tax, so that I can say "No."

Mr. MORSE. I have no jurisdiction over the time of the Senator or over what he says in response to a question I ask. I would welcome his dissertation at length on any question I ask him. However, I shall ask him another question. Does the Senator from Minnesota agree with me that as liberals we have the duty, if we are to keep faith with what we consider to be our trust under the oath of office we took, to forewarn the American people that now is the time for them to take stock of their heritage in the natural resources of the United States, and to do what we can, before it is too late, to protect the American boys and girls who will be living 50, 75, 100, 200, 300, and, I hope, centuries from now, in freedom in this country, and to protect their interest in the legacy that ought to be theirs, namely, the national interest in the natural resources of this country?

Mr. HUMPHREY. Mr. President, I wish to thank the Senator from Oregon for the philosophy he has proclaimed, namely, that there is no doubt that there is a definite need for the Congress and every public official and every citizen to take inventory of the great natural resources of our country—and not only to take inventory of what is left, but to take inventory of what we have dissipated.

The only purpose of studying history is to obtain, from the past, knowledge which will help to guide us in the future.

Mr. President, every time the Federal Government in its responsibility as trustee for the people has relaxed its control over the resources of the Nation, those resources have been exploited, dissipated, wasted, and utilized for the benefit of the few, but at the expense of the many. The result has been to leave the country poorer.

That is the truth of the matter, Mr. President. What I am saying has been demonstrated in hundreds of surveys.

I submit there is no evidence that anyone can produce that if we let these great, vast, unknown, untold treasures of submerged lands, with their oil, gas, and other resources, leave the hands of the Federal Government, and go into the hands of individual States, and ultimately into the hands of private individuals, we shall do nothing but weaken the national security and the national welfare.

Mr. MORSE. Before asking other questions, I wish to ask the Senator from Minnesota whether he plans to speak at some length this afternoon.

Mr. HUMPHREY. I understand that I am to speak until about 7 o'clock, and then I understand the Senate will take a recess.

Let me say to the Senator from Oregon that I am fairly well prepared for rather extensive discussion of several matters.

Mr. MORSE. That being true, if the Senator from Minnesota does not object,

I think I shall ask him further questions, and in doing so I shall approach a little nearer to his desk, so that I can help him save his voice.

In further reference to the charge of creeping socialism that has been levelled, is it the understanding of the Senator from Minnesota that by that means the private utilities are attempting to make the American people believe that if Federal jurisdiction is maintained by Congress over the great public power dams which have been built with the taxpayers' money, for the benefit of all the people, and if Congress fails to vote to turn over those dams to the private utilities, Congress will stand convicted of the charge of favoring creeping socialism? Is the Senator from Minnesota aware of that charge by the private utilities?

Mr. HUMPHREY. I am very much aware of it. I do not know whether the Senator from Oregon knows that on several occasions when I have read advertisements by certain private utility organizations, condemning socialism, the Federal multipurpose hydroelectric projects, and when I have observed the publication of what I consider to be gross falsehoods, which in the form of such advertisements have been broadcast to the American people, that I find that the cost of publishing those propaganda sheets, which have appeared in our press and in our magazines, frequently has been permitted to be deducted, for tax purposes, as a business expense. In other words, those costs are chargeable as part of the costs of operating the business. In that way the American people are to be told that the projects which are operated for them by their own Government are not good for them, and that such activities constitute a threat to free enterprise, and are bad for the people, and that in that respect the Federal Government is working against the interests of the American people.

Mr. President, if we had listened to that kind of talk a few years ago, the kerosene lamp manufacturing business would still be a thriving enterprise, the American farmer would be without electricity, and many persons in various metropolitan communities would now be paying excessive rates for electricity.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Is the Senator from Minnesota aware of the fact that, by design, American big business—which, of course, has become the real spokesman of the Eisenhower administration—is seeking to convince the American people that they should pay tribute to American monopoly by turning over to monopolies the taxpayers' power plants and, in turn, letting the monopolies charge the higher consumer rates which all experience shows the American consumers have to pay when they obtain power from private monopolies?

Mr. HUMPHREY. I am aware of that. I know that the Senator from Oregon, along with a few other Senators, will recall the developments in that situation. The other day the Senator from Alabama [Mr. HILL] was directing his attention to this very subject. The fact is that at this time only a few voices are being raised in protest against the second great giveaway which is now proposed.

If we permit the Holland joint resolution to pass, thus giving away the people's treasure, thus giving away the God-given resources below the sea, in violation of the Constitution, as I believe, and in violation of our history and our heritage and of every rule of law; if this Congress gives away these assets, that are worth from $50 billion to $100 billion, then, indeed, every Member of Congress will have the obligation, literally, of seeing what else the Congress can give away, and a movement of that sort will begin. The grazing lands and the timberlands will be next. How some persons would like to get hold of them. The next will be the multipurpose dams, with the hydroelectric power projects, including the TVA.

Some persons may say that is fantastic, but it is not fantastic at all. Nothing is more fantastic than to have three or four States say to the rest of the Nation, "Give us the ocean."

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

Mr. HUMPHREY. I yield.

Mr. HILL. Then do I correctly understand that the Senator from Minnesota agrees with the distinguished senior Senator from Illinois [Mr. DOUGLAS] when he describes the Holland joint resolution as a come-and-get-it measure?

Mr. HUMPHREY. I do not think that is a proper description, because, as I view the situation, we shall actually deliver it. [Laughter.] This measure will be one of f. o. b. wherever you want it. That is absolutely what this measure will amount to, Mr. President. It will not even be necessary to come and get it.

Mr. HILL. If this measure be a delivery joint resolution, as the Senator from Minnesota has so well stated it is, will not the joint resolution be an invitation to come and get all the other things the Senator from Minnesota has mentioned?

Mr. HUMPHREY. That is correct.

Of course, in the merchandise field it is customary to use a big leader to entice the rest of the trade. Similarly, in order to make sure that we in Congress get a little business, we are going to give away assets valued at from $50 billion to $100 billion.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Am I to understand that the Senator agrees, then, with what took place in connection with the debate on the pending measure the other day, and does the Senator agree with the comment I made on the floor of the Senate when I said, "It is a grab bill, by which it is proposed to give away the natural resources of America to politicians, to be handed out by them to greedy constituents"?

Mr. HUMPHREY. I would say that was a sharp, precise, and, I may say, rather accurate description.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Returning to the campaign which is being financed by the monopolies of the country, to pull the wool, so to speak, over the eyes of American public opinion, does the Senator agree with me that not a single one of the great multiple-purpose dams which were built by the taxpayers and proved to be so essential to the defense of our country in World War II would have been built with private capital?

Mr. HUMPHREY. I think the Senator from Oregon is very well aware of some of the important testimony which was taken in the Congress in the late 1930's. I recall quite vividly testimony pertaining to the Federal power reserves of this Nation, and it seems to me that as late as the year 1939, when Hitler's legions were on the first stages of their conquest, the private utilities presented testimony to committees of the Congress of the United States to the effect that they had plenty of power to meet any emergency. Yet, I may say to the Senator, the Nation had to suffer blackouts and brownouts in World War II, and great projects had to be built to supply necessary production, and numerous emergency measures had to be taken. In World War II we had a 40-percent power reserve. At the present time we are running along with about an 11 to 12 percent power reserve, which is not considered even a safety factor of any real consequence. So the Senator from Oregon is correct. Without the great multiple-purpose dams we would have been without the power to build an airplane, because it was necessary to make aluminum, and to make aluminum electricity is necessary to convert bauxite into aluminum oxide. Electrical power is the key to the production of aluminum. Electrical power is the key to the development of atomic energy. So let us make no mistake about it. I see my friend the junior Senator from Tennessee [Mr. GORE] entering the Chamber. He knows a great deal about the great developments which have taken place in the Tennessee Valley. Without the great power projects such as TVA the security of the Nation would have been in jeopardy, make no mistake about that.

Mr. MORSE. Mr. President, will the Senator yield for a question at that point?

Mr. HUMPHREY. I yield.

Mr. MORSE. Is it not true, however, that the private utilities sought to prevent development of the great multipurpose dams of the Tennessee Valley?

Mr. HUMPHREY. Of course, the Senator is correct. That is one of the sad political truths of our time. That is true. And they still fight against the same program, which left plenty of room for everyone to make a dollar.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Is it not true that had we left the development of this project to the private utilities of the country, we never would have had the power in a quantity necessary to manufacture the aluminum needed in order to give us

superiority in the air during World War II?

Mr. HUMPHREY. I do not believe that anyone, living or dead, can disprove what the Senator has stated. I think it is absolutely true that, had it been left entirely in private hands, we would have been in a terrible situation. I may say to the Senator that, even as it was, even with the great developments of TVA and similar projects, we were short of power, really short; and we are becoming shorter in our power supply all the time, despite all the great developments. The answer is to be found by determining whether the energy output keeps up with production demands, whether it keeps up with population increase, whether it keeps up with new industries, whether it keeps up with new homes. The fact is that it has not kept up with those demands.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Does the Senator agree with me that, considering the dangerous threat to world peace presented by Russian communism and the importance of keeping ourselves so strong that Russia will always recognize that she has everything to lose and nothing to gain by an aggressive course of action against us, we have an obligation, as Senators, to do those things necessary to keep the defenses of the United States strong?

Mr. HUMPHREY. The Senator from Oregon is entirely correct. I am sure he knows, as well as I do, that the greatest known reserve of oil in the world is to be found at the back door of the Soviet Union, in the Near East. I think the public knows, and I am confident the Senator knows, that there is one oilfield in that area that produces 150,000 barrels of oil a day. There are untapped resources of oil, the like of which the world has never known, at the back door of our most formidable enemy, in a country which has little or no means of defense, and yet here in the Senate we hear talk about overruling former President Truman's order to make a naval reserve, an oil reserve, for the security of our Nation, of these great possible treasures of oil in the submerged areas of the sea. It simply seems incredible that there should be talk about giving them away, about taking them from the control of the Federal Government. Of course, I may say to the Senator from Oregon what I am sure he realizes, that no responsible law officer of this Government, neither the present Attorney General, Mr. Brownell, his predecessors, Mr. McGrannery, Mr. McGrath, nor any other Attorney General, has ever testified that the Federal Government has the right to give away title to this land.

The present Attorney General of the United States, the President's principal legal adviser, says it cannot be done.

What bothers me most is the way in which the proponents of the pending measure have disregarded the decisions of the Court, have disregarded 3 Supreme Court decisions, have disregarded the testimony of the Attorney General, have disregarded the testimony of the Assistant Secretary of State, have disregarded the doctrine of Thomas Jefferson, have disregarded the rules of international law—have simply thrown all that away, at the same time saying, "We are going to deliver to you tomorrow morning the great vast oil reserves in the submerged lands." A "giveaway bill" is really the proper title of the pending measure.

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

Mr. HUMPHREY. I yield to the Senator for a question.

Mr. MORSE. Does the Senator agree with me that when one comes to analyze President Eisenhower's campaign speeches on this subject, he has great difficulty in reconciling the position taken by General Eisenhower on this subject during the campaign with the advice of his own Attorney General, as set forth in his testimony before the Senate committee, in regard to how far we may extend boundaries out into the ocean?

Mr. HUMPHREY. Mr. President, the Senator is kind. Let me be more blunt. It is impossible to reconcile the campaign talks with the testimony of the Attorney General. That is impossible. I not only make the statement, I shall also produce the evidence. I have before me the evidence relating to the campaign, and I have before me the speeches of Mr. Stevenson and General Eisenhower. The speeches are here, the words are here, and the testimony of the Attorney General is to be found—I can cite the page from memory—at page 925. I pick up the book of the hearings conducted on the submerged lands, and the testimony of the Attorney General is found at page 925.

The Attorney General of the United States says we cannot give ownership away, that we cannot give title to the States. And, yet, Mr. President, the campaign speeches were much different from that. I shall go into them, in more detail, at a later time. I think I should quote, briefly, from President Eisenhower's speech at Lubbock, Tex., in which he said:

> Along with this, and in furtherance of my conviction that we must fight against the growing centralization of power in the Federal Government, I spoke briefly of the tidelands—the oil lands—question, off your coast. * * * I said I believed the lands belonged just exactly where they had belonged for a hundred years, with the States that owned them.

If the President had omitted that phrase "States that owned them," he would have been in a much better position. When the President said the lands belonged exactly where they belonged for more than a hundred years, he was correct. They belonged to the Federal Government.

Later on I shall read quotations from speeches of the respective candidates for the Presidency, and I think I can point out that the pending measure neither conforms to the view of the President, nor does it represent the testimony of the Attorney General, nor does it represent the original claims of the authors of the quitclaim proposal. It just happened. It is one of those peculiarities in the legislative process of government. It settles nothing; it does not even pour oil on the troubled waters. It opens up the possibility of untold litigation, it conflicts with and represents a repudiation of our national policy.

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

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. Speaking half facetiously, does the Senator agree with me, referring to his remark that the speechwriter should have been fired, that if the President had fired all the speechwriters who sold misstatements of fact to the people in his campaign speeches, he would have been without any speechwriters?

Mr. HUMPHREY. I think I will let that question just hang up there.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield for another question?

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. Getting back to the problem of protecting the defenses of our country, does the Senator agree with me that the defense and security of the United States of America require the protection and development of the maximum potential kilowatt-hour electric power on the streams of America?

Mr. HUMPHREY. I think the Senator is absolutely correct. We should have a very sizable electric power in reserve at all times, not less than from 40 to 50 percent.

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

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. If that be true, does the Senator agree with me, as a cosponsor of the Hells Canyon Dam bill, that it is not in the defense and security interests of our country to permit any private utility monopoly to obtain control of the Snake River and be allowed to build there low-head dams which will produce, by a rough estimate, only approximately 50 percent of the potential kilowatt-hour power of the Snake River?

Mr. HUMPHREY. I want to say to the Senator from Oregon that I joined with him as a sponsor of the Hells Canyon Dam bill simply because I thought it was in the national interest. It should be noted that the electrical output from hydroelectric facilities there would not reach directly into the area which, in part, I represent, Minnesota, but, nevertheless, the development of the facilities would increase the overall electrical energy output of the Nation. There is great need for it. The Senator should be commended for bringing to the attention of the people the fact that the so-called low-head dams are just a way of dissipating the wealth of the Nation. They are a way of actually utilizing 40 or 50 percent of what is available and letting the rest be dissipated. It is an effort to restrict production, on the one hand, but, essentially, it is a way to drive the Federal Government, as trustee for the people of these great resources, out of the power business, even though the Government does no more than sell the power to others to use.

Mr. MORSE. Does the Senator agree with me that, from the standpoint of

protecting the defense of the Nation; there is a direct relationship between preserving for future generations of Americans the maximum power reserve of our streams and preserving for future generations of Americans their heritage in the great reservoir of oil in the submerged lands which may be sorely needed? We do not know when in the future we shall need it to supply our defense needs in case of an attack by Russia.

Mr. HUMPHREY. We need both. We must develop the hydroelectric potentialities of the Nation.

I think all we need to do is to ask the people to read the reports on our natural resources, the report of the Paley Commission, for example. We need these resources desperately.

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

Mr. HUMPHREY. I yield for a question.

Mr. HILL. Is it not true that the representatives of our Government in the executive branch, the branch which is charged with the conservation, administration, and care of our natural resources, have not only once, but time and again, urged upon the Congress that the appropriate Department be authorized by the Congress to proceed with the wise development and conservation of the oil in the submerged lands.

Mr. HUMPHREY. The Senator is correct. The Senate of the United States instructed the Attorney General to do so.

Mr. HILL. Is it not also true that not only was the Attorney General instructed to take steps to insure Federal rights in the properties, but to pursue a wise policy of development and conservation of the oil in the submerged lands.

Mr. HUMPHREY. Yes, indeed.

Mr. HILL. Is it not correct to say that if this oil should be needed it could not be secured overnight? In other words, some estimates indicate as many as 4 or 5 years as the length of time it would take, properly and wisely to develop the oil and make it available, if some national emergency should bring about a great need for the oil. Is that correct?

Mr. HUMPHREY. That is correct. I think it has been noted several times that a great deal of exploration and development work must go on. Anything that would delay it might very well be a very serious impediment to the security and defense of the country.

Mr. HILL. Mr. President, will the Senator from Minnesota yield for another question?

Mr. HUMPHREY. I yield.

Mr. HILL. With the knowledge we have of the need for the wise and proper conservation of oil, is it not a shocking thing that the Holland joint resolution should be before us today without any provision whatever in it that would give authority to anyone or make it possible for anyone to proceed with the development of the submerged lands?

Mr. HUMPHREY. It is not only unusual, but it seems to me that this oversight has within it some undertones which indicate it would be better to let the oil be frittered away without any attention being paid to the national security interests. I am delighted that the Senator has pointed it out.

Mr. HILL. Mr. President, will the Senator from Minnesota yield for another question?

Mr. HUMPHREY. I yield for a question.

Mr. HILL. Does not the Senator think that there may be at least some persons who feel that if this giveaway measure is passed, and they can get the benefits from it, they will undertake to reach out and take at least some of the oil from the Continental Shelf, in the area lying beyond that which this measure would give away?

Mr. HUMPHREY. I may say that the ambiguity and uncertainty in certain areas of the Holland joint resolution, particularly as it relates to boundaries and to the Continental Shelf, constitute an open hunting license to proceed forthwith and, at a later date, to move on to the Continental Shelf. That is exactly what is going to happen. If in the past, in the 1940's, in almost open defiance of the courts, efforts have been made to move into the marginal sea, what does the Senator from Alabama think will happen if the Holland joint resolution is passed?

Mr. HILL. Is it not true that another body at one time passed a bill which gave away a large portion of the revenue from the oil on the Continental Shelf, beyond the area which it is now proposed to give away under the Holland joint resolution?

Mr. HUMPHREY. Was the Senator referring to the previous Congress?

Mr. HILL. Yes.

Mr. HUMPHREY. That is correct. In other words, the legislative proposal now before the Senate is limited as compared to some of the previous proposals. Let us be quite clear that the intent and desire of the proponents has already made itself manifest very abundantly.

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

Mr. HUMPHREY. I yield.

Mr. HILL. Is it not true that the proposed legislation contains, as did its predecessor, nothing which in any way would limit, stop, or forestall further proposals for giveaways on the Continental Shelf?

Mr. HUMPHREY. I shall first answer the Senator's question: Yes.

Second, President Eisenhower's Attorney General told the Committee on Interior and Insular Affairs to include in the joint resolution a special provision to make it unmistakably clear that once and for all the entire area of the Continental Shelf belonged to the Federal Government, for the purpose of enabling the Federal Government to exploit and develop it at once. I shall quote the language later. I cite it for the benefit of those who have any doubts. I would ask the Senator to listen to the statement by Attorney General Brownell:

> First. For the purpose of minimizing constitutional questions, I consider it of primary importance that any statute combine a program (a) authorizing the States to administer and develop the natural resources from the submerged lands within a line marking their historic boundaries with (b) specific authorization to the executive branch of the Federal Government to develop the lands outside of that line, with the income therefrom going to the entire Nation.

