H. R. 21. A bill to authorize the Secretary of the Army to make an allowance in lieu of headstones or markers for certain graves; to the Committee on Armed Services.

H. R. 22. A bill to establish a United States Air Force Academy; to the Committee on Armed Services.

H. R. 23. A bill to authorize the issuance of a special Korean Campaign Medal; to the Committee on Armed Services.

By Mr. BURNSIDE:

H. R. 24. A bill to provide for the evacuation of dependents of Armed Forces personnel from occupation zones or areas; to the Committee on Armed Services.

H. R. 25. A bill to amend paragraph 1798 of the Tariff Act of 1930; to the Committee on Ways and Means.

H. R. 26. A bill to encourage the improvement and development of marketing facilities for handling perishable agricultural commodities; to the Committee on Agriculture.

By Mr. CELLER:

H. R. 27. A bill to provide a national health insurance and public health program; to the Committee on Interstate and Foreign Commerce.

H. R. 28. A bill to provide protection of persons from lynching, and for other purposes; to the Committee on the Judiciary.

H. R. 29. A bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States; to the Committee on the Judiciary.

H. R. 30. A bill to extend and improve the unemployment compensation program, and for other purposes; to the Committee on Ways and Means.

H. R. 31. A bill for refund of customs duties to the Preparatory Commission for the International Refugee Organization; to the Committee on the Judiciary.

H. R. 32. A bill to amend the Communications Act of 1934 so as to permit the rendering of free telephone service to certain hospitalized members, and former members, of the Armed Forces; to the Committee on Interstate and Foreign Commerce.

H. R. 33. A bill to amend the act relating to the small claims and conciliation branch of the municipal court of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H. R. 34. A bill to amend section 2800 (d) of the Internal Revenue Code; to the Committee on Ways and Means.

H. R. 35. A bill to establish in the Department of Labor an Agency for the Handicapped, to define its duties, and for other purposes; to the Committee on Education and Labor.

H. R. 36. A bill to amend title 28, United States Code, section 456, so as to increase to $15 per day the limit on subsistence expenses allowed to justices and judges while attending court or transacting official business at places other than their official station, and to authorize reimbursement for such travel by privately owned automobiles at the rate of 7 cents per mile; to the Committee on the Judiciary.

By Mr. CHELF:

H. R. 37. A bill to amend section 1073, title 18, United States Code, with respect to indecent molestation of minors; to the Committee on the Judiciary.

H. R. 38. A bill to provide that the House of Representatives shall be composed of 450 Members, and for other purposes; to the Committee on the Judiciary.

By Mr. COOLEY:

H. R. 39. A bill to encourage the improvement and development of marketing facilities for handling perishable agricultural commodities; to the Committee on Agriculture.

H. R. 40. A bill to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. COUDERT:

H. R. 41. A bill to provide for the establishment of a Commission to investigate and make recommendations with respect to the distribution of governmental functions and sources of revenue within the framework of our Federal, State, and local systems of government; to the Committee on Expenditures in the Executive Departments.

H. R. 42. A bill to provide for the general welfare by enabling the several States to make more adequate provision for the health of school children through the development of school health services for the prevention, diagnosis, and treatment of physical and mental defects and conditions; to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Nebraska:

H. R. 43. A bill to relieve taxpayers from the payment of interest on deferred payments under section 722 of the Internal Revenue Code; to the Committee on Ways and Means.

H. R. 44. A bill to provide for review by courts of the United States of determinations under section 722 of the Internal Revenue Code; to the Committee on Ways and Means.

H. R. 45. A bill authorizing the construction of certain public works at Beatrice, Nebr., and for flood control; to the Committee on Public Works.

H. R. 46. A bill authorizing the construction of certain public works at Hubbell, Nebr., and for flood control; to the Committee on Public Works.

H. R. 47. A bill to provide for the granting of honorable discharges to certain persons who served in the Armed Forces during World War I; to the Committee on Armed Services.

H. R. 48. A bill to amend section 2402 (a) of the Internal Revenue Code, as amended, and to repeal section 2402 (b) of the Internal Revenue Code, as amended; to the Committee on Ways and Means.

By Mr. FARRINGTON:

H. R. 49. A bill to enable the people of Hawaii to form a constitution and State government and to be admitted into the Union on an equal footing with the original States; to the Committee on Public Lands.

By Mr. CURTIS of Nebraska:

H. R. 50. A bill to provide for the deduction from gross income for income-tax purposes of expenses incurred by farmers for the purpose of soil and water conservation; to the Committee on Ways and Means.

H. R. 51. A bill to change the name of Medicine Creek Reservoir in Frontier County of the State of Nebraska to Harry Strunk Lake; to the Committee on Public Lands.

H. R. 52. A bill to provide for refund of the Federal tax paid on gasoline, where the gasoline is destroyed by fire or other casualty while held for resale by a jobber, wholesaler, or retail dealer; to the Committee on Ways and Means.

H. R. 53. A bill providing tax incentive for the creation of additional farm storage facilities; to the Committee on Ways and Means.

By Mr. DINGELL:

H. R. 54. A bill to provide a program of national health insurance and public health and to assist in increasing the number of adequately trained professional and other health personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H. R. 55. A bill relating to the tax on alcohol used in the manufacture of nonbeverage products; to the Committee on Ways and Means.

H. R. 56. A bill to increase the relief benefits of widows and children of officers and members of the Metropolitan Police force and the White House police force and other persons entitled to benefits under the act of September 1, 1916, who lose their lives in line of duty; to the Committee on the District of Columbia.

H. R. 57. A bill to provide for the extension of economic aid to Israel; to the Committee on Foreign Affairs.

By Mr. DOYLE:

H. R. 58. A bill to confirm and establish the titles of the States to lands beneath navigable water within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries; to the Committee on the Judiciary.

H. R. 59. A bill to extend certain benefits now provided by law for veterans of World War II to personnel on active service with the Armed Forces of the United States of America during the military, naval, and air operations in Korea or other places while serving under the flag of the United States of America and the United Nations, or under the flag of the United States of America alone, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ELSTON:

H. R. 60. A bill to provide military status for women who served overseas with the Army of the United States during World War I; to the Committee on Armed Services.

By Mr. FORAND:

H. R. 61. A bill to cancel interest on certain indebtedness against the United States Government life insurance; to the Committee on Veterans' Affairs.

H. R. 62. A bill providing that gain realized on the sale or exchange of a residence shall, in certain cases, be exempt from income tax; to the Committee on Ways and Means.

By Mr. FURCOLO (by request):

H. R. 63. A bill to amend the Railroad Retirement Act of 1937 so as to provide full annuities at half salary or wages, based on the five highest years of earnings, for individuals who shall have completed 30 years of service; to the Committee on Interstate and Foreign Commerce.

By Mr. GARY:

H. R. 64. A bill to authorize the conveyance by the Secretary of the Interior to Virginia Electric & Power Co. of a perpetual easement of right-of-way for electric transmission line purposes across lands of the Richmond National Battlefield Park, Va., such easement to be granted in exchange for, and in consideration of, the donation for park purposes of approximately 6 acres of land adjoining the park; to the Committee on Public Lands.

H. R. 65. A bill to create a commission to study the feasibility of Federal participation in the American Negro Progress Exposition; to the Committee on House Administration.

H. R. 66. A bill to exempt from estate tax national service life insurance and United States Government life insurance; to the Committee on Ways and Means.

By Mr. GOODWIN:

H. R. 67. A bill to recognize nonprofit nonpolitical veterans' organizations for purposes of bestowing upon them certain benefits, rights, privileges, and prerogatives; to the Committee on Veterans' Affairs.

H. R. 68. A bill to add certain veterans' organizations to the list of veterans' organizations whose proceedings are printed annually for Congress; to the Committee on House Administration.