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

Mr. HUMPHREY. I yield.

Mr. HILL. Is it not correct to say that the pending joint resolution ignores and pays no attention whatsoever to the recommendation of the Attorney General?

Mr. HUMPHREY. The Attorney General might just as well have never been appointed or have gone to law school, so far as his testimony, advice, or counsel was respected. The advice, counsel, and testimony of the Attorney General were ignored.

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

Mr. HUMPHREY. I yield.

Mr. HILL. The advice and counsel of the Attorney General of the Eisenhower administrator were ignored, just as were the advice and counsel of the representative of the State Department in the Eisenhower administration ignored?

Mr. HUMPHREY. The Senator is correct. The advice of the Attorney General and the advice of the representative of the State Department were ignored. The proponents of the Holland joint resolution are having a tough time finding an attorney representing the Government, no matter what administration is in office, who is willing to be a party to the giveaway. When a man takes the oath of office as Attorney General, he looks at the Constitution, he represents the President and the Government of the United States, and he looks back over the historical decisions of the Government from the time of the first days of the Republic.

The Attorney General said:

> The second thing you must do is to make it specifically and absolutely clear that in the Continental Shelf, beyond the historic boundaries, the Federal Government has absolute right, jurisdiction, and control for purposes of development.

But what did the committee do? What did they provide in the joint resolution? It says something very ambiguous. The Attorney General knew about this legal double talk. The Attorney General, representing the President of the United States, said, "Come clean. Put in the joint resolution what you mean. Close the door."

I think the Attorney General was saying, "Frankly, we promised you a lot more in the campaign than you really ought to have, but I suppose we have to deliver a little something."

So he was willing to deliver the use of the land, but not the title.

He said, "We will let the States develop the submerged land, but not own it."

That does not make anybody very happy, but at least it is a way to keep a commitment made in the campaign.

But when it comes to the Continental Shelf, out in the open sea, the Attorney General said, "Let us now quit fooling around. We made no campaign promises with respect to that area. Some of you may have thought so, but we really did not."

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Did the Senator hear anything from the Republican candidate for the Presidency in the campaign that would have justified anyone in Louisiana, Texas, or California in believing that the President did not mean to give away territory out as far as they wanted to take it?

Mr. HUMPHREY. I had not intended to go into that subject, but perhaps we should have a little campaign speech. This will not be original. Let there be some reading from the campaign scripture. I am on the subject of offshore oil. I refer to the New Orleans speech of October 13, 1952. In that speech President Eisenhower, then the candidate, said:

> 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.

I might say to the Senator from Oregon that one of those acts of Congress included a provision to "take all you can get, half way over to the Azores." It said, "Take out to the Continental Shelf."

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Does the Senator agree with me, that the testimony of the present Attorney General cannot be reconciled with President Eisenhower's New Orleans speech?

Mr. HUMPHREY. Of course. That is very obvious.

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

Mr. HUMPHREY. I yield for a question.

Mr. MAYBANK. For a question, of course. I was very much interested in what the Senator from Minnesota stated about the Attorney General of the United States and his legal opinion. However, is it not a fact that the attorneys general of many of the States outside the coastal area have believed the position of the States to be perfectly legal?

Mr. HUMPHREY. The Senator from South Carolina is absolutely correct in his statement. The attorneys general of the respective States have an association which has been carrying pretty much of the brunt of the campaign to turn over the submerged lands to the States, and they have so ruled. But submerged lands beneath the marginal seas are not within the jurisdictions of the State attorneys general.

Mr. MAYBANK. I was referring to attorneys general in the States distant from the tidelands.

Mr. HUMPHREY. Oh, yes; the Senator is correct. As a matter of fact, the farther away from the ocean an attorney general may be, the easier it is to gain his assent to turning over the ocean to the coastal States.

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

Mr. HUMPHREY. I yield.

Mr. HOLLAND. I am certain that the Senator from Minnesota does not wish to have remain in his remarks a statement which does not correctly state the facts. The Senator has just stated that an act was passed by Congress which placed the domain of the United States out to the end of the Continental Shelf. The Senator refers to the bill passed last year. Would not the Senator wish to retract that statement?

Mr. HUMPHREY. No; I would not wish to retract it.

There was nothing in the legislation which would have denied the States the right to go to the end of the Continental Shelf. That is exactly what the Senator from Alabama was referring to.

Mr. HOLLAND. Mr. President, will the Senator from Minnesota further yield?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. Does not the Senator know that the bill passed last year, which is practically identical with the measure of this year, granted or released or confirmed to the States title simply to their boundaries as they existed when they entered the Union, or as they might have been approved by Congress since that date? Is not that same provision, in those same words, in the pending joint resolution?

Mr. HUMPHREY. No. There is not a word in the pending measure with respect to historic boundaries.

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

Mr. HUMPHREY. I yield for a question.

Mr. HOLLAND. I again caution the distinguished Senator, because I am sure that he does not want an untrue statement to remain in his remarks. I remind him that there was no mention of historic boundaries in the measure passed heretofore. The description of the boundaries was exactly as it is in the pending measure.

I content myself at this time with reminding the distinguished Senator that the two statements he has just made, if allowed to remain in the RECORD, would be untrue statements of fact.

Mr. MORSE. Mr. President, will the Senator yield to me for a question?

Mr. HUMPHREY. I yield.

Mr. MORSE. Is there anything in the Holland joint resolution which tells the American people where the boundaries are?

Mr. HUMPHREY. Of course not. That is exactly what the Attorney General said before the committee. He says, "Draw a 3-mile line around the coast."

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

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. Is not one of the great controversies in this entire debate based upon the fact that we cannot get the proponents of the joint resolution to tell the American people where the boundaries are, because they themselves obviously do not know where the boundaries are? That raises a judicial question, for judicial determination. The Supreme Court has had special masters considering this problem, and the masters have not yet been able to decide where the so-called historic boundaries are.

Mr. HUMPHREY. The Senator is correct. Let me say to the Senator that this was the subject of great controversy in the committee. I have read the hearings.

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

Mr. HUMPHREY. I yield for a question.

Mr. MORSE. Does the Senator agree with me that with respect to the boundary issue the American people are asked to buy a pig in a poke, or to give one away in a poke, because the joint resolution does not specify by metes and bounds the property which the proponents of the joint resolution are asking 160 million people to give away?

Mr. HUMPHREY. The Senator is correct. Again, let me say that what the Senator is saying here is about the same thing the Attorney General said before the committee.

Mr. MAYBANK rose.

Mr. HUMPHREY. Why did the Attorney General ask for precise, affirmative, positive language with respect to the Continental Shelf?

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

Mr. HUMPHREY. The Senator knows, and I know, the reason he asked for it. It is because of the loophole which is in the present language, and which was in the language of other measures. That loophole makes it possible for a State to extend its boundaries to whatever extent it wishes to extend them. The enactments of legislatures have extended boundaries far beyond the so-called historic boundaries.

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

Mr. HUMPHREY. I yield for a question.

Mr. MAYBANK. I am one of the sponsors of the pending measure. I wish to make it clear that the boundaries contemplated by the bill are the boundaries which the States say are their boundaries. I have always thought that when the Constitution and Bill of Rights were written, the boundaries of the Thirteen Original States were considered to be what the States said they were.

Mr. HUMPHREY. If the Senator will stay with me, I think I can go back over the period of the Constitutional Convention and show him that the "equal footing" clause upon which States have been admitted——

Mr. MAYBANK. I know about the equal-footing clause. I am aware that some States had boundaries extending beyond the boundaries of other States. However, the joint resolution says the boundaries shall be what the States say are their boundaries.

Mr. HUMPHREY. If the Senator wishes to say that the boundaries shall be what the States say they are, I do not know which ruling of the States we should follow. Earlier I stated that the State of Louisiana had extended its boundaries a couple of times. The State of Texas has extended its boundaries. There is no way by which the present

Senator from Texas or the present Senator from Florida can control future legislatures, or even the present legislatures. They may decide to place the boundary out 200 miles. This is the subject over which we are having trouble with Russia. The Soviet Union wants to claim 12 miles in the Baltic Sea. That is the same subject over which we are having trouble with Mexico.

Mr. LEHMAN and Mr. MORSE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield; and if so, to whom?

Mr. HUMPHREY. I yield first to the Senator from New York, and then to the Senator from Oregon.

Mr. LEHMAN. Is it not a fact that, the way the Holland joint resolution is drafted, it is a completely open-end proposition so far as boundaries are concerned? No limitation whatsoever is placed upon the boundaries. We have heard about a 3-mile limit. We have heard about a 10½-mile limit. We have heard about a 27-mile limit, and a 150-mile limit. I ask the distinguished Senator from Minnesota if he sees any limitation whatsoever in any part of the joint resolution with regard to the boundaries of the States?

Mr. HUMPHREY. I make only this comment: there is some language in the joint resolution, under "definitions," with respect to boundaries. However, I recall that the Senator from Oregon [Mr. CORDON], who reported the bill, during the colloquy with the Senator from Alabama [Mr. HILL], and the Senator from Illinois [Mr. DOUGLAS], stated that he did not even know where the boundaries would be. I think if the Senator examines the RECORD he will find that statement to be true. The senior Senator from Oregon was not able to ascertain what the boundaries would be. He said that he would have to be quite honest about it. He simply did not know where the boundaries would be.

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

Mr. HUMPHREY. I yield for a question.

Mr. LEHMAN. I think it can be clearly demonstrated that various individuals who have testified, as well as Senators who have discussed the subject upon the floor of the Senate, have used various distances to describe the boundaries of the States. I think the Senator will agree with me that as the joint resolution now stands there is no limitation. The limit could be 3 miles. It could be 10½ miles. It could be 27 miles. Later authority might be given to make it 100 miles or 125 miles. Does the Senator agree with me?

Mr. HUMPHREY. Yes. It seems to me that the joint resolution is not certain; and because it is not certain, therefore it is subject to the widest interpretation.

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

Mr. HUMPHREY. I yield for a question. I was just examining section 4, with respect to seaward boundaries. That is found on page 11 of the Holland joint resolution, under the heading "Seaward Boundaries."

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

Mr. HUMPHREY. I yield.

Mr. LEHMAN. We have heard a great deal about the various factors which arise in this complicated situation. However, the fact remains that the Supreme Court of the United States has decided the question of paramount rights and full dominion on three separate occasions, and has placed paramount rights and full dominion in the hands of the Federal Government, not in the hands of California, Texas, Louisiana, or any other State. If that be the case, when we strip this discussion of all surplusage and legal language, does not the fact loom entirely clear that what the proponents of the Holland joint resolution are trying to do is to retry in the Congress of the United States cases in which the Supreme Court has made a determination three times in no uncertain language, language which must be clear in its interpretation to everyone?

Mr. HUMPHREY. I think the Senator is correct.

Let me read a portion of section 4, dealing with seaward boundaries, to which the Senator has referred. First of all, the way to settle boundaries, as the Senator from Oregon pointed out, is either by a special commission, as is done in the case of Canada, or in the courts. The Congress should not settle boundary questions. Either a commission should be appointed to settle the question, or it should be settled in the courts. That is one of the reasons why we have the Supreme Court, with its peculiar kind of jurisdiction in certain cases. Or perhaps we go to an international court to settle boundary questions.

Let us see what section 4 says:

> The seaward boundary of each original coastal State is hereby approved and confirmed as a line 3 geographical miles distant from its coastline.

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

Mr. HUMPHREY. I yield for a question.

Mr. HOLLAND. Does not that fix exactly the boundary line of each of the Thirteen Original States at 3 geographical miles out from the coast?

Mr. HUMPHREY. Will the Senator allow me to read the rest of the fine print?

Mr. HOLLAND. The question which I have addressed to the Senator——

Mr. HUMPHREY. I would rather not answer that question. It is like trying to answer a question with respect to an insurance policy without reading the subparagraphs and the fine print.

Mr. HOLLAND. Is the Senator of the opinion that this particular sentence applies to anything but the Thirteen Original States?

Mr. HUMPHREY. Let me read the entire language.

Mr. HOLLAND. Very well.

Mr. HUMPHREY. Reading from section 4:

> Seaward boundaries: The seaward boundary of each original coastal State is hereby approved and confirmed as a line 3 geographical miles distant from its coastline.

My first observation is that none of the States involved here, namely, Texas, Louisiana, or California, is one of the Thirteen Original States.

Mr. MAYBANK. Mr. President, will the Senator yield at that point?

Mr. HUMPHREY. I yield for a question.

Mr. MAYBANK. I come from one of the Thirteen Original States.

Mr. HUMPHREY. The Senator certainly does.

Mr. MAYBANK. Therefore I am interested in this question. The fear which our legislature has with respect to tidelands is that they may be controlled within the 3-mile limit. We have no oil. Someone may come to South Carolina and say, "You are fishing the wrong way. You are taking your oysters the wrong way. You are planting them the wrong way. You are catching crabs the wrong way." I believe the people of South Carolina should have the opportunity, within the 3-mile limit—the Senator must not understand me; I say within the 3-mile limit—to run their own business, and to run their own oyster beds and to catch crabs in their own way, instead of having the Federal Government telling them how to do it, or what to do.

Mr. HUMPHREY. If that is what the Senator from South Carolina believes, he had better withdraw his name from the Holland joint resolution as a cosponsor, because the joint resolution is the greatest possible blow to the present fishing treaties and arrangements that we have; and I will say to the Senator from South Carolina, he has not had any such trouble up to this time.

Mr. MAYBANK. That is correct. On the other hand, the Federal Government has never said it owned the tidelands off the South Carolina coast, either.

Mr. HUMPHREY. I will merely say that when Thomas Jefferson in 1793 announced the Federal sovereignty over the marginal sea, it affected also the people in South Carolina, and they are still living with that doctrine without being hurt by it.

Mr. MAYBANK. But I do not want the Federal Government to create any trouble for the people of my State.

Mr. HUMPHREY. Neither do we want to have any trouble with Mexico. I want to help the Senator from Florida [Mr. HOLLAND] on the boundary question. Let me read the next line.

Mr. HOLLAND. The Senator will admit, will he not, that as to the Thirteen Original States, three geographical miles were spelled out as their boundary?

Mr. HUMPHREY. As the coastline. There is a great deal of question about it.

Mr. MAYBANK. Why should that be?

The PRESIDING OFFICER (Mr. PURTELL in the chair). Does the Senator from Minnesota yield to the Senator from South Carolina?

Mr. HUMPHREY. I yield to the Senator from South Carolina.

Mr. MAYBANK. Who questions the coastline?

Mr. HUMPHREY. That has been the subject of much litigation.

Mr. MAYBANK. I cannot understand that.

Mr. HUMPHREY. Apparently when we use some terms that are so obvious in their meaning we find that their meaning becomes a little dubious. I continue to read from the joint resolution:

The seaward boundary of each original coastal State is hereby approved and confirmed as a line 3 geographical miles distant from its coast line.

The word "approve" should be "established." It is not a matter of approving it. It is, rather, a matter of establishing a boundary.

Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line 3 geographical miles distant from its coast line, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries.

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

Mr. HUMPHREY. I yield for a question.

Mr. HOLLAND. Does not the Senator from Minnesota agree that the sentence which the Senator from Minnesota has read applies to all other States admitted since the Thirteen Original States were admitted, which have not up to this time formally set their boundaries as 3 miles out, so as to give them an opportunity to so state their boundaries?

Mr. HUMPHREY. The Senator from Florida is doing fine until we get down a little further. Most people read only headlines. That is what I am afraid is wrong with this section. Let us read the third and fourth paragraphs.

Up to now it has been rather clear, but now it is getting a little complicated.

Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claims, if any it has, that its boundaries extend beyond that line.

I will ask the Senator from Florida what that means.

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

Mr. HUMPHREY. I yield.

Mr. HOLLAND. Does not the Senator realize that that sentence makes it completely clear that any State which has heretofore——

Mr. HUMPHREY. Not only heretofore, but also hereafter.

Mr. HOLLAND. Yes; hereafter also.

Mr. HUMPHREY. It says, "heretofore or hereafter."

Mr. HOLLAND. To extend its boundary out 3 miles. That is what it means. But the distinguished Senator from Minnesota does not find in his last quotation any reference to any fixation of boundaries or to any approval of boundaries, or to any extension of boundaries, except to a 3-mile limit; is that correct?

Mr. HUMPHREY. Except that the ascertainment of what a 3-mile limit is, according to the Senator from Florida himself in the colloquy the other day, was a rather difficult procedure. The Senator from Florida said that one could not do merely what the Attorney General wanted to do, namely take a tape measure and run a line out 3 miles. He gave us quite a lesson on it.

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

Mr. HUMPHREY. I yield.

Mr. HOLLAND. Does not the distinguished Senator from Minnesota realize that any red line drawn on a map, that sought to take away from a State its 3-mile boundary, would simply lead to litigation? Does he not realize also that no act of Congress can take away anything already granted to the States? Therefore, the drafting of a line, which the drafter in good faith might think was 3 miles out, but which actually in many places was not 3 miles out, would simply make for litigation, rather than simplify the situation. Does not the Senator realize that fact?

Mr. HUMPHREY. The Senator asks me whether I realize it. That is what the Senator from Minnesota has been saying all along. He has been trying to find out where we start to find the 3 miles. The Senator from Oregon said it was not a matter of legislation. He said the establishment of a boundary is not a simple matter. The Senator from Oregon said that the way to set boundaries is through the courts. The Senator from Florida says, "No; it is in the bill. It is simple." Let us see how simple it is.

I continue to read from the joint resolution:

Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

What does that mean?

Mr. HOLLAND. Mr. President, will the Senator yield at that point?

Mr. HUMPHREY. I will yield to the Senator from Florida.

Mr. HOLLAND. With reference to the first part of the statement, does not the Senator from Minnesota realize that it means, in the case of any State that was brought into the Union, whose constitution or laws stated before that time that its boundary was more than 3 miles out—which is true of only one State, namely, the State of Texas which had a 3-league boundary—that such a State would not be prejudiced by the provisions of the joint resolution, or prevented in any way from asserting that right? I shall read the part of the sentence which calls for that interpretation and which cannot call for anything else:

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—

Mr. HUMPHREY. I will ask the Senator to stop there——

Mr. HOLLAND. I am reading this part of the section as a whole—

or laws prior to or at the time such State became a member of the Union.

Mr. HUMPHREY. Which constitution is the Senator talking about? Is he talking about the Florida constitution before 1860 or the Florida constitution after 1860?

Mr. HOLLAND. I am talking about the provision that I have just read. It has no application at all to the State of Florida.