H. R. 69. A bill to amend the act entitled "An act to authorize the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force to lend certain property to national veterans' organizations, and for other purposes," approved August 1, 1949, so as to include property of the Coast Guard, and by defining "recognized national veterans' organization"; to the Committee on Armed Services.

to the Committee on Banking and Currency.

H. R. 222. A bill to amend the River and Harbor Act of 1948 to provide for reports by the Chief of Engineers with respect to national defense values of river, harbor, and waterway improvements; to the Committee on Public Works.

H. R. 223. A bill to amend Public Law 702, Eightieth Congress, to extend assistance to certain veterans with wartime service-connected blindness in acquiring specially adapted housing which they require by reason of the nature of their service-connected disability; to the Committee on Veterans' Affairs.

H. R. 224. A bill to amend Public Law 702, Eightieth Congress, to extend assistance to certain veterans with wartime service-connected disability involving the loss or loss of use of certain extremities in acquiring specially adapted housing which they require by reason of the nature of their service-connected disabilities; to the Committee on Veterans' Affairs.

H. R. 225. A bill to authorize the acquisition of a site for a national cemetery in southwest Louisiana for the burial of members of the Armed Forces of the United States dying in the service, of former members whose last discharge therefrom was honorable, and certain other persons as provided for in United States Code, title 24, section 281, as amended; to the Committee on Public Lands.

H. R. 226. A bill to amend the Agricultural Act of 1949 so as to authorize delivery of surplus potatoes and eggs to the States; to the Committee on Agriculture.

H. R. 227. A bill to provide free mailing privileges for war-veteran patients in United States veterans' hospitals; to the Committee on Post Office and Civil Service.

H. R. 228. A bill to make section 112 (b) (7) of the Internal Revenue Code applicable with respect to certain corporate liquidations in 1945; to the Committee on Ways and Means.

H. R. 229. A bill to amend the Tariff Act of 1930 so as to remove from the free list patna rice cleaned for use in the manufacture of canned soups; to the Committee on Ways and Means.

H. R. 230. A bill to repeal paragraph 1752 (relating to patna rice) of the Tariff Act of 1930; to the Committee on Ways and Means.

H. R. 231. A bill to impose a duty of 2½ cents per pound on patna rice cleaned for use in the manufacture of canned soups and for other purposes, rice meal, and broken rice; to the Committee on Ways and Means.

H. R. 232. A bill to increase the telephone and telegraph allowance for Members of the House of Representatives; to the Committee on House Administration.

By Mr. McCARTHY:

H. R. 233. A bill amending the Civil Service Retirement Act of May 29, 1930, as amended; to the Committee on Post Office and Civil Service.

By Mr. McKINNON:

H. R. 234. A bill to authorize the Secretary of the Navy to enlarge existing water-supply facilities for the San Diego, Calif., area in order to insure the existence of an adequate water supply for naval and Marine Corps installations and defense production plants in such area; to the Committee on Armed Services.

By Mr. MACK of Washington:

H. R. 235. A bill to create a United States Academy of Foreign Service; to the Committee on Foreign Affairs.

By Mr. MARSHALL:

H. R. 236. A bill to amend the National Service Life Insurance Act of 1940 to provide for the payment of insurance benefits to certain persons not within a class of permitted beneficiaries; to the Committee on Veterans' Affairs.

By Mr. MASON:

H. R. 237. A bill to define partnerships and partners for income-tax purposes; to the Committee on Ways and Means.

H. R. 238. A bill to amend section 2 of the act of February 18, 1922, so as to transfer from the Secretary of Agriculture to the Attorney General jurisdiction for determination of undue enhancement of prices by cooperative associations monopolizing or restraining trade and proceedings in connection therewith; to the Committee on the Judiciary.

H. R. 239. A bill to provide for the deduction from gross income for income-tax purposes of expenses incurred by farmers for the purpose of soil and water conservation; to the Committee on Ways and Means.

H. R. 240. A bill to equalize taxation and provide revenue; to the Committee on Ways and Means.

By Mr. MILLER of California:

H. R. 241. A bill to increase the rates of compensation of officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

H. R. 242. A bill to eliminate the retroactive application of the income tax to employees of the United States working in the possessions or in the Canal Zone; to the Committee on Ways and Means.

H. R. 243. A bill to amend the act entitled "An act to reclassify the salaries of postmasters, officers, and employees of the postal service; to establish uniform procedures for computing compensation; and for other purposes," approved July 6, 1945, as amended; to the Committee on Post Office and Civil Service.

H. R. 244. A bill to amend the act of July 6, 1945, as amended, so as to reduce the number of grades for the various positions under such act, and for other purposes; to the Committee on Post Office and Civil Service.

H. R. 245. A bill to authorize payment after June 30, 1951, for unused annual leave accumulated by employees of the Federal and District of Columbia Governments during the calendar year 1950; to the Committee on Post Office and Civil Service.

H. R. 246. A bill to provide the privilege of becoming a naturalized citizen of the United States to all immigrants having a legal right to permanent residence, to make immigration quotas available to Asian and Pacific peoples, and for other purposes; to the Committee on the Judiciary.

H. R. 247. A bill relating to appointments, promotions, and transfers in the Federal civil service during the existence of the present national emergency; to the Committee on Post Office and Civil Service.

By Mr. MURPHY:

H. R. 248. A bill authorizing the erection of a memorial to Army Chaplains George L. Fox, Alexander D. Goode, Clark V. Poling, and John P. Washington, who perished with the U. S. S. *Dorchester* and sacrificed their lives for their fellow men; to the Committee on House Administration.

H. R. 249. A bill to amend the Water Pollution Control Act to increase the amount authorized to be appropriated for making loans to States, municipalities, and interstate agencies for the construction of treatment works and for the preparation of engineering reports, plans, and specifications in connection therewith; to the Committee on Public Works.

H. R. 250. A bill to provide for the purchase from the State of New York of buildings and land now occupied by Halloran General Hospital at Staten Island, N. Y.; to the Committee on Veterans' Affairs.

H. R. 251. A bill to amend the Public Health Services Act to authorize care of graves of deceased patients buried at the expense of the Public Health Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H. R. 252. A bill to prevent military personnel from replacing civilians in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

H. R. 253. A bill to regulate the hours of employment of persons employed in marine hospitals under the jurisdiction of the Public Health Service; to the Committee on Post Office and Civil Service.

By Mr. O'BRIEN of Michigan:

H. R. 254. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for additional personnel engaged in hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. O'TOOLE:

H. R. 255. A bill to amend the act entitled "An act to provide books for the blind"; to the Committee on House Administration.

By Mr. PATTERSON:

H. R. 256. A bill to suspend certain import taxes on copper; to the Committee on Ways and Means.

By Mr. PERKINS:

H. R. 257. A bill amending Public Law 49, Seventy-seventh Congress, providing for the welfare of coal miners, and for other purposes; to the Committee on Education and Labor.

By Mr. POLK:

H. R. 258. A bill to authorize the issuance of a special series of stamps in commemoration of the Serpent Mound, Adams County, Ohio; to the Committee on Post Office and Civil Service.

H. R. 259. A bill to authorize the issuance of a special series of stamps commemorative of the Rankin House at Ripley, Brown County, Ohio; to the Committee on Post Office and Civil Service.

H. R. 260. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended; to the Committee on Agriculture.

By Mr. POTTER:

H. R. 261. A bill to amend the Career Compensation Act of 1949, so as to provide additional compensation for certain members of the uniformed services during periods of actual contact with hostile ground forces; to the Committee on Armed Services.

By Mr. POULSON:

H. R. 262. A bill to authorize the Secretary of the Interior to accept voluntary conveyances of lands owned by Waccamaw Indians in North Carolina and to issue trust patents for such lands, and for other purposes; to the Committee on Public Lands.

H. R. 263. A bill to amend Public Law 622, Seventy-ninth Congress, chapter 777, second session, an act to provide for the payment of pension or other benefits withheld from persons for the period they were residing in countries occupied by the enemy forces during World War II; to the Committee on Veterans' Affairs.