Mr. HUMPHREY. Why not? The State of Florida goes out further on its west coast than 3 miles. It goes out 3 leagues, according to the constitution of 1868.

Mr. HOLLAND. The Senator from Florida proposes to get to that point in a minute, if permitted. However, he has read the first part of the last sentence, which relates only to Texas, and which the Senator from Minnesota must admit can relate only to a State which has been admitted to the Union with a constitution or laws already fixing its limit out beyond 3 geographical miles, and it can apply only to one State, namely, Texas. I believe that the distinguished Senator from Minnesota must now admit that the part of the statement which I have read into the RECORD twice now relates only to protecting the rights of the State to be heard if it brings itself within that provision, namely, that its constitution or laws had set a boundary more than 3 miles out prior to the time it was approved as a State of the Union.

Mr. HUMPHREY. I may say to the Senator from Florida that that statement is not at all clear.

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

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

Mr. HUMPHREY. All I want to say to the Senator from Florida in response to his continuous stating "Does not the Senator agree?" is that I do not agree. With reference to the language about boundaries, according to the main sponsor of the joint resolution, the Senator who reported the joint resolution to the Senate, the Senator from Oregon [Mr. CORDON], I am convinced that he does not know what it means, and I am of the opinion now that the Senator from Florida does not know what it means either.

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

Mr. HUMPHREY. I will not yield at the moment.

Mr. HOLLAND. I admit it is getting a little hot for the Senator from Minnesota.

Mr. MORSE. Mr. President, I call for the regular order.

The PRESIDING OFFICER. Does the Senator from Minnesota yield; and if so, to whom?

Mr. HUMPHREY. I do not yield at this time. All I want to say to the Senator from Florida is that his protestations about the seaward boundaries were not convincing to the acting chairman of the committee. He did not have to testify to that effect.

In the second place, the Senator from Florida speaks of the 3-mile boundary, and then he criticizes the Attorney General for his inability to know where the 3-mile boundary begins and where it stops; and then the Senator from Florida says it is obvious that the boundaries are provided for in the pending joint resolution.

Mr. President, I would remind the Senator from Florida that boundaries can be established only by a judicial

process, namely, through the use of masters and a court. In California, work has been going on for months in an attempt to establish a short boundary line.

If the Senator from Florida is trying to make a dogmatic assertion that the pending joint resolution definitely establishes the boundaries that are involved, the Senator from Florida makes that statement in contradiction of the statement made by the senior Senator from Oregon [Mr. CORDON], who reported the joint resolution, and whose name appears on it. Furthermore, if the Senator from Florida makes such a statement, he makes it in contradiction of the very language of section 4 of the joint resolution itself.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield to me?

Mr. HUMPHREY. I yield.

Mr. MORSE. Does the Senator from Minnesota agree with me that his colloquy of the last few minutes with the Senator from Florida [Mr. HOLLAND] is an illustration of what those of us who oppose the joint resolution are trying to make clear in the debate, namely, that the proponents of the joint resolution are seeking to decide by legislation the boundaries and the rights of ownership in the case of extremely valuable resources, rather than to proceed—in keeping with the principles of our system of government—to leave those questions to the United States Supreme Court for decision?

Mr. HUMPHREY. Yes. In fact, this argument about boundaries is about as useful as an argument about how many angels are in a cloud, because frequently any right of State control in the case of boundaries between States has been denied.

I submit there is no one who can make a case to the contrary, when it is asserted that the Federal Government exercises sovereignty over the 3-mile limit by precept, by judicial decision, by determination by the executive branch, by international tribunal, and by the law of the nations.

Mr. HOLLAND. Mr. President, will the Senator from Minnesota yield to me?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. Does not the Senator from Minnesota know that the decisions in the three cases—namely, the California case, the Texas case, and the Louisiana case—in no sense question the existence of the boundaries of those three States; and does not the Senator from Minnesota also know that all those boundaries happen to be at different distances from the shore, and that in no sense do those decisions question the right of the States to exercise jurisdiction within those boundaries; but that the only matters questioned by those decisions are the property rights of those three States to assets within those boundaries? Is not that correct?

Mr. HUMPHREY. No, I did not admit at all that that is correct. I state that in the Texas case the matter of sovereignty was pointed out to be both political and proprietary. In fact, in that case it was said that in that particular sovereignty, the political rights and the property rights coalesce.

What I am addressing myself to—and I wish to do so without becoming involved in the specious argument that is being advanced elsewhere—is that the Federal Government has control, dominion, and ownership over the submerged lands and over the lands in the 3-mile area and over the sea above the lands in the 3-mile area.

I submit that in this case a few States are attempting to rewrite the decisions of the Supreme Court about constitutional control and the rights and responsibilities of the Federal Government.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield to me at this time?

Mr. HUMPHREY. I yield.

Mr. MORSE. I wish to ask a few brief questions in regard to boundaries.

First, does the Senator from Minnesota agree with me that, for the purpose of clarification and exposition of his position, the colloquy regarding the boundary issue shows very clearly the need for a presentation of the boundary issue on the basis of operative facts which definitely raise the question as one for decision by the Supreme Court of the United States?

Mr. HUMPHREY. I certainly do.

Mr. MORSE. Second, does the Senator from Minnesota agree with me that the RECORD in this debate leaves no room for doubt that the chairman of the subcommittee which took the testimony on the joint resolution, stated in effect, in the speech he made on the floor of the Senate over a period of 2 days, that he was not prepared to say specifically where the boundaries are?

Mr. HUMPHREY. That is what I heard with my own ears, may I say to the Senator from Oregon.

Mr. MORSE. Third, does the Senator from Minnesota agree with me that the Attorney General of the United States, in his testimony before the committee, made it perfectly clear that he does not accept the boundary theory as set forth in the joint resolution?

Mr. HUMPHREY. Of course. The testimony is there. Let me say to the Senator from Oregon that the Attorney General and members of the committee had a considerable difference of opinion on this matter; but the Attorney General wanted to be much more specific. This matter has disturbed me somewhat. The Attorney General wanted to draw a line in order to be specific. Yet those who argued with him made the case that that cannot be done. I submit that perhaps they had the weight of the evidence on their side, because it is difficult to draw such a line.

But now we are being told that everything about that matter is precise.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. Fourth, does the Senator from Minnesota agree with me that the language of the joint resolution in respect to boundaries is language which might properly be described as "catchall" or "flypaper" language which will bring to the support of the joint resolution various groups in the States that have variable notions as to how far their boundaries may extend?

Mr. HUMPHREY. That is my honest opinion. I was not interested in getting into an argument with the Senator from Florida merely for the purpose of forensics. I submit that this joint resolution is not precise in regard to this matter, and I submit that that point of view is well supported by the RECORD.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield once again to me?

Mr. HUMPHREY. I yield.

Mr. MORSE. Fifth, does the Senator from Minnesota agree with me that it is an elementary doctrine that when a court comes to render a decision it rules only on the operative facts involved in the case that require a ruling for the settlement of the particular case by way of decision?

Mr. HUMPHREY. That is correct.

Mr. MORSE. Sixth, does the Senator from Minnesota therefore agree with me that in the Supreme Court's decisions, which to date have laid down the rule that the paramount interest in these properties belongs to all the people of the United States, it was not necessary for the Court to give what we call a decision "on the nose," insofar as the boundary issue was concerned?

Mr. HUMPHREY. That is correct.

Mr. MAYBANK. Mr. President, will the Senator from Minnesota yield to me at this point?

Mr. HUMPHREY. I should like to enable the Senator from Oregon to complete his interrogations.

The PRESIDING OFFICER. To whom does the Senator from Minnesota yield?

Mr. HUMPHREY. At this time I yield to the Senator from Oregon [Mr. MORSE]. In a moment I shall yield to the Senator from South Carolina, if he will be patient.

Mr. MORSE. Mr. President——

Mr. HUMPHREY. I now yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I believe this is my seventh question in relation to the boundary issue: Therefore, does the Senator from Minnesota agree with me that any statement made in this debate in respect to decisions by the United States Supreme Court which would lead the American people to believe that the Supreme Court has ever put its stamp of approval on any such ambiguous, vague generalization as to boundaries as is to be found in the language of the pending joint resolution, is an argument which is not based in fact upon the decisions of the Supreme Court?

Mr. HUMPHREY. Of course the Senator from Oregon is correct.

Let me say that the members of the committee which reported the joint resolution could not agree on what the language meant. Mr. President, this part of the joint resolution is about as clear as a South Dakota dust storm, when it comes to being precise and understandable.

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

Mr. HUMPHREY. I yield.

Mr. MORSE. If it be true—and the Senator from Minnesota and I submit that it is true, because there is nothing to the contrary in these decisions by the Supreme Court—that all the decisions do is to settle the question as to who has

the paramount interest in these properties, then does it not follow that we have ahead of us the problem of having the Supreme Court decide the question of what, under the sovereignty of the United States, constitute the boundaries of the coastline of the United States, and that we should not attempt to reach that decision for the Supreme Court, by means of engaging in what the Senator from Arkansas [Mr. FULBRIGHT] yesterday so properly termed a legislative "packing" device?

Mr. HUMPHREY. I thank the Senator from Oregon. I may say that one of the points about the coast line that I brought up a while ago—which was, I think, more or less brushed aside by the proponents of the Holland resolution—is a subject of considerable discussion in writings on international law. Where do we measure from? From the islands? From the body of the land? From the bays and inlets? It is not an easy question to determine.

I have just been reviewing the Law of Nations by Mr. Brierly, and I should like to recommend it to those who are so positive about where the coast line or the shore line is, where the measurement should start, and how simple and how precise and clear it is. I should like to have them examine the great number of cases which have been before international tribunals. I should like to have them go back to the treaties which were in process of negotiation for months and years, and after the treaties were consummated, question arose as to boundaries, for instance, the international boundary in the Lake of the Woods. Oh, it was so simple. The State of Minnesota found it. We now know where the boundary is in the Lake of the Woods. But it required years of litigation to determine where the boundary was. But of course, that is a great big lake compared to the Gulf of Mexico. I suppose we are going to be able to ascertain overnight where its boundary is.

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

Mr. HUMPHREY. I yield to the Senator from South Carolina.

Mr. MAYBANK. I thank the Senator from Minnesota. The Senator from Oregon asked several questions I had intended to ask. I do not agree with the answers given by the Senator from Minnesota, but I merely want to repeat that there has never been any question regarding the 3-mile boundary limit off the coast of South Carolina. To the best of my knowledge, there have never been any Supreme Court decisions to the contrary. This is all I wanted to have the record show.

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

Mr. HUMPHREY. I yield.

Mr. HILL. Is it not true that in the Louisiana case the Supreme Court stated:

> The matter of State boundaries has no bearing on the present problem.

Mr. HUMPHREY. That is correct.

Mr. HILL. In other words, is it not true that the rights of the Federal Government to the submerged lands accrue as an attribute of sovereignty, and that, therefore, the State boundaries, wherever they may be, cannot in any way impinge on the attribute of Federal sovereignty under the Constitution of the United States?

Mr. HUMPHREY. Not at all. That was the point I was about to develop when the Senator from Oregon [Mr. MORSE] and I, earlier this afternoon, engaged in our colloquy—our question-and-answer period, so to speak. When it comes to the matter of national sovereignty in the territorial waters, the boundaries a particular State may claim do not have any particular relevancy. What does have some relevancy is whether the boundary may go out beyond what the Nation claims as the extent of sovereign power. Then we get into trouble.

Mr. HILL. The Senator is entirely correct about that.

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

Mr. HUMPHREY. I yield.

Mr. HILL. Is not this the proposition? If a giveaway proposal seeks to extend the boundary of a State beyond the territorial boundary of the United States, then we get into trouble with the other members of the family of nations?

Mr. HUMPHREY. Indeed, that is correct.

Now, Mr. President, I desire to continue with the discussion of the issue of sovereignty, which I said was deemed to extend to territorial waters during the period of the Revolution. I was citing Mr. Justice Story's comments on the Constitution, and also the very celebrated opinion of Mr. Justice Sutherland in United States against Curtiss-Wright Export Co. Let me read but a word or two from that case. It is one of the classical cases on the power of the sovereign nation:

> The two classes of powers are different, both in respect of their origin and their nature. The broad statement that the Federal Government can exercise no powers except those specifically enumerated in the Constitution, and such implied powers as are necessary and proper to carry into effect the enumerated powers, is categorically true only in respect of our internal affairs.

What the Justice is saying there is that the doctrine of powers delegated to the Federal Government is only binding and controlling when it pertains to internal matters within the Nation. In that opinion it was indicated that the Constitution was carved from the general mass of legislative powers then possessed by the States, such powers as it was thought desirable to vest in the Federal Government, leaving those not specifically enumerated to the States.

In other words, the only powers which the Federal Government had internally were the powers which were taken from the States, carved out of the legislative powers theretofore possessed by the States. The Court in its opinion, continues:

> That this doctrine applies only to powers which the States had is self-evident. And since the States severally never possessed international powers—

I call this to the attention of my colleagues:

> And since the States severally never possessed international powers, such powers could not have been carved from the mass of State powers but obviously were transmitted to the United States from some other source. During the Colonial period, those powers were possessed exclusively by and were entirely under the control of the Crown. By the Declaration of Independence, "the Representatives of the United States of America" declared the United (not the several) Colonies to be free and independent States, and as such to 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."

The decision of the Court continues:

> 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.

It was to this matter that I referred earlier, I may say, when I cited the 1779 Journal of the Continental Congress. I continue:

> 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 of the Colonies ceased, it immediately passed to the Union. * * * That fact was given practical application almost at once. The treaty of peace, made on September 3, 1783, was concluded between His Britannic Majesty and the "United States of America." * * *
>
> 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.

Mr. President, I shall not read all of the opinion. I shall merely quote another passage or two:

> 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.

It may be that they could not submit to any foreign power.

> 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.
>
> 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.

This case is a landmark in the development of sovereign powers insofar as the National Government is concerned. It is a case which stands as a monument to the external national sovereignty. National sovereignty extends itself externally; it is absolute, not divided, not diminished; and the sovereignty of the Federal Government within the 3-mile area is recognized. Boundaries or no boundaries, it is there. Thus the control over the territorial sea traditionally

exercised by the British Crown during the colonial period passed to the United States of America, not to the individual States.

That may upset States righters, but that is the way it goes. That is the fact of history.

As the Supreme Court declared in the Texas case:

> Once low-water mark is passed, the international domain is reached. Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign.

Mr. President, that is the issue. We do not need to digress into discussions of States' rights and whether the historic boundary of a State is 10½ miles or 3 miles. The only issue is whether the Federal Government has sovereign power. If it has, it is absolute power, and that is all there is to it.

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

Mr. HUMPHREY. I yield for a question.

Mr. HILL. Is it not true that the Texas case made it very clear that the Federal Government has the paramount rights about which we have spoken, as did the California case, but the whole tenor of that case was a declaration of dominium and imperium on the part of the Federal Government in the submerged lands?

Mr. HUMPHREY. That is correct. The Texas case summarizes it by holding that political and property rights coalesced; that the political rights were so paramount that they brought with them the property rights.

Mr. HILL. Mr. President, will the Senator from Minnesota yield for another question?

Mr. HUMPHREY. I yield.

Mr. HILL. Is it not true that in the Texas case the Supreme Court not only used the word "dominium" but even defined it by putting into parentheses the words "proprietary rights"?

Mr. HUMPHREY. That is correct.

Mr. HILL. And as to the word "imperium," it placed in parentheses the words "governmental powers of regulation and control"?

Mr. HUMPHREY. That is correct.

I will say to the Senator that the Court was cognizant of all the great literature on international law, of the doctrine of national sovereignty, and of the historical doctrine of the exercise of sovereign powers. That is why it was prepared to rule and to make its decision. The Senator from Texas [Mr. DANIEL] stated a number of times that the Court never received any evidence. But the fact is that the Court was fully aware of the nature of the problem to which it was relating its decision.

Mr. HILL. Mr. President, will the Senator from Minnesota yield for another question?

Mr. HUMPHREY. I yield for a question.

Mr. HILL. Is it not true that in many cases in which the Supreme Court does not take evidence as to facts, the decision of the Court turns on the law in the case?

Mr. HUMPHREY. That is correct.

Mr. HILL. The Court can take judicial notice of facts. This was a question of law and not a question of fact. Is not that correct?

Mr. HUMPHREY. That is correct.

Proponents of the Holland joint resolution have argued here that the dictum in the Pollard case indicates that the Supreme Court felt, in 1845, that the marginal seas belonged to the States. I want to meet this argument fairly, and I freely concede that, historically speaking, there seems to be a good deal of truth in that argument. There is a good deal of point to the argument that the Court, throughout many of the Pollard line of decisions which the junior Senator from Texas has so ably cited, spoke in terms of "tidewaters" and inland waters in the same breath. And it is true that in English common law usage, "tidewater" meant simply "navigable water" because of the peculiar geography of Great Britain.

Nobody questions that, up until the California decision, the States of California, Louisiana, and Texas acted in good faith and on the basis of the law as they saw it—though they saw it through dicta only. For there was no decision prior to 1947 which ruled on the question of the marginal seas.

The Senator from Illinois [Mr. DOUGLAS] and the Senator from Tennessee [Mr. KEFAUVER] made lengthy arguments on this particular point.

All the arguments prove is that prior to 1947 the three States concerned acted in good faith. The arguments do not prove that the law was on their side, for there was no law on this matter, so far as opinions of the Supreme Court are concerned. But the Court, in the Pollard case, the Waddell case, the Rodgers case, and the Illinois Central case was not ruling on marginal seas; it was ruling on entirely different subjects.

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

Mr. HUMPHREY. I yield for a question.

Mr. HILL. Is it not true that the Supreme Court followed the rationale of those cases with reference to the submerged lands? Is it not true that the rationale of the cases referred to, in connection with tidelands and inland waters, was the rationale of the Supreme Court with reference to international waters?

Mr. HUMPHREY. The Senator is correct. The Court literally took a dividing line between international affairs, which are under the jurisdiction of the national sovereign, and internal affairs, which may be under the jurisdiction of 2 sovereigns, 1 being the State and the other being the Federal Government.

Mr. HILL. Would not the court be required, under the Constitution of the United States, to take note of the difference between internal affairs and international affairs?

Mr. HUMPHREY. Of course.

Mr. HILL. Is it not true, to sum it up in a few words, that the court held that the ownership of the States in tidelands and inland waters was an attribute of what we might call State internal sovereignty? In the same way, the rights of the national Government in the submerged lands in the international seas were held to be an attribute of national external sovereignty.

Mr. HUMPHREY. I would say to the Senator that the Curtiss-Wright case to which I referred a moment ago goes into the question in considerable detail and holds, in accordance with historic documents relating to the origin of the Union, that even before the present Constitution and before the present Union, the Government of the United States had external powers. It points out that the powers which were internal were in the hands of the States and that the Federal Government had certain powers delegated to it by the States and the people thereof, but when it came to external matters, the power was inherent in the general powers of the Government because it was the national Government.