H. R. 264. A bill to remove the discrimination against Indians in the enforcement of Federal and State laws concerned with the use and sale of intoxicating beverages, and for other purposes; to the Committee on Public Lands.

H. R. 265. A bill for the relief of certain persons occupying lands of the United States within the drainage of the Arroyo Seco, Angeles National Forest, Calif.; to the Committee on Agriculture.

H. R. 266. A bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

H. R. 267. A bill increasing the immigration quotas for Italy; to the Committee on the Judiciary.

By Mr. PRICE:

H. R. 268. A bill amending Public Law 49, Seventy-seventh Congress, providing for the

H. R. 366. A bill to clarify the provisions of section 602 (u) of the National Service Life Insurance Act of 1940, as amended; to the Committee on Veterans' Affairs.

H. R. 367. A bill to amend subsection 602 (f) of the National Service Life Insurance Act of 1940, as amended, to authorize renewals of level premium term insurance for successive 5-year periods; to the Committee on Veterans' Affairs.

By Mr. ROONEY:

H. R. 368. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended, so as to exempt payments under such act from taxation; to the Committee on Ways and Means.

By Mr. SADLAK:

H. R. 369. A bill to provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship through voting in a political election or in a plebiscite held in Italy; to the Committee on the Judiciary.

H. R. 370. A bill to provide for the admission to the United States of an additional number of aliens of Italian nationality; to the Committee on the Judiciary.

H. R. 371. A bill to amend the Nationality Act of 1940 to provide expeditious naturalization for persons serving in the present hostilities, and for other purposes; to the Committee on the Judiciary.

H. R. 372. A bill relating to the classification of registration officers in the Veterans' Administration; to the Committee on Post Office and Civil Service.

H. R. 373. A bill to amend the Veterans' Preference Act of 1944, to provide additional preference, in retention, reemployment, and reinstatement, for veterans having a disability of 10 percent or more; to the Committee on Post Office and Civil Service.

H. R. 374. A bill to amend the Nationality Act of 1940 to provide for the naturalization of certain noncitizen parents of persons who served in the Armed Forces of the United States, or in the merchant marine, in World War I or World War II; to the Committee on the Judiciary.

H. R. 375. A bill to grant free postage to members of the Armed Forces who have been inducted into the service under the provisions of the Selective Service Act of 1948 (Public Law No. 759, 80th Cong.); to the Committee on Post Office and Civil Service.

By Mrs. ST. GEORGE:

H. R. 376. A bill to create the Board of Postal Rates and Fees in the Post Office Department; to the Committee on Post Office and Civil Service.

H. R. 377. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide retirement benefits for certain former Members of Congress; to the Committee on Post Office and Civil Service.

H. R. 378. A bill to provide that Fort Montgomery, N. Y., may tap the West Point water supply line, and for other purposes; to the Committee on Armed Services.

H. R. 379. A bill providing an allowance for the purchase of uniforms for city and village delivery letter carriers; to the Committee on Post Office and Civil Service.

H. R. 380. A bill to provide for the conveyance of the naval ammunition depot at Iona Island, N. Y., to the Palisades Interstate Park Commission for use as a public park; to the Committee on Armed Services.

H. R. 381. A bill to authorize the temporary admission to the United States as agricultural workers of students in countries receiving assistance pursuant to the Economic Cooperation Act of 1948; to the Committee on the Judiciary.

H. R. 382. A bill to amend the Railroad Retirement Act of 1937, as amended, so as to provide full annuities, at compensation of half salary or wages based on the five highest years of earnings, for individuals who have completed 30 years of service or have attained the age of 60; to the Committee on Interstate and Foreign Commerce.

H. R. 383. A bill to provide for a preliminary survey of the mouth of the Sparkill Creek and the immediate area of the Hudson River thereto; to the Committee on Public Works.

H. R. 384. A bill to provide that persons who served in the Women's Army Auxiliary Corps, under certain conditions, shall be deemed to have been in the active military service for the purposes of laws administered by the Veterans' Administration; to the Committee on Veterans' Affairs.

H. R. 385. A bill to direct the Secretary of the Army to convey certain land to the village of Highland Falls, N. Y.; to the Committee on Armed Services.

H. R. 386. A bill to provide compensatory time for services performed on Saturdays, Sundays, and holidays by clerks in third-class post offices; to the Committee on Post Office and Civil Service.

By Mr. SASSCER:

H. R. 387. A bill to exempt from tax the transportation of persons on boats used for fishing purposes; to the Committee on Ways and Means.

H. R. 388. A bill declaring Good Friday in each year a legal holiday; to the Committee on the Judiciary.

H. R. 389. A bill for the relief of the State of Maryland; to the Committee on the Judiciary.

By Mr. SCRIVNER:

H. R. 390. A bill to exempt States and political subdivisions thereof from the tax on conveyances, and for other purposes; to the Committee on Ways and Means.

By Mr. SECREST:

H. R. 391. A bill to establish a National Commission on Intergovernmental Relations; to the Committee on Expenditures in the Executive Departments.

H. R. 392. A bill to provide for the erection of headstones in family cemetery plots in memory of certain members of the Armed Forces missing, missing in action, or buried at sea; to the Committee on Armed Services.

By Mr. TALLE:

H. R. 393. A bill to provide for the operation of a convalescent and rehabilitation hospital at the Veterans' Administration domiciliary facility, Clinton, Iowa, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TAYLOR:

H. R. 394. A bill to provide for the issuance of a special postage stamp in commemoration of the fiftieth anniversary of Theodore Roosevelt's becoming President of the United States; to the Committee on Post Office and Civil Service.

H. R. 395. A bill to amend the Selective Service Act of 1948, as amended, and for other purposes; to the Committee on Armed Services.

H. R. 396. A bill to provide for the issuance of a postage stamp in commemoration of the one hundred and twenty-fifth anniversary of Rensselaer Polytechnic Institute; to the Committee on Post Office and Civil Service.

H. R. 397. A bill to provide for the issuance of a postage stamp in commemoration of the diamond jubilee of the American Chemical Society; to the Committee on Post Office and Civil Service.

By Mr. VINSON:

H. R. 398. A bill to authorize the construction of a 60,000-ton aircraft carrier; to the Committee on Armed Services.

H. R. 399. A bill to provide for the organization of the Air Force and the Department of the Air Force, and for other purposes; to the Committee on Armed Services.

By Mr. WALTER:

H. R. 400. A bill to provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship through voting in a political election or in a plebiscite held in Italy; to the Committee on the Judiciary.

H. R. 401. A bill to amend the Nationality Act of 1940, as amended; to the Committee on the Judiciary.

H. R. 402. A bill to authorize the admission into the United States of certain aliens possessing special skills; to the Committee on the Judiciary.

H. R. 403. A bill providing the privilege of becoming a naturalized citizen of the United States to all aliens having a legal right to permanent residence; to the Committee on the Judiciary.

H. R. 404. A bill to provide for the settlement of claims of military personnel and civilian employees of the War Department or of the Army for damage to or loss, destruction, capture, or abandonment of personal property occurring incident to their service; to the Committee on the Judiciary.

H. R. 405. A bill to amend chapter 19, title 5, of the United States Code, entitled "Administrative Procedure Act," so as to prohibit the employment by any person of any member, official, attorney, or employee of a Government agency except under certain conditions; to the Committee on the Judiciary.

H. R. 406. A bill authorizing acquisition and interception of communications in interest of national security; to the Committee on the Judiciary.

H. R. 407. A bill to amend title 18 of the United States Code so as to make it a Federal offense to make certain loans at rates in excess of 3 percent per month; to the Committee on the Judiciary.

H. R. 408. A bill to establish uniform procedure relative to the proof of age, place of birth, or of death; to the Committee on the Judiciary.