Mr. HILL. That was the very essence of the national sovereignty.

Mr. HUMPHREY. That is correct.

In order properly to understand these issues, we have to go back to what may be the very dry reading, back to the early days of the Roman law and the sovereign power of the state.

Mr. HILL. Mr. President, will the Senator from Minnesota yield for another question?

Mr. HUMPHREY. I yield.

Mr. HILL. Since the Senator referred to marginal lands, let me ask, Is it not true that the Walter bill not only gave away oil within the marginal sea, but also gave away 37½ percent of the revenues from the minerals of the submerged lands of the Continental Shelf beyond the State boundaries to the littoral States?

Mr. HUMPHREY. I wish to say to the Senator from Alabama—and I hope the Senator from Florida will listen—that that is the bill to which I referred and to which the Senator referred when he asked me a question about half an hour ago. There was a bill that passed the House, I believe——

Mr. HILL. Mr. President, will the Senator from Minnesota yield at that point for a question?

Mr. HUMPHREY. I yield.

Mr. HILL. Is it not true that, although an examination of the RECORD will disclose that the Walter bill did not pass, yet it went beyond the marginal sea and gave 37½ percent of the revenue from resources on the Continental Shelf to the adjacent States?

Mr. HUMPHREY. That is correct.

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

Mr. HUMPHREY. I yield for a question.

Mr. HOLLAND. Is it not true that the bill to which the Senator referred did not pass the Congress?

Mr. HUMPHREY. I believe that is correct.

Mr. HOLLAND. I hope the Senator from Minnesota will correct his earlier statement.

Mr. HUMPHREY. The Senator from Alabama has helped me to do that.

Mr. HILL. Mr. President, will the Senator from Minnesota yield for another question?

Mr. HUMPHREY. I yield for a question.

Mr. HILL. Is it not true that when a bill may have passed one House, a Senator, in speaking of it, is not always

very specific, and sometimes refers to it as having passed Congress, meaning it has passed one House?

Mr. HUMPHREY. That is true. I may say to the Senator from Alabama and the Senator from Florida that I do not consider the proposed legislation restrictive as to the Continental Shelf. By that I mean that the proposed legislation leaves the gate wide open for the States to move in and ask for the Continental Shelf as they are asking for their alleged historic boundaries.

I submit that my argument is further documented by the fact that the committee refused to do what the Attorney General suggested they do, when he asked the committee to make it positive and precise that the Federal Government would have jurisdiction on the Continental Shelf.

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

Mr. HUMPHREY. I yield.

Mr. HILL. Is it not common knowledge that there are at least some advocates of the Holland joint resolution who would have the Government go out onto the Continental Shelf, and who would have it give to the adjacent States at least a part of the revenue to be derived from the oil and other resources on the Continental Shelf?

Mr. HUMPHREY. I understand there are those who would like to have that done. From at least my interpretation of the Holland joint resolution, I understand also that there is nothing contained in it which would estop States from doing so. In other words, there is no positive prohibition. As I remember the language of the Holland joint resolution, it provides in effect, that "nothing herein shall be construed to stop the Federal Government from going out to the Continental Shelf."

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

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

Mr. HOLLAND. Does the Senator know of any words or of any formula in the joint resolution, or in any other measure, which in any way would foreclose succeeding Congresses from taking any action if they so desired?

Mr. HUMPHREY. I would be hopeful that that could be done, if the Senator would propose an amendment.

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

Mr. HUMPHREY. I yield.

Mr. HILL. Is it not true that if this Congress were to proceed to do that which the Senator from Minnesota and I agree should be done, namely, make provision now for the Federal Government, through the proper agency or arm, to go forward with a program for wide conservation and exploration of the oil and resources on the Continental Shelf, and to provide that the funds should come into the hands of the Federal Government, such action would do much to put an end to and preclude any further claims or any further grabbing of the resources of the Continental Shelf?

Mr. HUMPHREY. The Senator is correct. I believe it is not such a difficult assignment that appropriate language could not be found. I might suggest that there was a discussion the other day between the Senator from New Mexico [Mr. ANDERSON] and the Senator from Texas [Mr. DANIEL] as to the kind of language that might be incorporated in the joint resolution to make it quite specific, according to suggestions made by representatives of the Federal Government, that the Federal Government would have full claim to and could proceed forthwith to explore, develop, and utilize these great resources so that they would not be subject further to encroachment by the States, which would like very much to move in that direction.

With reference to the Walter bill in the House of Representatives, I believe the Solicitor General wrote a memorandum to the House Committee on the Judiciary pointing out that he considered certain provisions of the House bill to be an encroachment upon the Continental Shelf, and he also took into consideration State boundaries. In addition, he said that State boundaries contemplated by law were the original boundaries that were heretofore or would hereafter be approved by Congress, although the original boundaries might have become, or might become, something entirely different. Then he referred to the claim of Louisiana to a boundary 20 miles in the Gulf of Mexico. That is what the Senator from New Mexico was arguing a few moments ago in connection with section 4 of the Holland joint resolution.

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

Mr. HUMPHREY. I yield.

Mr. HILL. The Walter bill is the bill that passed the House of Representatives in this Congress is it not?

Mr. HUMPHREY. The Senator is correct. I have now been reminded by the Senator from Florida that I said it had passed Congress, when I meant it had passed the House of Representatives. But I submit that what I have cited is the significant passage. It indicates to me that there was a good deal of thought in the House to the possibility of the States moving out to the Continental Shelf.

Furthermore, I think the burden of proof rests upon the proponents of the Holland joint resolution to show otherwise, namely, that the Continental Shelf is not subject to further encroachment under the terms of the Holland joint resolution. There is no definite language in the joint resolution to prevent such a movement.

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

Mr. HUMPHREY. I yield.

Mr. HILL. Is not the Senator aware of the fact that the passage of the Holland joint resolution, without any provision being made looking toward development and conservation of the Continental Shelf by the Federal Government, would be practically an invitation to those who wish to reach out and grab portions of the Continental Shelf to try in subsequent legislation, to make such a move?

Mr. HUMPHREY. If this Congress can overrule the advice and counsel of the Attorney General, the Secretary of State, the Secretary of the Interior, plus the general history of our country for 160 years, by giving the States title to submerged lands in the 3-mile limit, or out to their so-called historic boundaries, I have small doubt that, once they have received that generous shot in the arm, further exploration and exploitation of natural resources on the Continental Shelf will be the next step in the process.

I say only that if such were not the intent of the proponents of the joint resolution, the least they could do would be to propose precise language which would prevent wandering and venturesome activities.

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

Mr. HUMPHREY. I yield to the Senator from New Mexico.

Mr. ANDERSON. Would not the Senator think it might be a very good step to let the Federal Government start leasing in that area? If the Federal Government were to begin issuing leases in that area, a presumption might arise that the Federal Government owned the area.

Mr. HUMPHREY. It seems to me that such action would be sensible.

Mr. ANDERSON. If the Holland joint resolution should become law, is it not true that not a single State lease would be changed? The States would continue to collect royalties, and there would be no provision for the Federal Government to begin leasing in that area.

Mr. HUMPHREY. I have looked through the Holland joint resolution and spent a good deal of time on it. In fact, I wish its proponents to know that I read it late last night and reread it this morning. I do not recall that it contains any specific language authorizing the Federal Government to begin leasing.

Mr. ANDERSON. Does the Senator recognize that there is no such language in the joint resolution?

Mr. HUMPHREY. The Senator is correct. I now resume my text.

All that the arguments which have been made prove is that, prior to 1947, the three States concerned acted in good faith. The arguments do not prove that the law was on their side, for there was no law on this matter, so far as opinions of the Supreme Court are concerned. There was, however, the whole corpus of international law, which, as the Supreme Court decided in the California case, pointed to Federal control, and very possible to Federal ownership in the marginal sea.

The real issue here, however, is not whether or not the States acted in good faith prior to 1947. Neither is the issue what the Supreme Court might have decided, had it ruled on the marginal seas in 1845. The real issue is what the law is today, what the Supreme Court said when a case involving the marginal seas finally came before it, in 1947. And on this issue—the real issue—the law is clear and consistent. The Court has ruled on it three times, and has ruled consistently, and, I believe, persuasively.

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

Mr. HUMPHREY. I yield.

Mr. ANDERSON. The Senator speaks constantly of the time prior to 1947. Does not the Senator know that during the year 1947 coastal States began their

real leasing program in the marginal sea? There were practically no leases in the marginal sea until the Supreme Court in the California case said that those States had no rights beyond their shorelines. Immediately thereafter the States of Texas and Louisiana engaged in a leasing program in that area. Does not the Senator recall that?

Mr. HUMPHREY. I was trying to be very generous in this matter. However, I think the Senator is correct. A great amount of leasing went on after the Court's decision.

Mr. ANDERSON. It began after the Court's decision with respect to the Continental Shelf.

Mr. HUMPHREY. In ruling in 1947, and twice in 1950, that the marginal seas—all the marginal seas—are owned and controlled by the Federal Government, the Supreme Court has settled the issue and disposed of it. The very able historical discussion on this floor as to the possible state of the law—if there had been law—on this matter before 1947, are utterly nongermane.

The law is clear today, both respecting the marginal seas and inland navigable waters, tidelands, and historic bays and harbors. I think it is very good law. I think it fairly recognizes the responsibilities and competence of both the States and the Federal Government. I think it recognizes the facts of international law and international politics. I think it should be supported.

During the debate last week I committed myself to deal later with the question of the "equal footing" clause. I now take up that question.

This matter is important, because it concerns the claim of the State of Texas to boundaries—and under the Holland bill to ownership of submerged lands—beyond the 3-mile limit. Since this would be an important, and I believe a dangerous consequence of the Holland bill, I now take up that point.

Actually, the matter of Texas' claims to 10½ miles of ocean were disposed of by Senator DOUGLAS at two brief points in last week's debate. The first of these points occurred when the junior Senator from Texas claimed that the Treaty of Guadalupe Hidalgo of 1848 recognized a seaward Texas boundary of 10½ miles. The answer to this was—and that answer passed uncontested—that this line was drawn purely for purposes of stopping smuggling. Moreover, the United States Department of State has always contended that the Treaty of Guadalupe Hidalgo did not establish the international seaward boundary off the coasts of Texas and Mexico.

I refer the Senator from Texas to the minority views, page 71.

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

Mr. HUMPHREY. I yield.

Mr. DANIEL. In order that the Senator may not say in the future that this statement has gone uncontested, I wish to say to the Senator that I do contest his statement. If he will look on page 411 of the hearings he will find a map issued by the State Department, showing that the boundary between Mexico and the United States is 3 leagues from shore. Without any further assist to the Senator on his time, I will say that I intend to file in the RECORD a complete answer to the argument being made by the Senator.

Mr. HUMPHREY. I hope the Senator will listen attentatively to the remainder of the argument. I regret it if I said that my statement went uncontested. At that point in the debate it went uncontested, but I shall strike it from the RECORD. The Senator does contest the claim of the Senator from Illinois concerning the Treaty of Guadalupe Hidalgo in 1848.

Mr. DANIEL. That is correct.

Mr. HUMPHREY. The second point of the Senator from Illinois—and one which should be conclusive of this matter—came on Friday, April 10, at page 2912 of the RECORD. The Senator from Illinois pointed out that the final resolution, admitting Texas to the Union, specifically provided:

> The State of Texas shall be one, and is hereby declared to be one, of the United States of America and admitted into the Union on an equal footing with the Original States in all respects whatever.

Please note—"in all respects whatever." Nothing could be more clear than this—particularly after the Senator from Illinois went on to point out that that resolution was accepted by Texas, inasmuch as it was adopted before the date when Texas first raised the American flag and assumed the position of a member of the Union.

The Supreme Court recognized this fact in these words, which have often been quoted in this debate:

> When Texas came into the Union, she ceased to be an independent nation. She then became a sister State on an equal footing with all the other States. That act concededly entailed a relinquishment of some of her sovereignty. The United States then took her place as respects foreign commerce, the waging of war, the making of treaties, defense of the shores, and the like. In external affairs the United States became the sole and exclusive spokesman for the Nation. We hold that as an incident to the transfer of sovereignty any claim that Texas may have had to the marginal sea was relinquished to the United States (*U. S.* v. *Texas* (339 U. S. 707-1950)).

I call the attention of my colleagues to this point because I think this is another new point which we are able to bring out.

Looking into the history of the "equal footing" notion, I find that the Constitutional Convention very definitely considered writing it into the Constitution. John Randolph, for instance—who was not exactly an ardent Federalist—proposed a draft of article IV, section 3, clause 1, which read as follows:

> 1. New States soliciting admission into the Union—
>
> (1) must be within the present limits of the United States;
>
> (2) must lawfully arise; that is—
>
> (a) in the Territory of the United States, with the assent of the legislature;
>
> (b) within the limits of a particular State, by the consent of a major part of the people of that State;
>
> (3) shall be admitted only on the suffrage of two-thirds in the House of Representatives and the like number in the Senate;
>
> (4) and shall be admitted on the same terms with the Original States.

John Randolph wanted to put this proviso in the Constitution. He said that the States should be admitted on the same terms with the Original States. This is where the language of the later resolutions for the admission of States comes from:

> (5) provided always, that the legislature may use their discretion in admitting or rejecting, and may make any condition concerning the debt of the Union at that time.

The subject of the debt was later referred to in connection with the Texas situation.

> (6) Provided also, that the Western States are entitled to admission on the terms specified in the act of Congress of ——.

A little later, the Committee on Detail, working on the more detailed drafting of our basic document, reported the following draft:

> New States lawfully constituted or established within the limits of the United States may be admitted, by the Legislature, into this Government; but to such admission the consent of two-thirds of the Members *present in each House shall be necessary*. If a new State shall arise within the limits of any of the present States, the consent of the legislatures of such States shall be also necessary to its admission. If the admission be consented to, the new States shall be admitted on the same terms with the original States. But the Legislature may make conditions with the new States concerning the public debt which shall be then subsisting.

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

Mr. HUMPHREY. I yield for a question.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I be permitted to make a parenthetical remark prior to the question, without the Senator from Minnesota losing his right to the floor.

The PRESIDING OFFICER (Mr. CAPEHART in the chair). Is there objection? The Chair hears none, and the Senator from Illinois may proceed.

Mr. DOUGLAS. Let me say that the Senator from Minnesota has made an extraordinarily significant contribution to the debate, because he has gone back to the Constitutional Convention. Is it not a fact that the debates in the Constitutional Convention were very carefully reported by James Madison?

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. Am I correct in assuming that the Senator is now reading from Madison's notes on the debates in the Constitutional Convention of 1787?

Mr. HUMPHREY. I am not now reading from them verbatim. But my remarks are based upon Madison's notes.

Mr. DOUGLAS. Therefore, am I correct in assuming that this is, so to speak, "right out of the horse's mouth"?

Mr. HUMPHREY. I thank the Senator. I should say that that is just about as apt a way of describing the authenticity of the information as I can think of.

Mr. DOUGLAS. I inquired if it is not true that the Committee of Detail to which the Senator referred was really the drafting committee for the Constitution?

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. Am I correct in understanding that originally Madison submitted a draft constitution, the so-called Virginia plan, before the Convention assembled?

Mr. HUMPHREY. Does the Senator mean Randolph?

Mr. DOUGLAS. I mean Madison.

Mr. HUMPHREY. Madison was the real author of the Virginia plan. At least he was the man who proposed it.

Mr. DOUGLAS. Am I correct in assuming that this constituted the working papers, so to speak, of the convention, for a period of some months?

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. Am I further correct in assuming that when certain features of the Virginia plan were rejected and the convention progressed, and finally an agreement was reached as to the representation of the small and large States, the work of final drafting, aside from language, was turned over to the committee of detail?

Mr. HUMPHREY. That is my understanding. The committee of detail really did the technical work which needed to be done.

Mr. DOUGLAS. Is it not true that the Senator has now traced the equal footing clause almost up to the very end of the Constitutional Convention?

Mr. HUMPHREY. That is correct. It was my hope that this would be some contribution to the debate. Also I felt that reading from the Journal of the Continental Congress on the issue of sovereignty of the central government in external matters might be of some further help.

I wish to point out that much of the material we have been referring to has been written about and talked about and discussed in many competent journals and books by informed men in the field of constitutional government.

Let me quote briefly from William M. Meigs' book The Growth of the Constitution in the Federal Convention of 1787. This is a standard work on the subject. I believe it is fair to say that Mr. Meigs' book on the Constitution is an accepted and respected work. He refers to the equal-footing clause, and this is what he says:

> When this clause came up in the convention on August 29 and 30, it was much considered, and a large number of amendments proposed, many of which seem to vary from each other but very little.

Mr. President, that is very significant.

> Gouverneur Morris moved to strike out the last two sentences requiring admission on the same terms as the original States except as to the public debt: He said he did not want to bind down the Legislature to admit the Western States on equal terms.

Mr. President, the issue was joined. Now the delegates are getting ready to vote. They are beginning to offer proposals. Gouverneur Morris offers a resolution to strike out the language "equal footing." In other words, he did not want to bind the legislature to admit the Western States on equal terms.

It is clear that Morris is proposing that future States might have fewer rights than the original States. But the majority of the Convention disagreed with him. I quote further from Mr. Meigs' book:

> Mason—
>
> Mason of Virginia, that great lover of freedom—
>
> Mason said that, if it were possible to prevent emigration to the West, it might be a good policy; "but go the people will, as they find it to their interest, and the best policy is to treat them with that equality which will make them friends, not enemies." Madison insisted that the Western States neither would nor ought to submit to a union which degraded them from an equal rank with the other States. Sherman and Williamson opposed the motion, but it was carried by the votes of nine States.

There you have it—the fathers of the Constitution certainly had equal footing for all new States in mind. They certainly did not have special favors to any States in mind. Though the equal-footing doctrine was not, eventually, spelled out in the Constitution, it nevertheless became generally accepted.

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

Mr. HUMPHREY. I yield for a question.

Mr. DOUGLAS. Was not the attempt of Gouverneur Morris and of the New York delegation fundamentally an attempt to give the seaboard States and the original States superiority over the new States which they believed would be created out of the Northwest Territory?

Mr. HUMPHREY. That is correct. They were very much concerned lest the privileged position which the seaboard States would occupy in the Union should be lost. They were going to protect themselves. I think it is very significant that Gouverneur Morris, who was very conservative, wanted to protect the political heritage and the political aristocracy of the East. He was worried about the Western States. Virginia, particularly, had ceded great areas of land. So had Pennsylvania and other States. He was worried that the new States, like Ohio, Indiana, Kentucky, and Tennessee, would more or less dilute the political purity and the political power of the seaboard States.