H. R. 409. A bill to authorize and direct the Attorney General separately to itemize the budget estimates for the salaries and expenses for the United States attorney for the District of Columbia and his office; to the Committee on the Judiciary.

H. R. 410. A bill to amend section 508, title 28, United States Code; to the Committee on the Judiciary.

H. R. 411. A bill to incorporate the Mothers of World War No. II, to set forth and establish the purposes and aims of the organization, fixing its corporate powers and establishing the rights of membership, and for other purposes; to the Committee on the Judiciary.

H. R. 412. A bill providing for the incorporation of the National Camp, Patriotic Order Sons of America, organized December 10, 1847; to the Committee on the Judiciary.

By Mr. WERDEL:

H. R. 413. A bill to provide for the protection of the water rights of water users of the Kings River, Calif.; to the Committee on Public Works.

H. R. 414. A bill to create, and assign duties to, the office of Assistant Secretary of the Navy for the Marine Corps, and to fix the personnel strength of the United States Marine Corps in relation to that of the other Armed Forces; to the Committee on Armed Services.

H. R. 415. A bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

H. R. 416. A bill to authorize the appropriation of funds to assist in more adequately financing education in the elementary and secondary schools of States found to be needy, and for other purposes; to the Committee on Education and Labor.

H. R. 417. A bill to amend the Hospital Survey and Construction Act; to the Committee on Interstate and Foreign Commerce.

provisional Philippine Scout Hospital at Fort McKinley, Philippine Islands, to the Republic of the Philippines and to assist by grants-in-aid the Republic of the Philippines in providing medical care and treatment for certain Philippine Scouts hospitalized therein"; to the Committee on Armed Services.

42. A letter from the Assistant Secretary of Defense, transmitting a draft of a proposed bill entitled "A bill to authorize certain land and other property transactions, and for other purposes"; to the Committee on Armed Services.

43. A letter from the Assistant Secretary of Defense, transmitting a draft of legislation entitled "A bill to amend section 12 of the Missing Persons Act, as amended, relating to travel by dependents and transportation of household and personal effects"; to the Committee on Armed Services.

44. A letter from the Assistant Secretary of Defense, transmitting a draft of a proposed bill entitled "A bill to amend section 207 of the Legislative Reorganization Act of 1946 so as to authorize payment of claims arising from the correction of military or naval records"; to the Committee on Armed Services.

45. A letter from the Assistant Secretary of Defense, transmitting a draft of a proposed bill entitled "A bill to amend section 1 of the act of June 28, 1947 (61 Stat. 191)"; to the Committee on Armed Services.

46. A letter from the Assistant Secretary of Defense, transmitting a draft of legislation entitled "A bill to facilitate the performance of research and development work by and on behalf of the Departments of the Army, the Navy, and the Air Force, and for other purposes"; to the Committee on Armed Services.

47. A letter from the Assistant Secretary of Defense, transmitting a draft of a proposed bill entitled "A bill to authorize the training for, attendance at, and participation in Olympic games by military personnel, and for other purposes"; to the Committee on Armed Services.

48. A letter from the Assistant Secretary of Defense, transmitting a draft of legislation entitled "A bill to amend the act of October 30, 1941 (55 Stat. 758, ch. 465), as amended"; to the Committee on Armed Services.

49. A letter from the Assistant Secretary of Defense, transmitting a draft of legislation entitled "A bill to authorize the Secretaries of the Army, the Navy, and the Air Force, with the approval of the Secretary of Defense, to cause to be published official registers for their respective services"; to the Committee on Armed Services.

50. A letter from the Assistant Secretary of Defense, transmitting a draft of a bill entitled "A bill to authorize the Secretaries of the military departments to provide for the promotion and maintenance of civilian recreation programs"; to the Committee on Armed Services.

51. A letter from the Assistant Secretary of Defense, transmitting a draft of legislation entitled "a bill to authorize the Secretary of Defense and the Secretaries of the Army, the Navy, and the Air Force to reproduce and to sell copies of official records of their respective departments, and for other purposes"; to the Committee on Armed Services.

52. A letter from the Assistant Secretary of Defense, transmitting a draft of legislation entitled "A bill to authorize the Secretaries of the Army and Air Force to settle, pay, adjust, and compromise certain claims for damages and for salvage and towage and to execute releases, certifications, and reports with respect thereto, and for other purposes"; to the Committee on the Judiciary.

53. A letter from the Assistant Secretary of Defense, transmitting a draft of legislation entitled "A bill to ratify the organization and operations of the Island Trading Co. of Micronesia and to provide for its incorporation"; to the Committee on Public Lands.

54. A letter from the Assistant Secretary of Defense, transmitting a draft of legislation entitled "A bill to retrocede to the State of Illinois jurisdiction over 154.2 acres of land used in connection with the Chain of Rocks Canal, Madison County, Ill."; to the Committee on Public Works.

55. A letter from the Assistant Secretary of Defense, transmitting a draft of a proposed bill entitled "A bill to amend the act of December 5, 1942 (56 Stat. 1041), as amended (50 U. S. C. App. 846, 847), so as to make permanent certain temporary provisions thereof"; to the Committee on Ways and Means.

56. A letter from the Assistant Secretary of Defense, transmitting a draft of a proposed bill entitled "A bill to eliminate the additional internal revenue taxes on coconut oil coming from the Trust Territory of the Pacific Islands, and for other purposes"; to the Committee on Ways and Means.

57. A letter from the Secretary of the Interior, transmitting a report of revolving credit fund transactions for the fiscal year ended June 30, 1950, pursuant to section 10 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984, 986; 25 U. S. C. 470); to the Committee on Public Lands.

58. A letter from the Director, Naval Petroleum Reserves, Navy Department, transmitting a report to the Congress on all agreements entered into under authority of the act of June 30, 1938 (52 Stat. 1252), as amended by the act approved June 17, 1944 (58 Stat. 280), for the calendar year 1950; to the Committee on Armed Services.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. VINSON:

H. R. 1001. A bill to authorize the construction of modern naval vessels, and for other purposes; to the Committee on Armed Services.

By Mr. DINGELL:

H. R. 1002. A bill to strengthen the Republic of the Philippines and make permanent the friendly ties between our respective countries by permitting certain persons from the Philippines to receive instruction at the United States service academies; to the Committee on Armed Services.

H. R. 1003. A bill to increase to $600 the amount a dependent may earn without loss of exemption to the taxpayer; to the Committee on Ways and Means.

H. R. 1004. A bill to reduce certain excise tax rates, to equalize Federal income taxes upon married persons, and for other purposes; to the Committee on Ways and Means.

H. R. 1005. A bill to amend the Tariff Act of 1930 to provide for the free importation of twine used for baling hay, straw, and other fodder and bedding material; to the Committee on Ways and Means.

H. R. 1006. A bill to amend the act of June 30, 1945 (Public Law 106, 79th Cong.), as amended, to provide true time and one-half for overtime and true double time for Sunday and holiday duty, and for other purposes; to the Committee on Post Office and Civil Service.

H. R. 1007. A bill to provide for the issuance of a special postage stamp in commemoration of the two hundred and fiftieth anniversary of Detroit, Mich.; to the Committee on Post Office and Civil Service.

H. R. 1008. A bill to amend section 1603 (c) of the Internal Revenue Code and section 303 (b) of the Social Security Act; to the Committee on Ways and Means.

H. R. 1009. A bill to provide the payment of extra compensation for certain work heretofore performed by customs officers and employees, and for other purposes; to the Committee on Post Office and Civil Service.

H. R. 1010. A bill to reduce to prewar levels the excise tax on automotive transportation; to the Committee on Ways and Means.

H. R. 1011. A bill to repeal the excise tax on telegraph, telephone, radio, and cable facilities; to the Committee on Ways and Means.

By Mr. COOLEY:

H. R. 1012. A bill to permit educational, religious, or charitable institutions to import textile machines and parts thereof for instructional purposes; to the Committee on Ways and Means.