Mr. President, I consider it to be significant that the Constitutional Convention did not follow Morris. The Convention refused to do it, because Madison, whom I always like to think of as being the father of the Constitution, insisted that the Western States neither would nor ought to submit to a union which degraded them from an equal rank with the other States.

Mr. DOUGLAS. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the Senator from Illinois for a question.

Mr. DOUGLAS. Is it not true that Gouverneur Morris, although estimable in many qualities, was on the whole the defender of the aristocratic principle of government?

Mr. HUMPHREY. That is true.

Mr. DOUGLAS. Later he was a bitter opponent of the political change which occurred in France, and ranged himself on the side of the Federalist Party. Is that correct?

Mr. HUMPHREY. He did. He became a leading American conservative.

Mr. DOUGLAS. Is it not true that the Morris movement, so-called, was therefore a movement to keep down the Democrats of the West?

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. Is it not true that this movement ultimately found great strength in the Federalist Party which in turn gave birth to the Whig Party, which in turn gave birth to the Republican Party?

Mr. HUMPHREY. The Senator's genealogy is accurate, and his description of the moving spirit is equally accurate.

Mr. DOUGLAS. Is it not true that this movement was defeated by George Mason and James Madison and Thomas Jefferson?

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. And is it not true that James Madison and Thomas Jefferson founded the Democratic Party when, in 1792, they went to New York and made an alliance with George Clinton, who represented the forces that were arrayed against the large land owners along the Hudson River?

Mr. HUMPHREY. I am grateful to the Senator from Illinois for giving us in capsule form the history of the development of the two great political parties of today, with their heritage and parentage and their basic philosophies.

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

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. Is it not true therefore, that those of us who are insisting on the equal-footing clause are at least the spiritual if not the blood descendants of Madison and Mason and Jefferson?

Mr. HUMPHREY. I would say to the Senator from Illinois that the equal-footing clause has as its genesis the doctrine, language, and spirit of Madison and Mason, in particular, and we are surely supporting that liberal doctrine of equality of treatment amongst all the States, which in the Constitutional Convention was the great liberal doctrine.

Mr. DOUGLAS. Mr. President, will the Senator from Minnesota yield further?

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. Is it not true that those who are advocating unequal privileges are the spiritual descendants of Gouverneur Morris, with a reverse twist, namely, they want the States which came in after the original States were admitted to have greater privileges than those which were in the Union at the time the Constitution was drawn and the Federal Government created?

Mr. HUMPHREY. I think the Senator is absolutely correct. What seems to be developing here is that some States are seeking to have just a little more than any of the States that were privileged to found the great Republic.

I am glad that we have put into the RECORD the fact that the motion of Morris, and the effort of Morris, at the Constitutional Convention, to put into the Constitution, or at least into the record of the Constitution, unequal terms for new States was defeated, and that the prevailing opinion was one of equal footing.

Therefore, I note that the resolutions which came before Congress on new States, when they used the words "equal footing," were referring directly back to the Constitutional Convention and the

whole development of this concept of equal footing.

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

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. Is it not true that Madison's notes on the Convention, though not published until after his death, were pretty well known to the statesmen of the period?

Mr. HUMPHREY. They were very well known.

Mr. DOUGLAS. Is it not also true that many of the statesmen read Madison's notes in manuscript form?

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. Therefore they were acquainted informally with the many details of the debates in the Constitutional Convention of 1787.

Mr. HUMPHREY. I think it is a fair statement to make that most of the leading political figures of the first 25 years of the existence of our country were very well acquainted with the general content of Madison's notes, particularly those who were friends of Madison. And Madison had some wonderful friends, as the Senator from Illinois has pointed out.

Jefferson was literally his closest friend, and Mason was his intimate friend. That great liberal group, those defenders of early American democracy, met together, talked together, and stayed together. They literally lived and worked together. It is perfectly obvious that they had read the notes and had discussed the notes with Madison.

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

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. Is it not true that by the time Florida and Texas were admitted to the Union Madison's notes had been formally published?

Mr. HUMPHREY. That is true. They were no longer of a confidential nature. They had been published. By the time Texas came into the Union many books and documents had been written on the subject of the Federal system and on the admission of new States.

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

Mr. HUMPHREY. I yield for a question.

Mr. DOUGLAS. Am I correct in saying, therefore, that the Senator from Minnesota is making the argument that the term almost uniformly used in admitting a new State, namely, that it shall be admitted on an equal footing with the original States is identical with the phrase used both in Randolph's memorandum and by the committee on detail, namely, that new States should be admitted on equal terms?

Mr. HUMPHREY. That is correct. One of the reasons why I wanted to reach this point was that there was quite an argument between the Senator from Texas [Mr. DANIEL] and myself in regard to what "equal footing" meant. I recall that the Senator from Illinois went into that matter in some detail. It was said that that was just a formality, and that after all it did not mean anything; that there were other things which meant something, namely, the actions taken prior to admission; but it was said that the resolution of admission was just a formality.

My purpose in discussing this matter is to point out that the concept of admission of new States was based upon the concept of the Constitutional Convention and was directly related to the entire Federal system and to the status of the respective States of the Union.

I think this matter is much more than a formality, particularly in the case of the resolution insofar as Texas is concerned, for in that resolution the words "in all matters whatsoever" are used. That language is not restrictive; on the contrary, it covers everything.

So there we have it. The Founding Fathers and those who drafted the Constitution certainly had in mind equal footing for all new States. Certainly they did not have in mind special favors for any State.

Although the equal-footing doctrine was not spelled out in detail in the Constitution, nevertheless it became generally accepted.

For instance, Mr. President, let us listen to the words of the Supreme Court in the Illinois-Central case of 1892. These words are, for the purposes of the case in hand, admittedly dictum, but I think they adequately convey the prevailing notion:

> The State of Illinois was admitted into the Union in 1818 on an equal footing with the original States in all respects. * * * But the equality prescribed would have existed if it had not been thus stipulated. There can be no distinction between the several States of the Union in the character of the jurisdiction, sovereignty, and dominion which they may possess and exercise over persons and subjects within their respective limits.

I take note of the last words, "within their respective limits." But let me note also that up to that time the question of State boundaries extending into the marginal sea had never come up for decision by the Court. Let me note further that this line of reasoning would seem to defeat the notion that sovereignty over the subsoil of the sea can be conveyed without sovereignty over the sea itself, since this is certainly not the case in the Great Lakes or other inland navigable waters.

The blunt fact is, as the Senator from Illinois [Mr. DOUGLAS] pointed out last week, that the four States who are most anxious for this giveaway of Federal resources are constantly invoking the equal-footing clause, as establishing their right to tidelands and inland submerged lands which everyone admits. But they do not like to accept the equal-footing clause when it does not operate in their favor. I think this point is terribly important, and I shall have more to say about it in a minute.

But in order further to drive home the legal issue involved here, I wish to quote at some length some more of the Court's opinion in the Texas case:

> The equal-footing clause has long been held to refer to political rights and to sovereignty. It does not, of course, include economic stature or standing.
>
> There has never been equality among the States in that sense. Some States when they entered the Union had within their boundaries tracts of land belonging to the Federal Government; others were sovereigns of their soil. Some had special agreements with the Federal Government governing property within their borders. See *Stearns* v. *Minnesota, supra,* pages 243–245. Area, location, geology, and latitude have created great diversity in the economic aspects of the several States. The requirement of equal footing was designed not to wipe out those diversities but to create parity as respects political standing and sovereignty.
>
> Yet, the equal-footing clause has long been held to have a direct effect on certain property rights. Thus the question early arose in controversies between the Federal Government and the States as to the ownership of the shores of navigable waters and the soils under them. It was consistently held that to deny to the States, admitted subsequent to the formation of the Union, ownership of this property would deny them admission on an equal footing with the original States, since the original States did not grant these properties to the United States but reserved them to themselves.

So, Mr. President, we see that the fact that the original States kept for themselves the inland waters, and did not delegate to the Federal Government power over the inland waters—the rivers, lakes, and so forth—but maintained that power for themselves, results in the interpretation of the equal-footing clause by the court as giving to the other States the same advantages internally; and, likewise, the same interpretation is applied to give the other States the same advantages externally.

Mr. DOUGLAS. Mr. President, will the Senator from Minnesota yield at this point for a question?

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. Does it not follow that Texas has no right to complain, since Texas was offered all the advantages of the Union, on equal terms with the original States?

Mr. HUMPHREY. Indeed, that is correct.

Furthermore, if one reviews the history of the times, and does not get caught in the romanticism of the present, one finds that Texas was simply begging to be admitted into the Union. Texas was afraid she would be attacked and thus would lose her sovereignty and her integrity. Texas was worried about a possible invasion from Mexico.

Let me say with some candor that Andrew Jackson, Gen. Sam Houston, and a few of the others of those days were good friends and had made many arrangements to bring Texas into the Union. Quite an interesting story lies behind the admission of Texas into the Union.

To take up my text again:

The real point, Mr. President, is parity as respects political standing and sovereignty. I fail to see why a certain few States should be claiming sovereignty over so much more than the rest of the States.

Parity, equal footing, and the special positions claimed by some States raise some general reflections which I now want to voice. As we all know, the Holland joint resolution contains a provision allowing some States to extend their boundaries, if they can do so, to something which its supporters call historic limits. But, first of all, the term "historic limits" does not appear in the joint resolution, as I have pointed out.

Secondly, it is by no means certain what this term means. What makes these boundaries historic? It has been amply shown in the debate, for example, that there is no historic basis for claims to historic limits up to 10½ miles of ocean.

I wish to say now that what can result from a measure of this sort is a sort of power struggle between the States.

Mr. President, I ask the other Senators who are present in the Chamber at this time to give attention to this very crucial issue of what I call the power struggle between the 48 States on the basis of wealth and natural resources, which will be analogous to power struggles in the international arena. The mark of this struggle is the reluctance of certain States to abide by the law as laid down by the courts. A further, and more salient, mark of the power politics involved is the attempt of three States to claim boundaries far exceeding those of other States.

This similarity to international power politics is a striking one. In international affairs, sovereign states have been accustomed to refuse to recognize international law, whenever it was inconvenient for them to abide by it, or whenever it threatened their power position. The same sort of thing is taking place here.

It has long been regarded as the mark of a civilized society and a recognized state or nation that it is ruled by a single and impartial law: a law which is able to stand in the face of internal power struggles. This is, in part, what is meant by a government of laws, and not of men.

When power politics are permitted too often to breach the law, then power politics begin to take the place of law. It is, I submit, a dangerous and ill-considered move to let such a precedent become established.

It was this consideration which motivated the Founding Fathers to establish the Constitution, and thus to avoid a struggle between the States.

Mr. President, at this time I should like to read from the Federalist Papers, No. LXXX. The men who, in the early days of our country, wrote the Federalist Papers, had an insight which many of us could well hope to have. It seems to me they could look into the future. They gave us advice which now stands us in good stead.

> It seems scarcely to admit of controversy, that the judiciary authority of the Union ought to extend to these several descriptions of cases: (1) To all those which arise out of the laws of the United States, passed in pursuance of their just and constitutional powers of legislation; (2) to all those which concern the execution of the provisions expressly contained in the articles of union; (3) to all those in which the United States are a party; (4) to all those which involve the peace of the confederacy, whether they relate to the intercourse between the United States and foreign nations, or to that between the States themselves.

Mr. President, Hamilton knew that the judicial system, particularly the Supreme Court, had a peculiar and yet a very precious and paramount function in the constitutional system, namely to preserve the peace of the Union, or, as he put it, to preserve the peace of the confederacy, so as to make sure that there was no power struggle between States. Moreover, the history of the times shows there had been a power struggle between New York and Pennsylvania, for example, between Virginia and the New England States, and between Georgia and Virginia. There had been great and difficult problems. In fact, the States had almost reached the shooting stage. They imposed trade barriers, and had different currencies. There were real power struggles going on, and what Hamilton says here is that these power struggles must cease, and that the Supreme Court was established to settle such controversies judicially. That was its fourth point. Let me read the portion where he develops the fourth point:

> The fourth point rests on this plain proposition, that the peace of the whole ought not to be left at the disposal of a part. The Union will undoubtedly be answerable to foreign powers for the conduct of its members. And the responsibility for an injury ought ever to be accompanied with the faculty of preventing it. As the denial or perversion of justice by the sentences of courts, is with reason classed among the just causes of war, it will follow that the Federal judiciary ought to have cognizance of all causes in which the citizens of other countries are concerned. This is not less essential to the preservation of the public faith, than to the security of the public tranquillity.

What he is saying is that it is impossible to have any one State doing something which affects the entire Union, and doing it on its own. Hamilton continues:

> The power of determining causes between 2 States, between 1 State and the citizens of another, and between the citizens of different States, is perhaps not less essential to the peace of the Union, than that which has been just examined. History gives us a horrid picture of the dissensions and private wars which distracted and desolated Germany, prior to the institution of the imperial chamber by Maximilian, toward the close of the 15th century, and informs us, at the same time, of the vast influence of that institution, in appeasing the disorders, and establishing the tranquillity of the empire. This was a court invested with authority to decide finally all differences among the members of the Germanic body.

I merely point out that what Hamilton was attempting to say in this tract of his was that one of the provisions of great importance in the Constitution was the article pertaining to the judicial power, and one of the important aspects of judicial power was to keep the peace, to promote tranquillity, to keep the balance in the Federal system.

We have developed this point off and on throughout the day, and I submit that the Holland resolution threatens the very integrity of the Federal structure of the Government. Since the questions involved between the States and the Federal Government should be litigated in the courts, in bringing it to the floor of the Congress, those who have set themselves up as States rights champions are literally threatening the very safety of the States-right doctrine, the 10th amendment, because the Supreme Court with its original jurisdiction, is the protector of so-called States rights. Original jurisdiction is placed in the Court so that a controversy between a State or States and the Federal Government may quickly get to the Court, where it will be ruled upon with finality, without appeal.

It is interesting to note that the Founding Fathers did not trust the Congress to determine the relationship of the States to the Central Government; they did not trust the Senate to have determined the relationship of the States to the Federal Government. They provided that, when a controversy arose between States, or between a State, or States, and the Federal Government, it should go immediately to the Supreme Court, thus keeping it out of the realm of politics. Why? Let me state the background.

In those days there was an argument regarding the large State versus the small State, the semi-industrialized States versus the typically agrarian States; and the constitutional fathers were further concerned about that matter. So they tried to the best of their ability to provide a judicial tribunal to determine such questions. They considered the old Privy Council idea of England. I have looked over the constitutional history of this matter. What they were seeking above all was to provide a tribunal which would be above pressure and which would not be subject to the political pressures of the moment. Therefore the Supreme Court Justices were given lifetime tenure and it was provided that their salaries could not be diminished during their continuance in office. In other words, the Justices of the Supreme Court were removed as far as was humanly possible from political pressure and sectional interest.

I think it very interesting to note that the first Supreme Court, under the great Justice John Marshall, established the areas of Federal jurisdiction and clearly and concisely, by Court orders, Court rules, and Court decisions specified the areas in which the Federal Government is supreme.

I think it equally important to note that throughout our history we have tenaciously and consistently adhered to the doctrine of national sovereign power over the open seas and over the marginal seas. We have never wavered in that position; we have never yielded it at home or abroad, until now, when we have brought before us a legislative proposal which would not only ignore it, but would also repudiate it. As a result, I submit that the international consequences may be much more serious than any of us possibly have imagined.

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

Mr. HUMPHREY. I am glad to yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that Alexander Hamilton formulated the doctrine upon which the Federalist Party was founded?

Mr. HUMPHREY. That is correct. He was really known, I think, as the father of the Federalist Party.

Mr. DOUGLAS. Is it not also true that to the extent we have traced the genealogy, the Federalists begot the Wigs, and the Wigs begot the Republicans? So, is it not true that Alexander Hamilton was really the founder of the present day Republican Party?

Mr. HUMPHREY. I have had Republican friends who pointed with pride to the fact that they were the party of Alexander Hamilton.

Mr. DOUGLAS. Does it not follow, therefore, that Senators on the other side of the aisle who support the Holland resolution are really repudiating the position of Hamilton so far as the function of the Supreme Court is concerned?

Mr. HUMPHREY. I must say they first left Lincoln; now they have left Hamilton, and they have also repudiated Theodore Roosevelt. I do not now know who is their patron saint. I have not been able to find out just whose doctrine, in the Republican breed or lineage, they are following. Surely, the conservative program of former times is being given a working over in Senate Joint Resolution 13. If it is passed, it will be like opening the drain, and leaving the resources of the country open to further attack. Surely it is a departure from the doctrine of Abraham Lincoln of the inseparability of the Union and equality of treatment for all peoples, and equality of treatment for all States of the Union, and also a departure from Abraham Lincoln's policy which asserted again and again the sovereignty of the United States of America in the coastal waters and in the territorial waters. All anyone needs to do who does not take that statement seriously is to look into some of the great naval battles and some of the blockades during the war between the States and prior thereto.

I am merely saying that Alexander Hamilton was concerned lest a majority in the Congress, or a majority of any legislature, might get too much power. He was afraid of what he called representative government. He said some very unkind words about democracy. Hamilton was one of those who stood by an almost perpetual judicial system. He believed, not in the election of judges; he believed not even in their temporary appointment. He believed in the appointment of judges permanently, for life, and one of the compromises of the Constitution is the result of some of the yielding to Alexander Hamilton on the powers of the judicial system.

I repeat, Mr. President, that the Supreme Court was constituted not only to protect the rights of individuals, not only to rule on matters of law and equity, but also to rule on controversies between States and between a State and the Federal Government. We had established for the first time a unique system known as the Federal system, with certain responsibilities and powers, and the Court was given the authority to be more or less the general monitor, the arbitrator, the judge of the respective duties and powers.

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

Mr. HUMPHREY. I yield for a question.

Mr. LEHMAN. The distinguished Senator has referred to the fact that Senate Joint Resolution 13 is a complete reversal of the policies of the great Theodore Roosevelt, for whom I had the honor of voting in 1904, even though, as the Senator knows, I am a very loyal Democrat. Has the Senator any doubt whatsoever that if Senate Joint Resolution 13 is adopted, the next step, which would be very nearby, in my opinion, would be to take away from Federal ownership the great mineral resources, the grazing resources, the timber resources, the power resources, and all the other rights which go to make up the tremendously valuable and vital natural resources of the Nation?

Mr. HUMPHREY. I may say to the Senator from New York that I am as convinced of that as I am convinced that night follows the sunset. I think we have seen the publicity lined up for such a program already. Responsible leaders, big names in American life, are already suggesting the sale of public dams and getting the Government out of the grazing business, and so forth.

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

Mr. HUMPHREY. I yield.

Mr. LEHMAN. I wonder if the Senator realizes that even today there are bills in the Senate of the United States that would provide for the turning over of mineral rights and other great natural resources to the States? Such bills have been introduced by responsible Senators, and they will unquestionably, in my opinion, be urged for passage in both Houses, if Congress passes Senate Joint Resolution 13.