By Mr. FELLOWS:

H. R. 1013. A bill to provide a method of paying referees in those bankruptcy courts where the existing funds are insufficient to pay sums due such referees for services rendered and expenses incurred; to the Committee on the Judiciary.

By Mr. JAVITS:

H. R. 1014. A bill to amend the Servicemen's Readjustment Act of 1944 with respect to the guaranteeing of home loans; to the Committee on Veterans' Affairs.

By Mr. FARRINGTON:

H. R. 1015. A bill to facilitate the admission of alien spouses and minor children of United States citizens; to the Committee on the Judiciary.

By Mr. CASE:

H. R. 1016. A bill for the better assurance of the protection of citizens of the United States and other persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

H. R. 1017. A bill to amend the Legislative Reorganization Act of 1946; to the Committee on Rules.

By Mr. HALE:

H. R. 1018. A bill to establish and maintain a domestic gold coin standard; to restore the right of American citizens to own gold and gold coins; to return control over the public purse to the people; to restrain further deterioration of our currency; to enable holders of paper money to redeem it in gold coin on demand; to open up foreign trade through the channels of private enterprise; and for other purposes; to the Committee on Banking and Currency.

H. R. 1019. A bill to declare and protect the rights of the public when labor disputes result in, or threaten to result in, danger to public health or safety; to the Committee on Education and Labor.

H. R. 1020. A bill to make certain provisions for the regulation of steam vessels inapplicable to vessels operated exclusively for the training of officers and seamen for the United States merchant marine or the United States Navy; to the Committee on Merchant Marine and Fisheries.

H. R. 1021. A bill to amend the Interstate Commerce Act with respect to the jurisdiction of the Interstate Commerce Commission over certain foreign commerce; to the Committee on Interstate and Foreign Commerce.

H. R. 1022. A bill to confirm and establish the titles of the States to lands and resources in and beneath navigable waters within State boundaries and to provide for the use and control of said land and resources; to the Committee on the Judiciary.

H. R. 1023. A bill to provide for the deduction of subscription charges to certain prepayment health service plans for the purposes of the Federal income tax; to the Committee on Ways and Means.

By Mr. HERLONG:

H. R. 1024. A bill to strengthen the common defense by providing for expansion and the production and processing of ramie in the United States; to the Committee on Armed Services.

H. R. 1025. A bill to exempt certain real property in the District of Columbia from taxation in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

to dependent parents, and for other purposes; to the Committee on Veterans' Affairs.

H. R. 1076. A bill to provide allowance of death pension when death in service is denied service connection; to the Committee on Veterans' Affairs.

H. R. 1077. A bill to liberalize the basis for establishing wartime service connection for active tuberculosis and the psychoses; to the Committee on Veterans' Affairs.

H. R. 1078. A bill to revise the basis for award of disability pension, and for other purposes; to the Committee on Veterans' Affairs.

H. R. 1079. A bill to revise the basis for award of death pension, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RANKIN (by request):

H. R. 1080. A bill to provide for the granting of honorable discharges to certain persons who served in the United States Army during World War I; to the Committee on Veterans' Affairs.

H. R. 1081. A bill to establish a Federal Board of Hospitalization, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RANKIN:

H. R. 1082. A bill to amend paragraph I (a), part I, Veterans Regulation No. 1 (a), as amended, so as to provide more equitable disability compensation for those in the armed services during the Korean conflict, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RANKIN (by request):

H. R. 1083. A bill to provide for an increase in monthly rates of compensation and pensions payable to veterans and their dependents, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RANKIN:

H. R. 1084. A bill to amend section 304 of the World War Veterans' Act, 1924, relating to reinstatement of war-risk yearly renewable term insurance and United States Government life insurance by service-connected disabled World War I veterans; to the Committee on Veterans' Affairs.

Mr. RANKIN (by request):

H. R. 1085. A bill to amend the Servicemen's Readjustment Act of 1944, as amended, to insure proper review of disability status of officers discharged from the armed services; to the Committee on Veterans' Affairs.

By Mr. RANKIN:

H. R. 1086. A bill to amend the act of July 2, 1948 (Public Law 877, 80th Cong.), to include persons whose service-connected disability is rated not less than 10 percent; to the Committee on Veterans' Affairs.

By Mr. POULSON:

H. R. 1087. A bill to amend title 25, section 247, of the Code of Laws of the United States of America, to empower the courts to remit or mitigate forfeitures; to the Committee on Public Lands.

By Mr. TEAGUE:

H. R. 1088. A bill to amend the income limitation governing the granting of pension to veterans and death-pension benefits to widows and children of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WALTER:

H. R. 1089. A bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries; to the Committee on the Judiciary.

H. R. 1090. A bill to extend the period for the admission of alien spouses and minor children of citizen members of the United States Armed Forces; to the Committee on the Judiciary.

By Mr. WILSON of Texas:

H. R. 1091. A bill to repeal provisions of law exempting labor organizations from the antitrust laws, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H. J. Res. 67. Joint resolution to provide that the first Navy supercarrier shall be named the *James V. Forrestal;* to the Committee on Armed Services.

By Mr. DINGELL:

H. J. Res. 68. Joint resolution to provide for the establishment and maintenance of a Nation-wide whole blood plasma bank as a measure of protection against atomic warfare or other major disaster; to the Committee on Interstate and Foreign Commerce.

H. J. Res. 69. Joint resolution to clarify the application of the existing excise tax imposed on certain fans under section 3406 (a) (3) of the Internal Revenue Code; to the Committee on Ways and Means.

H. J. Res. 70. Joint resolution to reimburse uncompensated leave to Government Printing Office employees earned during the fiscal year 1932; to the Committee on House Administration.

By Mr. ANDERSON of California:

H. J. Res. 71. Joint resolution requiring that notice be sent to the Members when the President convenes the Congress; to the Committee on the Judiciary.

By Mr. BATES of Massachusetts:

H. J. Res. 72. Joint resolution authorizing the President to issue posthumously to the late George Smith Patton, Jr., a lieutenant general, Army of the United States, a commission as a five-star general; to the Committee on Armed Services.

By Mr. DOUGHTON:

H. J. Res. 73. Joint resolution amending chapter 26 of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. HALE:

H. J. Res. 74. Joint resolution declaring that the Yalta agreement is no longer binding on the United States; to the Committee on Foreign Affairs.

By Mr. MACHROWICZ:

H. J. Res. 75. Joint resolution authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. MADDEN:

H. J. Res. 76. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1951, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. MILLS:

H. J. Res. 77. Joint resolution proposing an amendment to the Constitution of the United States relative to the making of treaties; to the Committee on the Judiciary.

H. J. Res. 78. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HALE:

H. Con. Res. 16. Concurrent resolution to clarify responsibility for acts of aggression; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI:

H. Con. Res. 17. Concurrent resolution for the establishment of a United Nations Police Authority; to the Committee on Foreign Affairs.

By Mr. JAVITS:

H. Con. Res. 18. Concurrent resolution expressing favor of extending assistance to India to avert food shortage and famine during 1951; to the Committee on Foreign Affairs.

By Mr. HEDRICK:

H. Con. Res. 19. Concurrent resolution to express the sense of the Congress that a civilian physical fitness and training program should be established in the interest of national security; to the Committee on Armed Services.

By Mr. EDWIN ARTHUR HALL:

H. Res. 50. Resolution calling for retail price control of meat; to the Committee on Banking and Currency.

By Mr. CROSSER:

H. Res. 51. Resolution to authorize the Committee on Interstate and Foreign Commerce to continue investigations begun under House Resolution 107 of the Eighty-first Congress, and for other purposes; to the Committee on Rules.

H. Res. 52. Resolution to provide funds for the investigations continued and authorized by House Resolution 51; to the Committee on House Administration.

By Mr. JAVITS:

H. Res. 53. Resolution to encourage a peaceful, prosperous, and united Ireland, but without imposing any particular form of political or economic association upon its people; to the Committee on Foreign Affairs.

By Mr. CELLER:

H. Res. 54. Resolution to provide funds for the Committee on the Judiciary; to the Committee on House Administration.

By Mr. CROSSER:

H. Res. 55. Resolution providing for one additional clerical assistant for the Committee on Interstate and Foreign Commerce; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H. R. 1092. A bill for the relief of Mrs. Mercedes Hernandez Saguar; to the Committee on the Judiciary.

H. R. 1093. A bill for the relief of Bank of America National Trust & Savings Association; to the Committee on the Judiciary.

H. R. 1094. A bill for the relief of Miss Miyoko Miyagawa; to the Committee on the Judiciary.

By Mr. BATES of Massachusetts:

H. R. 1095. A bill for the relief of Shelby Shoe Co., of Salem, Mass.; to the Committee on the Judiciary.

By Mrs. BOLTON:

H. R. 1096. A bill for the relief of Mrs. Gizella Kezdy-Reich; to the Committee on the Judiciary.

By Mr. BOYKIN:

H. R. 1097. A bill for the relief of Ethel White, Frankie Ezell, and Ralph James; to the Committee on the Judiciary.

H. R. 1098. A bill for the relief of the estate of C. G. Allen; to the Committee on the Judiciary.

H. R. 1099. A bill for the relief of the estate of Cobb Nichols; to the Committee on the Judiciary.

H. R. 1100. A bill for the relief of Eugenio Bellini; to the Committee on the Judiciary.

By Mr. BYRNE of New York:

H. R. 1101. A bill for the relief of Mrs. Sadako Kawamura Lawton; to the Committee on the Judiciary.

By Mr. CASE:

H. R. 1102. A bill for the relief of Emilio Torres; to the Committee on the Judiciary.

By Mr. SABATH:

H. R. 1225. A bill to authorize the Federal Security Administrator to bring to Washington, D. C., theater productions of land-grant and State and other accredited colleges and universities; to the Committee on Education and Labor.

By Mr. SASSCER:

H. R. 1226. A bill to amend the act of August 1, 1947, providing appropriate lapel buttons for widows, parents, and next of kin of members of the Armed Forces who lost their lives in the armed services of the United States in World War II, and for other purposes; to the Committee on Armed Services.

H. R. 1227. A bill to amend further the act entitled "An act to authorize the construction of experimental submarines, and for other purposes," approved May 16, 1947, as amended; to the Committee on Armed Services.

H. R. 1228. A bill to provide for sundry administrative matters affecting the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. WELCH:

H. R. 1229. A bill to repeal the proviso against the filling of the vacancy in the office of district judge for the eastern and western districts of Missouri; to the Committee on the Judiciary.

By Mr. WILLIS:

H. R. 1230. A bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries; to the Committee on the Judiciary.

By Mr. YORTY:

H. R. 1231. A bill providing the privilege of becoming a naturalized citizen of the United States to all aliens having a legal right to permanent residence; to the Committee on the Judiciary.

By Mr. BUCHANAN:

H. J. Res. 79. Joint resolution designating March 30 of each year as Shut-In's Day; to the Committee on the Judiciary.

By Mr. CRUMPACKER:

H. J. Res. 80. Joint resolution authorizing the President of the United States to proclaim October 11, 1951, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. KLEIN:

H. J. Res. 81. Joint resolution designating the fourth Sunday in September of each year as Interfaith Day; to the Committee on the Judiciary.

By Mr. SABATH:

H. J. Res. 82. Joint resolution authorizing the creation of a Federal Memorial Commission to consider and formulate plans for the construction, in the city of Washington, D. C., of a permanent memorial to the memory of Franklin Delano Roosevelt, thirty-first President of the United States; to the Committee on House Administration.

H. J. Res. 83. Joint resolution providing for the observance of October 11 of each year as General Pulaski Memorial Day; to the Committee on the Judiciary.

By Mr. SADLAK:

H. J. Res. 84. Joint resolution authorizing the President of the United States to proclaim October 11, 1951, General Pulaski's Memorial Day for the observance of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. TEAGUE:

H. J. Res. 85. Joint resolution proposing an amendment to the Constitution of the United States empowering Congress to grant representation in the Congress and among the electors of President and Vice President to the people of the District of Columbia; to the Committee on the Judiciary.

By Mr. SABATH:

H. Con. Res. 20. Concurrent resolution relative to reform in procedure before congressional committees; to the Committee on Rules.

By Mr. FORD:

H. Res. 56. Resolution creating a select committee to conduct an investigation and study of blackmarketing of materials essential to the defense program; to the Committee on Rules.

H. Res. 57. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 56; to the Committee on House Administration.

By Mr. JAVITS:

H. Res. 58. Resolution to bring about rescission of the order curtailing postal service of the Postmaster General; to the Committee on Post Office and Civil Service.

By Mr. SABATH:

H. Res. 59. Resolution to amend clause 4 of rule XXVII of the rules of the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN of California:

H. R. 1232. A bill for the relief of Mr. and Mrs. W. A. Kettlewell; to the Committee on the Judiciary.

H. R. 1233. A bill for the relief of Mrs. Vasilia Parselles; to the Committee on the Judiciary.

H. R. 1234. A bill for the relief of Mrs. Selma Cecelia Gahl; to the Committee on the Judiciary.

H. R. 1235. A bill for the relief of John Clarke; to the Committee on the Judiciary.

H. R. 1236. A bill for the relief of Rhoda Akiko Nishiyama; to the Committee on the Judiciary.

By Mr. ALLEN of California (by request):

H. R. 1237. A bill for the relief of Ronald Chaplin LeMar; to the Committee on the Judiciary.

H. R. 1238. A bill for the relief of Mrs. Eng Yoke Mee Wong, Chee-on Wong, Chee-Leong Wong, Qew-Yuen Wong, and Mee-yuen Wong; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H. R. 1239. A bill for the relief of Bruce M. Stern; to the Committee on the Judiciary.

H. R. 1240. A bill for the relief of Arthur B. Tindell; to the Committee on Post Office and Civil Service.

By Mr. BATES of Massachusetts:

H. R. 1241. A bill for the relief of Giovanni Pepe; to the Committee on the Judiciary.

H. R. 1242. A bill for the relief of Rev. Joseph L. Capote; to the Committee on the Judiciary.

By Mr. CHELF (by request):

H. R. 1243. A bill for the relief of Dr. Ludwig A. Sternberger; to the Committee on the Judiciary.

By Mr. DAVIS of Tennessee:

H. R. 1244. A bill for the relief of Alice Randolph; to the Committee on the Judiciary.

H. R. 1245. A bill for the relief of the Dixie Margarine Co., a Tennessee corporation, of Memphis, Tenn.; to the Committee on the Judiciary.

H. R. 1246. A bill for the relief of the estate of Mary B. Buckley; to the Committee on the Judiciary.

By Mr. FORD:

H. R. 1247. A bill for the relief of Tryntje Bierema; to the Committee on the Judiciary.

H. R. 1248. A bill authorizing the naturalization of Jesus Juan Llanderal; to the Committee on the Judiciary.

By Mr. HALLECK:

H. R. 1249. A bill for the relief of the La Fayette Brewery, Inc.; to the Committee on the Judiciary.

By Mr. HAVENNER:

H. R. 1250. A bill for the relief of certain contractors employed in connection with the construction of the United States Appraisers Building, San Francisco, Calif.; to the Committee on the Judiciary.

H. R. 1251. A bill for the relief of Simone Lucacich; to the Committee on the Judiciary.

H. R. 1252. A bill for the relief of Mr. and Mrs. Miroslav Kudrat; to the Committee on the Judiciary.

By Mr. HESS:

H. R. 1253. A bill for the relief of Jack A. Witham; to the Committee on the Judiciary.

By Mr. JAVITS:

H. R. 1254. A bill for the relief of Shizue Sawai; to the Committee on the Judiciary.

By Mr. KELLEY of Pennsylvania:

H. R. 1255. A bill for the relief of Jan and Juliana Magura, and Eugene and Mary Potvoricky and minor children, Teresa, Luda, and John; to the Committee on the Judiciary.