Mr. HUMPHREY. I am not going to be too critical of those Senators. I think some of the Senators who have introduced such bills have done so with the feeling that the submerged lands will be given away, and they say, "Those lands have been the property of the Nation for years, and inasmuch as they have got the pie out and it is going to be cut, and so long as the public domain is going to be parceled out, I may as well get what I can for the people whom I represent."

I regret that such an attitude has been manifested, but that is what has happened. We shall have the law of the jungle.

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

Mr. HUMPHREY. I yield.

Mr. ANDERSON. Cannot the Senator understand the way people feel? For example, my State, small and poor as it is, turns into the Federal Treasury millions of dollars every year from oil leases. The State receives 37½ percent, the Government receiving the balance of it which goes for the benefit of other States. As to some oil lease 10 miles offshore the Government gets it all. On lands where we have to maintain roads and exercise police powers, we are told, "You cannot have them, because they are Government lands. You can take only so much of it."

Does not the Senator realize that it is a very natural impulse for a State such as Wyoming, which has paid more than $150 million into the National Treasury, to feel that if the other States are going to be given vast resources, why should Wyoming contribute to the other States, and, particularly, why should the coastal States have oil royalties and Wyoming should not?

Mr. HUMPHREY. I want to say to the Senator that he has painted the picture as it needs to be painted as to the trend of events and what the facts are. I think the answer to the dilemma is the Anderson bill, because what that bill does is to say to the coastal States, "For any oil that is discovered, your part will be 37½ percent, the same as it would be in inland States." They would be on an equal footing. No one is trying to discriminate against them.

I was glad to hear the Senator from Washington [Mr. JACKSON] talk about his State. He said oil had been discovered off the coast of Washington. Yet the Senator on the floor of the Senate said that he opposed the pending measure. If oil is developed off the coastline of Washington, 37½ percent goes to the State of Washington and the balance goes to the Federal Government to be used for all the people. But some persons are not content with that; they want to take it all. I submit to the Senators from Wyoming that they have a right to do the same thing.

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

Mr. HUMPHREY. I yield.

Mr. ANDERSON. They have an obligation. Are they not here representing their State? They are perfectly willing to take three-eighths if the other States will take three-eighths, but if another State takes it all and is asked to contribute to the State of Texas or the State of California, can a Senator be blamed if he works for the benefit of the people of his State? He is almost forced to consider the welfare of his own State, is he not?

Mr. HUMPHREY. Of course, the Senator is correct. That is the core of the attack upon lands in the marginal sea. The Holland joint resolution throws the whole matter into a turmoil. There will be a type of chain reaction. In developing land in the open sea, we shall let loose political forces in this Congress and in Congresses to come which will be like an atomic bomb with chain reaction. The timberlands, the forests, the naval oil reserves, and other natural resources will be affected.

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

Mr. HUMPHREY. I yield for a question.

Mr. GORE. Would the Senator be willing to add to the list which he gave a few moments ago of the properties which he thinks are about to be sold to individual or private interests, the rubber plants, the operations of which have been very profitable, and the movement now under way to force the sale of first mortgages by the agency known as Fanny May? Would the Senator consider as a part of a pattern the tight money, high interest monetary policy which is forcing interest rates up in every bank in the land? Would the Senator consider those things in addition to the others which he mentioned by which those who have are given more and those who have not are called upon to pay more?

Mr. HUMPHREY. I wish to thank the Senator from Tennessee. I heard

his fine address last night. I realize the responsibility that was on his shoulders last evening.

I thank him for citing again some of the developments and some of the patterns which seem to be making themselves very evident. If any of these grabs or giveaways are permitted to come to fruition, other things which the Senator has mentioned will happen, too.

The Senator is correct. He speaks of the Federal Government getting rid of rubber plants by selling them; of disposing of the Federal barge line; of selling hydroelectric plants; of increasing interest rates, which are price supports for insurance companies and investment bankers.

Many other suggestions have been made, such as selling out first mortgages of the Fanny May—FNMA—and doing away with the public-housing program. Many of such programs of disposal are being considered. I may say that much of this planning is being done without benefit of Congress.

I was impressed the other day by the majority leader's comment that it was necessary to hurry along with the pending joint resolution because there was a great legislative program before the Senate. There has not been much of a legislative program so far. The legislative program thus far has been pretty well limited to the extension of certain laws that were enacted under the New Deal and the Fair Deal.

The majority leader now says we shall have before us the problem of appropriations. We are not holding up appropriations. I think the proponents of the joint resolution would agree that we could talk a long time before there would be any appropriation bills on which the Senate could take real action, because the Republican policy is to pare them down. If we are going to take off the fat and not cut into the meat, it will be necessary to cut slowly, carefully, and methodically. That will require a long time.

Consider all the time we shall have to debate as the fat is being worked off in a dieting process that will not cause a loss of strength.

Many of us like to lose weight, but sometimes we find that in the process of losing weight without injuring the general basic physical makeup, it is necessary to do so slowly. That is why I was not particularly impressed with the plea of the majority leader that we proceed forthwith on these matters.

Would not the Senator from Tennessee basically agree with the general philosophy of what I have said?

Mr. GORE. The junior Senator from Tennessee——

Mr. HOLLAND. Mr. President, a point of order. The Senator from Minnesota has lost the floor. He asked a question of the Senator from Tennessee.

Mr. HUMPHREY. I asked a rhetorical question, so in that sense I did not lose the floor. I had not even yielded.

Mr. HOLLAND. Mr. President, a point of order.

The PRESIDING OFFICER. Does the Senator from Minnesota yield for a point of order?

Mr. HUMPHREY. I yield for no purpose. I am still proceeding.

Mr. HOLLAND. Mr. President, I claim the right to the floor.

The PRESIDING OFFICER. The Chair rules that the Senator from Minnesota did not lose the floor.

Mr. HUMPHREY. I thank the Chair.

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

The PRESIDING OFFICER. The Chair thinks he should state that the Senator from Minnesota should be very careful in the future.

Mr. HUMPHREY. I appreciate the admonition of the Chair. The trouble is that sometimes we conduct our debates with an informality to which we become accustomed. Suddenly, we find that we are wearing white ties and tails, and we must proceed according to the best customs and finest traditions. I observe that we have now arrived at the dinner hour, so I shall proceed to put on my dinner jacket and conduct myself in accordance with the formal rules of the Senate. Therefore, I say to my colleagues that whenever they wish to ask me questions, they should address the Presiding Officer, according to the rules of the Senate, and ask the Presiding Officer for permission to address a question to me. I, in turn, will reply to the Presiding Officer. That will give everyone something to do.

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

Mr. HUMPHREY. I yield to the Senator from New York for a question only.

Mr. LEHMAN. I thank the Senator from Minnesota.

The Senator from Minnesota this morning referred to the theme song of the proponents of the Holland joint resolution as, "It Is Not Fair." I wish to ask the Senator from Minnesota whether, in his opinion, what is accorded the States of Texas, Louisiana, and California by the Anderson substitute and the Hill amendment is not only fair, but generous, because two bites are given to them. In the Anderson substitute, 37½ percent of the royalties, bonuses, and other revenues is given to them, whereas in the Hill amendment they would share on an exactly equal per capita basis with all other citizens or residents of the country in the revenues that would come to the Federal Government, when they are spent for education.

I wonder whether the Senator would not agree with me that those States would really get a double bonus under the Anderson substitute and the Hill amendment, first, their shares of the revenues that would come from the development of the undersea properties; and, second, from the part that would go to the Federal Government, the States would certainly receive their shares of the revenues which would be divided among the various States and their people.

Mr. HUMPHREY. The exact proposal as it is cited by the Senator from New York provides a twofold type of revenue or percentage of royalty. First, the Anderson amendment provides for three-eighths, or 37½ percent, to the coastal States, which I think is very fair recognition of their needs and their rights, and the Hill educational amendment provides for equal sharing out of the total national pool. So the coastal States would actually receive not only 37½ percent of the royalty revenue, but also would get their pro rata share of funds divided among all 48 States from the percentage of revenue that would go to the Federal Government. I think that would be about 52 percent, less a certain percentage for administration costs.

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

Mr. HUMPHREY. I yield for a question only.

Mr. LEHMAN. Is it not a fact that the amount of revenue that would go to the Federal Government under the Hill amendment would be divided with exact equality among the various States and among the people of the various States? In other words, would they not receive exactly the same per capita share in Mississippi, Georgia, Louisiana, Texas, or New Mexico, as would be received in Minnesota, New York, or Massachusetts.

Mr. HUMPHREY. Yes; on the basis of population.

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

Mr. HUMPHREY. I yield to the Senator from New Mexico for a question only.

Mr. ANDERSON. Does the Senator intend to discuss the precedents which would be established by the terms of the Holland joint resolution? For example, does the Senator intend to discuss boundaries, inland waters, and items of that nature?

Mr. HUMPHREY. I wish the Senator from New Mexico had been present a little earlier, because my friend the Senator from Florida [Mr. HOLLAND] and the junior Senator from Minnesota had quite a set-to about the meaning of section 4, under the title "Seaward Boundaries," and some of the definitions. It was the contention of the Senator from Florida that the boundaries were very understandable, and that they were clear in the joint resolution; and it was the contention of the Senator from Minnesota that there was some ambiguity and some possibility of misunderstanding. The Senator from New Mexico may have a different point of view on this question. I recall that he was present at the time the joint resolution was originally discussed by the Senator from Oregon [Mr. CORDON].

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

Mr. HUMPHREY. I yield for a question.

Mr. ANDERSON. Can the Senator tell me if in that discussion any definition of the words "inland waters" on page 11, line 16, was given?

Mr. HUMPHREY. There was not.

Mr. ANDERSON. Can the Senator tell me whether he can find a definition of "inland waters" anywhere in the joint resolution? He can find definitions of other things, but can he find a definition of "inland waters" anywhere in the joint resolution?

Mr. HUMPHREY. Now that the Senator calls the matter to my attention, I do not believe that I found any definition of the concept or term "inland waters."

Mr. ANDERSON. Does not the Senator believe that if we are going to talk about a line marking the seaward limit of inland waters, we ought to know what "inland waters" are?

Mr. HUMPHREY. That would seem to be a reasonable proposition.

Mr. ANDERSON. Can the Senator tell me whether, in his discussion, he referred to line 21 on page 11 and discussed the term "if legally validated"? If so, did he find out what it meant? Validated by whom?

Mr. HUMPHREY. No. Let me say to the Senator that we did not go into that subject, but I think it is a subject worthy of some prolonged interrogation and discussion. Going through title I, under the heading "Definition" was more or less routine, as I recall it, on the part of the proponents. I do recall that the Senator from New Mexico questioned on a number of occasions the meaning of certain words. Today the Senator from Minnesota questioned the meaning of some of the words in section 4, under the heading "Seaward Boundaries" and found himself in a first-class argument.

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

Mr. HUMPHREY. I yield.

Mr. ANDERSON. Can the Senator explain to me, then, what his understanding is of the term "or from its predecessor sovereign if legally validated?" Does it mean that the sovereign was legally validated, or that the person was legally validated, or that the State was legally validated, or that the grant was legally validated? Cannot he read the language from line 17 through line 21 and tell me what "if legally validated" means?

Mr. HUMPHREY. I must say to the Senator, now that he calls the subject to my attention, that I simply could not say what the term "if legally validated" means in this instance, or to what the words refer.

I submit that this language falls within the general appraisal I have made of Senate Joint Resolution 13. I have said that the joint resolution had in it so much loose language and so many ambiguous terms that I doubted whether it would do anything toward clarifying the situation. In fact, I was a little harsh. I said that we were able to get about as clear a vision through it as we would in a South Dakota dust storm. Perhaps I was too harsh.

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

Mr. HUMPHREY. I yield for a question.

Mr. ANDERSON. Can the Senator tell me whether the language "its predecessor sovereign if legally validated" could mean Spain, France, England, Mexico, or a preceding territory? Or could someone come along with an old Spanish land grant and point to that? Does the Senator know of any possible way this language in the joint resolution can be defined with any accuracy whatever, so that one may know anything about what it means? When the joint resolution uses the term "its predecessor sovereign if legally validated," what does it mean?

Mr. HUMPHREY. I do not think anyone really knows what that means.

Mr. ANDERSON. Who could validate a sovereign?

Mr. HUMPHREY. I have had enough trouble all afternoon explaining "sovereign." If someone wants to validate him, that will take a great deal more time.

Mr. ANDERSON. Has the Senator ever seen a sovereign who looked as though he had been validated?

Mr. HUMPHREY. If Senate Joint Resolution 13 is passed, we are going to see a sovereign who will look as though he had been invalidated. I refer to the Government of the United States. We are surely going to have some trouble.

What the Senator from New Mexico is pointing out—not with levity or in jest, but with real sincerity of purpose, and with an insight into this legislation—is that the definition of terminology in the bill is so uncertain, so ambiguous, that it will lead only to interminable litigation. It may require further legislation to clarify it. I do not see that there is anything under the category of "grantees" and "lessees," in the section to which the Senator from New Mexico is referring, which gives any definition as to what is meant by "predecessor sovereign if legally validated." To be very frank about it, "predecessor sovereign" in connection with many of these grants and leases could have been anyone back as far as King James, Queen Isabella, or Queen Elizabeth. There is no way of putting one's finger on what is meant by "predecessor sovereign."

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

Mr. HUMPHREY. I yield for a question.

Mr. ANDERSON. In his discussion with the author of the joint resolution did the Senator from Minnesota find out anything about subparagraph (3) of section 2 (a), which deals with filled in, made, and reclaimed lands? Did he find out how lands of that nature could be "lands beneath navigable waters"? Does the Senator from Minnesota understand how dry land which has been filled in, or reclaimed and made good land—land of the type which has been referred to by the Senator from Florida for days—could be "lands beneath navigable waters"?

Mr. HUMPHREY. I surely do not. That is one I fail to see. There are many Houdini tricks in the joint resolution. "First you see it, and then you don't." If anyone can show me how dry land, filled land, is still submerged land under navigable waters, and how it can be both wet and dry at the same time, both above the water and below the water at the same time, then, indeed, I will have seen something.

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

Mr. HUMPHREY. I yield for a question.

Mr. ANDERSON. Would the Senator agree that that would outdo Moses, who commanded the waters of the Red Sea to roll back and make dry land?

Mr. HUMPHREY. But he did not, in the same breath, command them to be both dry and wet.

Mr. ANDERSON. That is correct. This outdoes him. Does not the Senator agree that this is one of the great historical accomplishments?

Mr. HUMPHREY. I think it is one of the great historical—I will not say "accomplishments." It is one of the great historical imaginative hopes. It may very well be an accomplishment. If it is, I think it should have a reasonable place in history, together with what the Senator has referred to in the great story of Moses.

Moses had trouble dividing merely the sea. Here we are not only dividing it, but redividing it. First, the lands are above the water, then below the water. They are wet, and they are dry—all in one easy lesson. I think it is amazing.

I have endeavored to point out some of the ambiguities and difficulties involved in the pending joint resolution. How in the world anyone can say that the reason we need this joint resolution is to clarify the situation, to get the law straight, is beyond me. This will clarify the situation just about as much as a corkscrew would straighten out a yardstick.

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

Mr. HUMPHREY. I yield for a question.

Mr. ANDERSON. Does not the Senator recognize the fact that the Moses to whom I was referring was the Moses in the Bible, and not the Robert Moses who came to Washington from New York and asked that this provision be put in the joint resolution?

Mr. HUMPHREY. The Moses in the Bible knew what he was doing. With respect to the Robert Moses from New York, much as I admire some of his wonderful work in that city, when it came to the submerged lands joint resolution, this giveaway measure, once he was led to believe that it involved tidelands, he became completely confused as to the issue.

Thank goodness we have the Senator from New York [Mr. LEHMAN] in the Senate. As Governor of the great State, in which capacity he served with great distinction, he knows every acre of ground, every city, every village, every harbor, and every river of that great State. The Senator from New York, whose record of service is second to none, has assured us that he is not worried about the Anderson bill. He knows that the Anderson bill will protect the interests of the State of New York, as well as the interests of other States. The matter to which the Senator from New Mexico has directed our attention was criticized by the Senator from New York. He did not use the term, but I will use it. I think it is nothing more than legislative gobbledegook.

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

Mr. HUMPHREY. I yield.

Mr. ANDERSON. Does the Senator from Minnesota recall how many times Senators have referred to the difficulties of private land that has been filled in, and why there was no legislation written about it in the Anderson bill?

Mr. HUMPHREY. Yes. I recall that that question was discussed in some detail yesterday between the Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Florida [Mr. HOLLAND].

Mr. ANDERSON. Does the Senator from Minnesota recognize the fact that I asked a few moments ago about inland waters, and found that the laws of the State of California define California's inland waters as running to a line some 60 miles out at sea? Does not the Senator from Minnesota think that there ought to be a definition of inland waters in the joint resolution, and that its absence may represent a slight defect in the joint resolution?

Mr. HUMPHREY. I think that is a good point. If the laws of California define inland waters as running out to a line some 60 miles out at sea, there surely needs to be a definition inserted in the joint resolution. It is almost analogous to the situation in Los Angeles, particularly with reference to its city limits. Some people of Los Angeles say that their city limits run up to Oregon. I have seen signs in New Mexico reading: "These are the city limits of Los Angeles." Of course the folks of Los Angeles are very friendly and genial and hospitable, and they are just having some fun. They do not believe it, and they do not expect anyone else to believe it, unless he wants to believe it.

I am again returning to my prepared speech. Among the arguments for this giveaway bill is the specious one that it will recognize and protect States' rights. Let me remind the Senate once again that under the Texas case, Texas against the United States, the basis of States' rights is an assumed equality among the States. Provision for political equality among the States was the single most difficult problem involved in the drafting of that most notable triumph of constitutionality in Government by law, our Constitution.

Mr. President, I would commend that thought to the attention of my colleagues, namely, that the most difficult problem of drafting the Constitution was the maintaining of equality among the States. That is one reason why each State is represented by two Senators. That provision is the result of the so-called compromise between the big States and the small States. The whole doctrine of constitutional law is based on an attempt to preserve equal footing, equal treatment, and equality among the members of the Union, the respective States.

I think the men at Philadelphia foresaw all too well this very type of issue before us today.

Proponents of broadened boundaries for certain States, at the expense of other States, remind me of the description of another society in George Orwell's book, Animal Farm.

Their notion of good constitutional doctrine seems to be that "all States are equal, but some States are more equal than others."

Let me now reiterate one more legal point here, a point that has been repeatedly brought out in the course of debate. This point concerns the legal pitfalls and delays that lie ahead should the Holland bill pass. I want to emphasize this point, because I think it confirms the fact that this is an unwise piece of legislation, since it is reckless as to its possible consequences.