By Mr. KLEIN:

H. R. 1256. A bill for the relief of Lt. (jg) Samuel E. McMillan; to the Committee on the Judiciary.

H. R. 1257. A bill for the relief of Samu Meisels; to the Committee on the Judiciary.

H. R. 1258. A bill for the relief of Stephen Pecoraro; to the Committee on the Judiciary.

H. R. 1259. A bill for the relief of David Rabinovitch; to the Committee on the Judiciary.

By Mr. McDONOUGH:

H. R. 1260. A bill for the relief of Constantin David, Paule David, Claire David, and Ariane David; to the Committee on the Judiciary.

H. R. 1261. A bill for the relief of Alexander L. Wlesiolowski; to the Committee on the Judiciary.

H. R. 1262. A bill for the relief of Mrs. Franciszka Deyczakowski; to the Committee on the Judiciary.

By Mr. NICHOLSON:

H. R. 1263. A bill for the relief of Dr. Chia Len Liu; to the Committee on the Judiciary.

By Mr. PICKETT:

H. R. 1264. A bill for the relief of Jacquelyn Shelton; to the Committee on the Judiciary.

By Mr. SABATH:

H. R. 1265. A bill for the relief of Zora Novacek, Daniela Novacek, and Frantisek Novacek; to the Committee on the Judiciary.

H. R. 1266. A bill to grant permanent residence in the United States to Spyridon V. Karavitis; to the Committee on the Judiciary.

By Mr. STEED:

H. R. 1267. A bill to reimburse the Stamey Construction Co. and/or the Oklahoma Paving Co., as their interests appear; to the Committee on the Judiciary.

By Mr. VAUGHN:

H. R. 1268. A bill for the relief of Dr. Jiri Liska; to the Committee on the Judiciary.

By Mr. WALTER (by request):

H. R. 1269. A bill for the relief of Boris Kowerda; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

5. Mr. CANFIELD presented a resolution of the Lions Club of Paterson, N. J., petitioning the Congress to initiate an amendment to the Constitution to provide that the Government of the United States shall not engage in any business, professional, commercial, or industrial enterprise in competition with its citizens except as specified in the Constitution, which was referred to the Committee on the Judiciary.

By Mr. ROGERS of Texas:

H. R. 1271. A bill to amend section 13 (c) of the Fair Labor Standards Act of 1938, as amended, with respect to the exemption from the child-labor provisions of such act of certain employees employed in agriculture; to the Committee on Education and Labor.

By Mr. SPENCE:

H. R. 1272. A bill to assist the provision of housing and community facilities and services required in connection with the national defense; to the Committee on Banking and Currency.

By Mr. MITCHELL:

H. R. 1273. A bill to assist the provision of housing and community facilities and services required in connection with the national defense; to the Committee on Banking and Currency.

By Mr. ANDERSON of California:

H. R. 1274. A bill to amend the Pay Readjustment Act of 1942, as amended; to the Committee on Armed Services.

By Mr. BECKWORTH:

H. R. 1275. A bill granting pensions to veterans, and the widows and dependent children of veterans, of the World War equivalent to pensions granted to veterans, and the widows and dependent children of veterans, of the war with Spain; to the Committee on Veterans' Affairs.

H. R. 1276. A bill to allow to a retail dealer in gasoline a refund of the Federal tax paid on gasoline which is lost by the retailer through evaporation; to the Committee on Ways and Means.

H. R. 1277. A bill to provide for Federal participation in the financing of certain aeronautical developments; to the Committee on Interstate and Foreign Commerce.

By Mr. CAMP:

H. R. 1278. A bill to amend the Liquor Enforcement Act of 1936; to the Committee on the Judiciary.

By Mr. COLMER:

H. R. 1279. A bill to provide for the conveyance of certain hospital supplies and equipment of the United States to the city of Gulfport and to Harrison County, Miss.; to the Committee on Armed Services.

H. R. 1280. A bill to provide automobiles for veterans of World War I who are entitled to compensation for the loss of use of one or both legs, and for other purposes; to the Committee on Veterans' Affairs.

H. R. 1281. A bill to exempt persons who served in the merchant marine of the United States between September 16, 1940, and June 24, 1948, from induction or service under the Selective Service Act of 1948; to the Committee on Armed Services.

By Mr. EDWIN ARTHUR HALL:

H. R. 1282. A bill to provide the Triple Cities area with air-raid shelters and sufficient protection against enemy bombing and attacks by air; to the Committee on Armed Services.

By Mr. HOLIFIELD:

H. R. 1283. A bill to strengthen the national defense by affording further relief to persons in the military service of the United States through the suspension of the enforcement of civilian liabilities or obligations secured by home mortgages or by similar security arising out of the ownership of certain residential real property, and for other purposes; to the Committee on Banking and Currency.

By Mr. JAVITS:

H. R. 1284. A bill to amend the Internal Revenue Code, act of February 10, 1939; to the Committee on Ways and Means.

By Mr. KENNEDY:

H. R. 1285. A bill to amend the Civil Aeronautics Act of 1938 to provide for the economic regulation of air carriers engaged in foreign air transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY (by request):

H. R. 1286. A bill to authorize the coinage of 25-cent pieces in commemoration of the three hundredth anniversary of the pine-tree shilling; to the Committee on Banking and Currency.

By Mr. KING:

H. R. 1287. A bill to provide dispensary treatment and hospitalization in Army and Navy hospitals for retired personnel of the Army, Navy, Marine Corps, and Coast Guard; to the Committee on Armed Services.

By Mr. McDONOUGH:

H. R. 1288. A bill to provide an additional income-tax exemption to certain handicapped individuals; to the Committee on Ways and Means.

By Mr. MACHROWICZ:

H. R. 1289. A bill to establish a United States Air Force Academy; to the Committee on Armed Services.

By Mr. MOULDER:

H. R. 1290. A bill to extend to the veterans of the Mexican border service of 1916 and 1917 and their widows and minor children all the provisions, privileges, rights, and benefits of laws enacted for the benefit of veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. PHILLIPS:

H. R. 1291. A bill to encourage the improvement and development of marketing facilities for handling perishable agricultural commodities; to the Committee on Agriculture.

H. R. 1292. A bill to grant to persons serving under the command of Gen. Emilio Aguinaldo in the campaign against the city of Manila, Philippine Islands, the right to wear the Spanish campaign ribbon and badge; to the Committee on Armed Services.

H. R. 1293. A bill to amend section 2455 of Revised Statutes, as amended, to provide for preferences to States in securing isolated or disconnected tracts of public domain; to the Committee on Public Lands.

H. R. 1294. A bill to amend the act of June 29, 1934 (48 Stat. 1269), as amended, to provide for preferences to States in the selection of lands under the school indemnity selection laws; to the Committee on Public Lands.

By Mr. POAGE:

H. R. 1295. A bill to authorize the President to accept enlistments of nationals of other countries into the armed services of the United States, and for other purposes; to the Committee on Armed Services.

By Mr. RANKIN (by request):

H. R. 1296. A bill to amend the Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Cong.) by extending the benefits of title III; to the Committee on Veteran's Affairs.

H. R. 1297. A bill to provide certain equitable adjustments in disability compensation and pension to meet the rise in the cost of living; to the Committee on Veterans' Affairs.

By Mr. RHODES:

H. R. 1298. A bill to provide relief for veterans erroneously required to reimburse the United States for overpayment on their adjusted-service certificates; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H. R. 1299. A bill to strengthen the common defense by providing for expansion and the production and processing of ramie and kenaf in the United States; to the Committee on Armed Services.