Let me point out once again, as did the senior Senator from Illinois last week, that the chairman of the subcommittee in charge of this bill flatly said that nobody knows, without judicial determination, what the future boundaries of the various States involved in this issue may be.

I went through a long tussle this afternoon on the issue of boundaries. Maybe I am a little naive about such things, but I accepted the statement of the Senator who reported the joint resolution to the Senate, the senior Senator from Oregon [Mr. CORDON]. He said that he just did not know, without future judicial determination, what the boundaries of the various States involved in the issue may be. What we do know is that there will be plenty of litigation and that it will further hold up the development of these critical resources.

Mr. President, I make the prediction that if Senate Joint Resolution 13, which gives title to the States of submerged lands under the marginal seas, is enacted, we will have a rash of cases in the courts, that we will have a flood of litigation which will stymie the development of the oil resources for years to come.

I repeat that Senate Joint Resolution 13 clarifies nothing and confuses everything. It ignores the advice and counsel of the legal officers of the Government. As a matter of fact, it weakens the whole position of the United States of America in the field of international affairs.

That generally summarizes my case, and I shall repeat that summary from time to time, because I believe it needs to be stated so that we clearly understand the objective toward which this debate is directed.

What we do know is that there will be plenty of litigation, and that this will further hold up development of these critical resources.

Let me also point out that the junior Senator from Texas, in the course of debate on April 9, stated:

> Let me say that before the Federal Government ever made a claim to this land, the State of Texas did claim jurisdiction of the land beyond its historic boundaries to the edge of the Continental Shelf. The Supreme Court decided against us as to the ownership of that land.
>
> The important thing is not what we tried to do before but what we are doing today.

Yet, I would point out that the Supreme Court also decided against the claim of Texas to enlarged "historic boundaries." Yet what Texas is trying to do today is to enlarge those boundaries.

We know there will be litigation as to the boundaries of certain States who claim broader boundaries than others. And I would feel more secure about future litigation regarding the remainder of the Continental Shelf if the Holland bill made any provision for it. But Senate Joint Resolution 13 does not.

This we have argued repeatedly, and the Senator from New Mexico remembers that from time to time during the debate we have said that at a minimum the joint resolution before us, Senate Joint Resolution 13, should have in it a positive statement as to the exclusive authority of the Federal Government on the Continental Shelf. Yet that exclusive authority and positive jurisdiction are not listed.

I should like to read at this time from the testimony of the Attorney General of the United States, Mr. Brownell, before the Senate Committee on Interior and Insular Affairs, March 2, 1953:

> First. For the purpose of minimizing constitutional questions, I consider it of primary importance that any statute combine a program (a) authorizing the States to administer and develop the natural resources from the submerged lands within a line marking their historic boundaries with (b) specific authorization to the executive branch of the Federal Government to develop the lands outside of that line, with the income therefrom going to the entire Nation. The statutes also should reserve to the United States its powers to regulate navigation, conduct the national defense, and conduct international relations in the so-called State areas.

Mr. President, note that statement. Here is the blow. This is the blow that literally broke the back of the hired man. Here is the blow, Mr. President. The Attorney General says:

> My recommendation would mean, in legal terms, that instead of granting to the States a blanket quitclaim title to the submerged lands within their historic boundaries, the Federal Government would grant to the States only such authority as required for the States to administer and develop the natural resources. I do not thereby intend to cast any doubt upon the constitutionality of a so-called quitclaim statute, but merely to draw to your attention a method of minimizing if not eliminating altogether the constitutional point raised by witnesses before this committee.
>
> 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.

Mr. President, in the foregoing quotation the reference to "litigation will almost surely result" is a reference to what I was saying a moment ago in the case of the definition of boundaries; and I am sure the Senator from New Mexico meant just that when he asked what is the definition of "inland waters."

Mr. MANSFIELD. Mr. President, will the Senator from Minnesota yield to me?

The PRESIDING OFFICER (Mr. PAYNE in the chair). Does the Senator from Minnesota yield to the Senator from Montana?

Mr. HUMPHREY. I yield.

Mr. MANSFIELD. To return to the statement made by Mr. Brownell, I notice he used the words "granting to the States," and also the words "grants to the States."

Not being a lawyer, I should like to ask the Senator from Minnesota whether that means that the Attorney General of the United States was stating that these properties belong to the Federal Government, and that he, as Attorney General of the United States, is willing that certain grants be made to the coastal States, by means of legislation of this type.

Mr. HUMPHREY. That is my opinion. In fact, when we read all the testimony of the Attorney General in the record, we find that he made quite clear that the Federal Government cannot give title.

Mr. MANSFIELD. Mr. President, will the Senator from Minnesota yield further to me?

Mr. HUMPHREY. Yes, I yield for a question.

Mr. MANSFIELD. Did the Attorney General state to the committee just what he meant by the use of the term, in his recommendation, "historic boundaries"?

Mr. HUMPHREY. He did not.

Mr. MANSFIELD. Let me inquire what are "historic boundaries."

Mr. HUMPHREY. That is a question which will require the work of historians yet unborn. It certainly will require the deliberations of the courts. Everyone seems to have a different idea about "historic boundaries." It all depends upon how much territory is desired. Is it desired that the "historic boundary" be 3 miles from the shore or 10½ miles from the shore, or 27 miles from the shore—in other words, out into the Continental Shelf itself?

Therefore, the term "historic boundaries" does not have a precise meaning.

Mr. MANSFIELD. Mr. President, will the Senator from Minnesota yield to me at this point?

Mr. HUMPHREY. I yield.

Mr. MANSFIELD. In that case there seems to be considerable question about what really are the boundaries in the sea in the case of some of the States and their areas.

Mr. HUMPHREY. That is correct.

Mr. MANSFIELD. It happens that my State of Montana lies partly in the Missouri basin; 46 of Montana's 56 counties comprise land which was a part of the Louisiana Purchase. If Senate Joint Resolution 13 is enacted into law, what will it mean to the State of Montana, insofar as any oil off the coast of Louisiana is concerned? If oil is found there, what will it mean to us?

Mr. HUMPHREY. It would mean—if this joint resolution were enacted into law—that the State of Montana would have ceded all its rights and proprietary interest in the great reserves of oil which may be found off the coast of Louisiana, to the State of Louisiana. That is what the joint resolution means. It means that although Montana may have been been a part of the Louisiana Purchase, Montana will not be able to benefit from any of the explorations or developments of oil in the alleged "historic boundaries" off Louisiana that came about following that purchase.

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

Mr. HUMPHREY. I yield.

Mr. MANSFIELD. Would not the Senator from Minnesota state that if the "historic boundaries" cannot be delineated with any degree of accuracy at this time, such lack of delineation in effect creates for those of us whose States comprise territory which was contained in the Louisiana Purchase, a doubt about the seaward limits of the State of Louisiana itself?

Mr. HUMPHREY. Yes.

Mr. MANSFIELD. Mr. President, will the Senator from Minnesota yield for another question?

Mr. HUMPHREY. I yield for a question.

Mr. MANSFIELD. I should like to obtain some information, if I may, although it seems to me that perhaps the Senator from Minnesota himself may be the one who should ask the question which I am about to propound.

As I recall, in connection with this so-called tidelands joint resolution, some person in the United States bought a certain amount of scrip in an area in or near the State of Louisiana; and he now claims that he, likewise, has a claim to the oil discoveries which may be made in the submerged areas off the coast of Louisiana and adjacent thereto.

Can the Senator from Minnesota tell me just what that story is and whether it is true or false or whether there is basis for it?

Mr. HUMPHREY. I wish I could tell the Senator from Montana in some detail about that matter. I have read about it and have heard about it, but that was sometime ago, and at the time the story seemed to me to be so ridiculous that I did not pay much attention to it.

However, I gather that someone feels he has a claim upon certain offshore lands because he had some scrip. Was it Confederate scrip?

Mr. DANIEL. Mr. President, will the Senator from Minnesota yield to me, for a friendly assist in this situation?

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senator from Texas may explain to me the matter involving scrip, without prejudicing my right to the floor.

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

Mr. DANIEL. It was Federal scrip—and I see that the Senator from New Mexico agrees.

Mr. HUMPHREY. That is right.

Mr. DANIEL. A claim could be made only if the Federal Government has the land. I think the claim is invalid; but it is a claim under Federal scrip, and in line with the theory of Federal ownership.

Mr. MANSFIELD. Mr. President, will the Senator from Minnesota yield at this point?

Mr. HUMPHREY. I yield.

Mr. MANSFIELD. I wish to express my thanks to the Senator from Texas for explaining that particular matter.

At this time I should like to ask the Senator from Minnesota if this is not another indication of the difficulties inherent in this particular proposal, and also an indication that even if the joint resolution were to be enacted, trouble would lie ahead for it in the court, in more fields than one?

Mr. HUMPHREY. There is no doubt of that. In other words, if a man has Federal scrip which is applicable only in case of Federal ownership, certainly if the land is turned over to the States, that man will wish to pursue his case. I believe that will be one of the minor developments.

I believe a much more important development, which should be given some note, is that although Rhode Island may be one of the smallest States of the Union, it is certainly one of the most courageous States of the Union—Rhode Island, the home of Roger Williams. The Governor of Rhode Island has already directed his attorney general to proceed forthwith with a suit, in case this joint resolution becomes law. In that event, we shall have a court case on our hands; that case will go to the Supreme Court, and it will be only one of many court cases.

Let me point out that when the American people find out what has happened to them as a result of the enactment of this joint resolution, if it is enacted, and when they learn how completely the rug has been pulled out from beneath them, and how they have lost vast resources on the coasts of the United States under the marginal seas, then, instead of having just little Rhode Island bring suit in the courts, I would not be at all surprised to find many other States take similar action, because, Mr. President, make no mistake about it, the problem of financing education is becoming ever more critical; and I can see the teachers of America and the parent-teachers' association say to their governors and their legislatures, "Don't tell us that you cannot pay better salaries to the teachers, and cannot provide better schools, or even cannot provide any schools at all for the growing school population. Don't say that, when you have just permitted vast treasures of oil and gas resources to get out of your hands and go into the hands of a few, when they could have been in the hands of the many."

I submit that in that case, about the only way a governor or a legislature will be able to live in such a State is to bring suit.

The Senator from Alabama [Mr. HILL] along with the Senator from New Mexico [Mr. ANDERSON] has presented us with an alternative that provides equity and meets a crying need of the American people. The Senator from New Mexico has suggested 37½-percent royalties to all the coastal States on the production of oil and gas within the area inside the 3-mile limit. He has also embodied in his bill court decisions which protect the States in the matter of inland waters, the Great Lakes, navigable waters, the lands under rivers, bays, and inlets. That is all provided for in statutory language.

In other words, to my mind, the Anderson bill is about as fair and equitable and as complete a bill as we could get, and it is understandable. It is meaningful, and could be applied.

The Hill amendment provides that after the payment of 37½ percent the balance shall go into a national trust fund

to be prorated on an equitable basis among the States for the purpose of education. I submit that one of the real weaknesses of the present debate is that we have not been really telling the story of the growing need of education. There is a tremendous, overwhelming need in America for financial aid to American education.

The public-school structure in this country of the United States, instead of being strengthened, is weakening; and I say it is an unfortunate reflection on the American system that there is a failure to construct schools to accommodate the rapidly increasing number of children. Then there is a shortage of teachers, and an inability on the part of many communities, which are already taxed to the maximum under their bond limitations and tax limitations to finance adequate school construction. But here is a great opportunity. It is like a treasure chest buried by the sea. It reminds one of romantic stories of years ago, of treasure buried somewhere along the coast. We have been exploring, and now we have found the treasure. Here are the gold, the gems, the rubies, and the silver. The question now is, Whose shall they be? Is this to be the property only of those who happened to be closest to it? Or is it to be the property of all the people of the 48 States? Are we to have equal treatment and equity, or are we to have, as suggested in George Orwell's book, a situation in which "all the States will be equal—but some will be more equal than others"? Should we have States rights for 48 States, or should we have States' privileges for 4 States, or for 3, or 0?

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

Mr. HUMPHREY. I yield to the Senator from Illinois for a question.

Mr. DOUGLAS. Does the Senator from Minnesota think it might better be described as "States privileges for 4 States, and States wrongs for 44 States?"

Mr. HUMPHREY. It might be called States burdens, or States wrongs. I would interpret the pending measure to have that effect, I would say to the Senator.

Mr. President, to return to my subject matter, I have been pointing up what the Attorney General had to say in his testimony before the committee. At some time during the debate I hope that, when the proponents of the pending measure, Senate Joint Resolution 13, again want to say a few words for their case—and I think by now, the case is rather pummelled; it needs a little rehabilitation, a slight amount of resuscitation, it is in a state of shock; it needs to be brought back at least to visible or external signs of life—I should like to have them say why they ignored testimony of the Attorney General, bade him farewell, and why they ignored the testimony of representatives of the Secretary of State. I do not say they were not kind to the Secretary of State's emissary, Mr. Tate, and I do not say that they did not receive in a kindly and gentlemanly manner the letter from Mr. Morton; but I say they did nothing about it. These men could just as well have stayed back at the office, to figure out whom they were going to dismiss, and to figure out how we were going to get the policy positions lined up. But they were dutiful. I pay tribute to the Attorney General and Mr. Tate.

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

Mr. HUMPHREY. I knew my good friend from Vermont would want me to yield. I am glad to yield to him for a question.

Mr. AIKEN. Is it possible that they might have been figuring out not only whom they were going to dismiss, but also how they were going to dismiss him?

Mr. HUMPHREY. I think it would take a little time for both.

Mr. AIKEN. I merely wanted to be sure I correctly understood the statement.

Mr. HUMPHREY. I should like to amend the statement by saying both how and whom, and in what manner. But I submit that the testimony of the Attorney General was primarily for the archives. It did not even seem to have the effect of causing too much concern, at least insofar as translated in the resolution. It did cause concern, however, in the general comment. I know many of us heard that there was disappointment over the fact that the Attorney General had stated so clearly his feeling that the States ought not to have title to the submerged lands.

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

Mr. HUMPHREY. I yield for a question.

Mr. ANDERSON. Would the Senator not agree with me that the hearings show that there were those of us who did not speak critically of the Attorney General, but on the contrary complimented him on the very statement he made?

Mr. HUMPHREY. I would say that is very true, that the Attorney General was, as I said, treated cordially and kindly. However, he was asked some questions regarding boundaries, and I think the Attorney General more or less gave it up as a lost cause.

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

Mr. HUMPHREY. I yield for a question.

Mr. ANDERSON. Would not the Senator say that it was a lost cause because the recommendations which the Attorney General made were not considered at all, apparently, in the final analysis? Does the Senator find anything in the pending measure which seems to have been written into it as a result of a recommendation by the chief law officer of the land?

Mr. HUMPHREY. No; I do not.

Mr. ANDERSON. Does he find a line drawn as the Attorney General recommended?

Mr. HUMPHREY. No. As a matter of fact, the Attorney General made a strong recommendation, as the Senator knows, about the Continental Shelf. I would have thought, since everybody protests that there is no interest in the Continental Shelf on the part of the States, that we might have nailed that down, once and for all. It would save us so much trouble, because if we ever get into a debate regarding the Continental Shelf beyond the 3-mile limit, the debate we are going through now, will look like a mere weekend expedition, since the Continental Shelf involves billions and billions and billions of dollars of resources. Surely I would not, for one, look with any favor upon seeing the Continental Shelf, merely by the process of attrition, come within the concept of State historical boundaries.

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

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

Mr. MURRAY. I should like to ask the Senator from Minnesota whether he does not believe that the committee completely ignored the recommendations of the Attorney General, and also the recommendations of representatives of the State Department, who appeared before the committee? The entire situation was left in abeyance. I remember at the close of the hearing, or just before the hearings were ended, I suggested that we call the Attorney General back, and also call representatives of other agencies of the Government, for the purpose of drawing the line in question, because the Attorney General pointed out that, unless that line were drawn, there would result a multiplicity of lawsuits and much legislation to determine just where the boundaries were. It was left entirely in doubt, at the end of the meeting. I am inclined to believe that the courts would have to declare this legislation impossible of execution, since no one can tell the extent of the boundary.

The PRESIDING OFFICER. Is the Chair to understand that a question is being asked by the Senator from Montana?

Mr. HUMPHREY. Yes; that is correct.

Mr. MURRAY. Yes, Mr. President, I am asking the Senator whether he does not believe that what I have stated is correct.

Mr. HUMPHREY. I want to say to the Senator from Montana that the incisive question which he is asking leads me to but one answer—that I concur. I believe what the Senator has stated, and not only do I believe it, but the Attorney General believed it.

Mr. MURRAY. That is correct.

Mr. HUMPHREY. And not only did the Attorney General believe it, I may say to the Senator, but apparently others have believed it, including the Secretary of the Interior, who took a little different view of the pending resolution than did members of the committee. It seems to me that the primary desire of the committee was to report a measure that would merely overrule the decisions of the Supreme Court. I had hoped that we would have a piece of legislation which would enable us to know better where we stand with respect to the entire question of offshore oil.

After all, Mr. President, there has been a great deal of money spent, a great deal of time has been consumed in molding public opinion on the matter of offshore oil, and it appears to me that we should have resolved this question.

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

Mr. HUMPHREY. I yield.

Mr. GORE. Does the distinguished Senator from Minnesota agree with the junior Senator from Tennessee that the parliamentary extremities to which we are pressed by the proponents of the proposed legislation have forced Members of this body to develop an unusual propensity and facility for propounding interrogatories? [Laughter.]

Mr. HUMPHREY. I want to say to my delightful and enlightened friend from Tennessee that the interrogatory he has propounded with profundity to the Senator from Minnesota is nothing more nor less than a supreme example of his ability as an interrogator and as an outstanding exponent of profound interrogation.

I think that should take care of the situation. [Laughter.]

Mr. GORE. Mr. President, will the Senator from Minnesota yield for another interrogatory?

Mr. HUMPHREY. I yield for a question and an interrogatory.

Mr. GORE. Does not the distinguished Senator agree with me that the inquiring colloquy between the two Senators illustrates also the ridiculous extremes to which the proponents of the pending legislation have driven those of us who oppose this giveaway joint resolution?

Mr. HUMPHREY. If the Senator from Tennessee is saying that the methods we must employ in order to develop some of the questions and information in this matter are bordering a little bit upon difficulty in procedure, I think the Senator is correct.

I regret that we have to go through this process—toss me a question and I will try to give back an answer. It would be so much more simple if we could make positive statements. But I suspect that one gets little or nothing out of life that is worth while without some sacrifice; and the sacrifice we make here in the public interest has not been a great burden. I must confess that I have really had a very enjoyable experience this afternoon, and I feel fine. I thought perhaps by 5 minutes of 7 or so I would feel somewhat tired. But whenever we discuss the subject of oil, especially when we discuss mixing water and oil, it gives me a feeling of exhilaration.

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

Mr. HUMPHREY. I yield for a question.

Mr. DOUGLAS. Now that the Senator has new zest, would he be willing to comment on the importance of the clause in lines 17 and 18 on page 17 of the Holland joint resolution, which recognizes State property in boundaries fixed at sea "if the boundary has been heretofore or is hereafter approved by Congress"?

The question which I wish to address to the Senator is whether that clause does not open up the possibility of the entire Continental Shelf being taken under an obscure act of the past and the possibility of sleepers in the future?

Mr. HUMPHREY. I think the Senator is correct. He has stated in the form of a question what I was rather unsuccessfully trying to state to the Senator from Florida in a more affirmative statement. The Senator has pointed out that an incredible number of claims can be made. The Senator from New Mexico [Mr. ANDERSON] asked how we could define "grantees" and "lessees." It all relates to boundaries and the rights and privileges of individuals within those boundaries.

The language to which the Senator from Illinois has referred, relating to seaward boundaries, lines 17 and 18 of page 17 of the Holland joint resolution, is exactly the same language found in the Walter bill, in connection with which there is quite an extensive memorandum from the Solicitor General of the United States, which states in part as follows:

> The Walter bill would extend the inland-water rule to the bed of the ocean. And the use of the phrase, "original boundaries," already discussed in this letter, would result in inequalities among the States, since Texas asserts that it came into the Union with a 10½-mile seaward boundary. In addition, State boundaries contemplated by the Walter bill are the original boundaries "or as heretofore or hereafter approved by Congress," so that original boundaries may have become, or may become, something entirely different.
>
> Louisiana now claims a boundary of 27 miles into the Gulf of Mexico, and Texas all the way to the edge of the Continental Shelf. There are even signs that Louisiana also now claims that it came into the Union in 1812 with a 10½-mile boundary, but that significant discovery seems first to have been made in the 1940's after oil was discovered outside of the 3-mile belt.

There is nothing like incentive, I always say.

> Notwithstanding this, the attorneys general's pamphlet says that nine-tenths of the Continental Shelf lies outside of original State boundaries, and is vested by the bill in the Federal Government. But this bill undertakes to make a gift to the adjacent State of 37½ percent of all the revenues from the mineral resources of the submerged lands of the Continental Shelf beyond the State boundaries.

All I am citing is the language which the Senator from Illinois has brought to my attention, and which has been the subject of great controversy in this debate. I do not feel that the bill clarifies the situation. The Solicitor General did not think it clarified it, frankly, I gather that the Senator from Illinois does not think so, and, I may say that the Senator from Minnesota does not think so either. I gather that there are many other Members who do not think the situation has been clarified at all by language which is as meaningful and at times as meaningless as the following: "or if it has been heretofore or is hereafter approved by Congress."

Mr. MURRAY. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. MURRAY. Would not the rules of statutory construction require the courts to hold this proposed legislation invalid because of indefiniteness, since it cannot be determined where the lands are? The Attorney General pointed that out and impressed upon us the necessity of establishing the boundary lines. As it is now framed, the Holland measure would result in a multiplicity of litigation. I hope the Senator will agree with me that the statute would have to be declared invalid because of indefiniteness and vagueness.

Mr. HUMPHREY. I think the Senator from Montana is correct. The Attorney General did warn the committee. Members of the committee made a very strong case to the Attorney General by saying it was rather difficult to draw a line. The Senator from Oregon [Mr. MORSE] said it was a matter for the courts to determine. It takes a great deal of time. That is what we are saying here, that the joint resolution does not clarify the boundary situation. It gives a certain amount of legal credence to the claims of States as to their original boundaries, and they have an assortment of historic boundaries.

Mr. MURRAY. Each State has.

Mr. HUMPHREY. Each of them has a separate historic boundary in about every era of human history.

Mr. Brownell's testimony also shows his anxiety about the indefinite historical boundaries of certain States, his fear of more litigation to come, and his fear for our position at international law. I will discuss our position at international law in a moment. For the present, let me just point out that Mr. Brownell's fears are fully justified by the Holland bill. It does leave important issues outstanding and undecided, and it does, as I have pointed out, further confuse rather than clarify the questions of the sovereignty of the Federal Government, the future boundaries of certain States, and the development of the remainder of the Continental Shelf.

I point out that the Attorney General had the joint resolution before him when he testified. It was his feeling that it did not clarify the question. It left in doubt questions of submerged lands belonging to the Federal Government. It left to the future the question of boundaries of certain States, and it left in doubt jurisdiction over the Continental Shelf. The Attorney General asked that all those items be made perfectly clear, so that there would be no doubt.

Therefore, we have the picture of the committee turning down the recommendation of the Attorney General on subjects of law, and recommending the passage of a measure which does not meet the tests which he felt were necessary.

This is a serious error. Not only does it reflect upon the leadership of the Eisenhower administration, but it strikes me as unwise for the Senate majority to legislate on a legal question against the legal advice of the Government's chief law officer.

I submit that the measure being considered is supposed to be an administration measure. At least, it is backed by the administration. Yet representatives of the administration have admonished the committee which has reported the joint resolution to do other than it has done.

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

Mr. HUMPHREY. I yield.

Mr. TAFT. The hour of 7 o'clock has arrived. How long does the Senator feel that he wishes to continue this evening?

Mr. HUMPHREY. The Senator from Minnesota would prefer not to continue any longer this evening. I may say to the majority leader that I should like to cooperate with him by continuing tomorrow morning. I shall feel in good shape at 11 o'clock tomorrow morning, and shall cooperate to the fullest with him in limiting my remarks.

Mr. TAFT. Would the Senator be prepared to limit the length of time he would speak tomorrow, if he were authorized to continue?

Mr. HUMPHREY. Yes.

Mr. TAFT. Would an hour or an hour and a half be a reasonable time?

Mr. HUMPHREY. Would the Senator from Ohio be willing——

Mr. TAFT. I might suggest to the Senator that I have been informed by the Parliamentarian that the Senator is making his third speech. I have not raised that question, nor do I intend to raise it. I merely wished to call attention to my leniency as evidenced by my not making a point of order.

Mr. HUMPHREY. No one will testify any more openly as to the leniency and candor of the majority leader than will the Senator from Minnesota.

After a quorum call tomorrow morning, an hour and a half would be adequate. If a number of Senators could be present, I would take only an hour, but I shall ask for an hour and a half.

Mr. TAFT. Mr. President, I ask unanimous consent that the Senator from Minnesota may be recognized at the beginning of the session tomorrow, with the understanding that he will relinquish the floor at 12:30, or an hour and a half after a quorum call, if there shall be a quorum call.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TAFT. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a news release by the American Civil Liberties Union, attaching a letter from Patrick Murphy Mallin, executive director, to the Honorable PAUL H. DOUGLAS, commenting on and regretting the fact that the Senator from Illinois should be engaged in a filibuster.

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

APRIL 22, 1953.—The Senators opposing the tidelands bill were urged today not to conduct their floor debate to the point of filibustering.

In a letter addressed to several of the Senators leading the debate against the administration offshore-oil bill, Patrick Murphy Malin, executive director of the American Civil Liberties Union, emphasized that there is some good evidence that the opponents of the bill are not going beyond what is needed to insure adequate debate, and recording of expressions of individual opposition. However, he cautioned that public reaction justifies a hope that even the appearance of filibustering will be avoided.

Malin, in his letter, reaffirmed the ACLU's position on filibustering as follows:

"Democratic action means decision by the majority after thorough discussion of all points of view. Our Constitution is gloriously emphatic in its protection of individuals and minority groups, and of even the smallest sovereign State in our Federal Union. The American Civil Liberties Union is constantly engaged in supporting those protections. But we believe there are enough of them without the Senate filibuster.

"Dictatorships act quickly and tyrannically. Democracies—to preserve their nature—must act relatively slowly, after mature deliberation. But their legislatures must act in foreign and domestic policy; and there was never a time in history when their ability to act was more crucial than it is today. The Senate is under the compulsion of the time in which we live to act now to make itself free to decide for or against vital legislative proposals. Our democracy cannot afford indefinite postponement of decision. The purpose of free speech is to aid decision—for or against, right or wrong—not to prevent decision. Decision by filibuster is analogous to decision by dictatorship. It is the tyrannical decision by a minority over a majority."

AMERICAN CIVIL LIBERTIES UNION,
New York, N. Y., April 21, 1953.

Hon. PAUL H. DOUGLAS,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: In my testimony on behalf of the American Civil Liberties Union on October 2, 1951, before a subcommittee of the Senate Committee on Rules and Administration during hearings on four resolutions dealing with cloture, I said in part:

"The four resolutions * * * all aim * * * to improve on the present solution of the age-old problem of democracy: How to balance the need for full debate and the need for prompt action. * * * Our interest in this problem of cloture goes to the root of the matter, and is not confined to an effort to eliminate obstruction to any particular legislative proposal. * * *

"Democratic action means decision by the majority after thorough discussion of all points of view. Our Constitution is gloriously emphatic in its protection of individuals and minority groups, and of even the smallest sovereign State in our Federal Union. The American Civil Liberties Union is constantly engaged in supporting those protections. But we believe there are enough of them without the Senate filibuster.

"Dictatorships act quickly and tyrannically. Democracies—to preserve their nature—must act relatively slowly, after mature deliberation. But their legislatures must act in foreign and domestic policy; and there was never a time in history when their ability to act was more crucial than it is today. The Senate is under the compulsion of the time in which we live to act now to make itself free to decide for or against vital legislative proposals. Our democracy cannot afford indefinite postponement of decision. The purpose of free speech is to aid decision—for or against, right or wrong—not to prevent decision. Decision by filibuster is analogous to decision by dictatorship. It is the tyrannical decision by a minority over a majority."

We write now with respect to the present debate on the offshore oil bill, though of course not taking any position on the merits of the bill itself. Without detailed examination of the record, we cannot judge the question of whether there has been what we would regard as adequate debate on facts and ideas; and there is some good evidence that the opponents of the bill are not going beyond what is needed to record their individual opposition, or introducing irrelevant material. But certain public reactions give us enough cause for concern so that we must express our earnest hope that even the appearance of filibustering will be avoided—for the sake of the considerations outlined in the above excerpts from my 1951 testimony, for the sake of other legislation on which prompt action has been or will be threatened by filibuster, and for the sake of the leadership which opponents of this bill have so long demonstrated in applying all the principles of the American rule of law.

Sincerely yours,
PATRICK MURPHY MALIN,
Executive Director.

Mr. DOUGLAS. Mr. President, the Senator from Ohio has been courteous in this matter. He did not place the letter in the RECORD until he had consulted with me and found that I had received it. The Senator from Ohio has acted the part of a gentleman throughout this whole affair, in thorough keeping with his good character and reputation.

However, I wish to point out that we who are opposing the joint resolution are not engaged in a filibuster. [Laughter.] It is very important that we keep in mind the fundamental characteristics of a filibuster. A filibuster is a prolonged discussion intended to prevent a vote. There is no such desire on the part of those who are opposing the pending measure. We want this measure to be brought to a vote. We would have been perfectly willing to accept the proposal of the Senator from Ohio that the initial motion should have come tonight at 7:30. We would have been willing to have it come tomorrow night, or the night after. But the Senator from Ohio has now given us a great deal of time. Time will be almost running out of our ears, so to speak. But we did not request this time.

What we are trying to do is not to prevent a vote, but to enable the vote, when it comes, to be more intelligent, because we have spent much time in preparing for this discussion. For 7 years, really for 8 years, a campaign of misinterpretation has been carried on throughout the country. I will not say it was intentional misinterpretation; I think it has been unintentional. The press of the country, with some exceptions, such as the St. Louis Post-Dispatch, has been indifferent to the issues at stake. So it has been necessary for the opponents of the Holland joint resolution to educate not merely Senators, but also the press and the public. All this takes time.

The Senator from Ohio really should have been listening to the debate a little more thoroughly than he has been. Last Saturday he expressed the opinion that no new points would be developed during the course of the debate. As will be remembered, the distinguished senior Senator from Tennessee [Mr. KEFAUVER] took the floor and spoke for two days, bringing out a new point, namely, the effect of the Holland joint resolution upon the fishing industry of the United States. Yesterday the distinguished junior Senator from Arkansas [Mr. FULBRIGHT] took the floor and made a very able speech on education.

Today the junior Senator from Minnesota [Mr. HUMPHREY] has developed some extremely interesting points. For instance, he brought out that the constitutional convention considered the equal-footing clause; rejected proposals that States admitted beyond the Alleghenies should be brought into the Union on inferior terms; and virtually laid down the equal-footing provision which is involved in the Texas and Florida cases.

The Senator from Minnesota also pointed out extremely interesting cases in the early history of the United States with respect to the control of the Federal Government over the marginal sea.

So the debate has been germane, and we shall keep it that way. There will be no recipes for pot likker introduced on the floor. No extraneous materials will be introduced. We shall argue the issues. We shall welcome courteous participation on the part of our opponents, instead of frozen silence.

I say to my good friend, the Senator from Ohio, who has done me the honor of including in the RECORD a letter from the American Civil Liberties Union, that this is not a filibuster; this is an attempt to educate the American public, the American press, and, through them, the United States Senate.

Mr. TAFT. Mr. President, I only wish to say that I am greatly encouraged by the Senator's statement that he does not intend to prevent a vote. Tomorrow I shall renew my efforts to set some day, on which I hope the Senator will be prepared to agree, when the vote may take place.

Otherwise, all I have to say is that I know a filibuster when I see one.

Now, Mr. President, I move that the Senate take a recess——

Mr. DOUGLAS. Will the Senator withhold the motion?

Mr. TAFT. I yield to the Senator.

Mr. DOUGLAS. Mr. President, I wish to thank the Senator from Ohio for yielding to me to make clear that this is not a filibuster, and that this will not be considered as a speech in my time. I thank the Senator for yielding to me in this fashion. I hope my statement will establish a parliamentary record of the fact that this does not constitute a speech in my time on the pending question.

RECESS

Mr. TAFT. I move that the Senate take a recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 9 minutes p. m.) the Senate took a recess until tomorrow, Thursday, April 23, 1953, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate April 22 (legislative day of April 6), 1953:

IN THE ARMY

The officers named herein for appointment as Reserve commissioned officers of the Army under the provisions of section 224, the Armed Forces Reserve Act (Public Law 476, 82d Cong.); which provides that commissioned officers of the Officers' Reserve Corps on July 9, 1952, who agree in writing to have their current appointment continued for an indefinite term will be given an appointment for an indefinite term in lieu of their current 5-year appointments:

To be major generals

Maj. Gen. John Francis O'Ryan, O135904.
Maj. Gen. Walter Perry Story, O171629.

To be brigadier generals

Brig. Gen. Frayne Baker, O134923.
Brig. Gen. Stanhope Bayne-Jones, O170753.
Brig. Gen. George Harris Cosby, Jr., O167827.
Brig. Gen. Clyde Emerson Dougherty, O190855.
Brig. Gen. Charles Merville Spofford, O919215.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the provisions of sections 502 and 508 of the Officer Personnel Act of 1947. Officers have been examined and found physically qualified for promotion.

To be first lieutenants

AIR FORCE

Ryland, Russell Steger, 24758A.
Lawry, Raymond Gordon, 24757A.
Bouchard, Francis Paul, 24759A.
Moorman, Alvin Robert, 24760A.

NOTE.—Dates of rank of all officers nominated for promotion will be determined by the Secretary of the Air Force.

IN THE NAVY

The following-named line ensigns of the Navy for permanent appointment in the Supply Corps of the Navy with the grade of ensign:

John A. Davis
John W. Pancoast, Jr.

The following-named lieutenant of the Supply Corps of the Navy for appointment in the line with the grade of lieutenant:

Richard J. Kessler.

Rear Adm. John W. Roper, United States Navy, when retired, to be placed on the retired list with the rank of vice admiral.

The following-named officers of the Navy for permanent appointment to the grade of rear admiral:

REAR ADMIRAL, LINE

Bernard E. Manseau	Francis M. Hughes
Logan McKee	Burton Davis
Ralph Earle, Jr.	Murr E. Arnold
George A. Holderness, Jr.	John B. Moss
	Irving T. Duke
Selden B. Spangler	Truman J. Hedding
Joseph N. Wenger	Chester C. Wood
Neil K. Dietrich	Clarence E. Ekstrom
Frederick Moosbrugger	Rufus E. Rose
	Charles W. Wilkins

REAR ADMIRAL, MEDICAL CORPS

Sterling S. Cook	Winfred P. Dana
Charles F. Behrens	Robert M. Gillett

REAR ADMIRAL, SUPPLY CORPS

Walter W. Honaker
Frederick L. Hetter
Frederic W. Hesser

REAR ADMIRAL, CIVIL ENGINEER CORPS

Joseph F. Jelley, Jr.

IN THE MARINE CORPS

The following-named officer of the Marine Corps for permanent appointment to the grade of major general:

Vernon E. Megee

The following-named officer of the Marine Corps for permanent appointment to the grade of brigadier general:

Albert D. Cooley

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 22, 1953

The House met at 10 o'clock a. m.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty and ever-gracious God, we are again directing our thoughts toward Thee in the sacred attitude of prayer, constrained and compelled by deep longings and instincts which Thou alone canst satisfy.

Show us how we may intensify and cultivate our desires for a more intimate communion with Thy divine spirit and may our minds be illumined with wisdom and our hearts be warmed with love.

Grant that the closing hours of each day may be hallowed with the blessed memory that we have revered Thy laws and have kept our characters inviolate.

May no evening hour be filled with vain regrets but may we have within our souls the joyous testimony that we have performed our duties faithfully and have shared in the glorious task of making the struggle of life less difficult for needy humanity.

Hear us in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE

Mr. MACHROWICZ. Mr. Speaker, I ask unanimous consent that I may be excused from attending the session of the House tomorrow and for the balance of the week to attend official business of the House outside of Washington.

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

There was no objection.

CALL OF THE HOUSE

Mr. SHEEHAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Obviously a quorum is not present.

Mr. JONAS of North Carolina. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 26]

Abbitt	Dawson, Ill.	Knox
Barrett	Dawson, Utah	McCarthy
Blatnik	Dingell	Moulder
Brooks, La.	Donovan	O'Konski
Brown, Ohio	Edmondson	Patman
Byrne, Pa.	Hart	Rabaut
Celler	Hill	Regan
Chelf	Howell	Riley
Clevenger	Hruska	Roosevelt
Condon	Hull	Staggers
Dague	Karsten, Mo.	Steed
Davis, Tenn.	Kluczynski	Withers

The SPEAKER. On this roll call 389 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FIRST INDEPENDENT OFFICES APPROPRIATION BILL, 1954

Mr. PHILLIPS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 4663) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1954, and for other purposes.

The motion was agreed to.