By Mrs. ROGERS of Massachusetts:

H. R. 1300. A bill to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. ROGERS of Massachusetts (by request):

H. R. 1301. A bill to extend for a period of 2 years the education and training benefits of the Servicemen's Readjustment Act of 1944, as amended; to the Committee on Veterans' Affairs.

By Mr. ROGERS of Texas:

H. R. 1302. A bill to amend chapter 83 of title 18, United States Code, so as to make certain subversive and other publications nonmailable and the transmission thereof through the United States mails a criminal offense; to the Committee on Post Office and Civil Service.

By Mr. HARDIE SCOTT:

H. R. 1303. A bill to provide for the issue of a series of United States annuity bonds; to the Committee on Ways and Means.

H. R. 1304. A bill to provide for capital-gain treatment with respect to income received on the redemption of certain United States savings bonds; to the Committee on Ways and Means.

H. R. 1305. A bill to amend section 5 of the Home Owners' Loan Act of 1933 so as to prohibit the use by Federal savings and loan associations of certain terms commonly used by banks; to the Committee on Banking and Currency.

By Mr. SCRIVNER:

H. R. 1306. A bill to eliminate compensation of members of the Armed Forces of the United States from taxable income, and for other purposes; to the Committee on Ways and Means.

By Mr. SCUDDER:

H. R. 1307. A bill to provide for flood-control improvements on Redwood Creek, Humboldt County, Calif.; to the Committee on Public Works.

H. R. 1308. A bill to repeal the taxes on transportation of persons; to the Committee on Ways and Means.

H. R. 1309. A bill to reduce the rate of tax on transportation of property; to the Committee on Ways and Means.

H. R. 1310. A bill to confirm and establish the titles of the State to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

H. R. 1311. A bill to authorize adjustments of rentals paid for premises leased for use during a national emergency; to the Committee on Public Works.

H. R. 1312. A bill to amend the Agricultural Act of 1948 by adding thereto a new section to establish an average parity price for fats and oils and to aid in maintaining such parity price to producers; to the Committee on Agriculture.

By Mr. VURSELL:

H. R. 1313. A bill to amend the Railroad Retirement Act of 1937 to increase the annuities payable to retired railroad employees and their surviving widows; to the Committee on Interstate and Foreign Commerce.

By Mr. WIER:

H. R. 1314. A bill to extend pension benefits to certain persons who served, in the Armed Forces of the United States, in the Moro Province, including Mindanao, or in the islands of Samar and Leyte, Philippine Islands, after July 4, 1902, and prior to January 1, 1914, and to their unremarried widows and dependent children; to the Committee on Veterans' Affairs.

H. R. 1315. A bill to authorize the Federal Security Administrator to bring to Washington, D. C., theater productions of land-grant and State and other accredited colleges and universities; to the Committee on Education and Labor.

By Mr. WOLVERTON:

H. R. 1316. A bill to aid in preventing shortages of petroleum and petroleum products in the United States by promoting the production of synthetic liquid fuels; to the Committee on Interstate and Foreign Commerce.

By Mr. ZABLOCKI:

H. R. 1317. A bill to amend section 1700 (a) (1) of the Internal Revenue Code so as to restore the exemptions from admissions tax which applied during World War II with respect to members of the Armed Forces and

to theaters operated on military installations; to the Committee on Ways and Means.

By Mr. BENNETT of Florida:

H. R. 1318. A bill to provide for the common defense by establishing a universal training program, and for other purposes; to the Committee on Armed Services.

By Mr. BURDICK:

H. R. 1319. A bill to authorize the cancellation, adjustment, and collection of certain obligations due the United States, and for other purposes; to the Committee on Agriculture.

By Mr. CELLER:

H. R. 1320. A bill making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers; to the Committee on House Administration.

H. R. 1321. A bill to repeal certain legislation relating to the purchase of silver, and for other purposes; to the Committee on Ways and Means.

By Mr. DELANEY:

H. R. 1322. A bill to rescind the order of the Postmaster General curtailing certain postal services; to the Committee on Post Office and Civil Service.

By Mr. DENTON:

H. R. 1323. A bill to amend the Clayton Act with respect to the recovery of triple damages under the antitrust laws, and for other purposes; to the Committee on the Judiciary.

H. R. 1324. A bill to authorize the appointment of a district judge for the northern and southern districts of Indiana; to the Committee on the Judiciary.

H. R. 1325. A bill to authorize the construction of a new post office, courthouse, and customhouse building at Evansville, Ind.; to the Committee on Public Works.

H. R. 1326. A bill to provide for the procurement and installation of mechanism for recording and counting votes in the House of Representatives; to the Committee on House Administration.

H. R. 1327. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

H. R. 1328. A bill to limit the removal of civil actions from State to Federal courts; to the Committee on the Judiciary.

H. R. 1329. A bill making the first Tuesday after the first Monday in November, in every even-numbered year, a legal holiday; to the Committee on the Judiciary.

H. R. 1330. A bill to increase criminal penalties under the Sherman Antitrust Act; to the Committee on the Judiciary.

By Mr. FORD:

H. R. 1331. A bill to authorize additional credits in the accounts of certain employees in the civil-service retirement and disability fund; to the Committee on Post Office and Civil Service.

By Mr. HERTER:

H. R. 1332. A bill to authorize the Federal Security Administrator to bring to Washington, D. C., theater productions of land-grant and State and other accredited colleges and universities; to the Committee on Education and Labor.

By Mr. KEARNS:

H. R. 1333. A bill to make it an offense against the United States to use the flag of the United States for advertising purposes, mutilate, defile, or cast contempt upon the flag of the United States; to the Committee on the Judiciary.

H. R. 1334. A bill to provide for the coinage of gold $10 pieces; to the Committee on Banking and Currency.

H. R. 1335. A bill for the relief of the Greenwood Township school district, Crawford County, Pa.; to the Committee on the Judiciary.

H. R. 1336. A bill to establish a Board of Education in the Federal Government and to define its organization, powers, and duties; and for other purposes; to the Committee on Education and Labor.

H. R. 1337. A bill to authorize the appropriation of funds to assist in more adequately financing education in the elementary and secondary schools of States found to be needy, and for other purposes; to the Committee on Education and Labor.

H. R. 1338. A bill to authorize the appropriation of funds to assist in more adequately financing education in the elementary and secondary schools of States found to be needy, and for other purposes; to the Committee on Education and Labor.

H. R. 1339. A bill to provide a plan for greater opportunities of employment, for distribution to owners, management, and to all other employees certain amounts of corporate income, and for other purposes; to the Committee on Education and Labor.

By Mr. KLEIN:

H. R. 1340. A bill to provide more adequate and effective rent control, and for other purposes; to the Committee on Banking and Currency.

By Mr. LIND:

H. R. 1341. A bill to amend subparagraphs (k) and (l) of paragraph II, part I, Veterans Regulation No. 1 (a), as amended, to provide increased compensation for certain specific disabilities; to the Committee on Veterans' Affairs.

H. R. 1342. A bill to amend section 3797 (a) (2) of the Internal Revenue Code, relating to the definition of the term "partner"; to the Committee on Ways and Means.

By Mr. McDONOUGH:

H. R. 1343. A bill to amend the Mineral Leasing Act for acquiring land as enacted August 7, 1947, 61 Statute 913; to the Committee on Public Lands.

H. R. 1344. A bill to prohibit the establishment of a valley authority in any State that would be substantially affected thereby until the people of the affected areas of such State have voted affirmatively for such valley authority; to the Committee on Public Works.

H. R. 1345. A bill to establish a United States Air Force Academy; to the Committee on Armed Services.

H. R. 1346. A bill providing for an additional military academy in the southern district of the State of California, and for other purposes; to the Committee on Armed Services.

H. R. 1347. A bill to amend the programs on the watersheds authorized in section 13 of the Flood Control Act of December 22, 1944; to the Committee on Public Works.

H. R. 1348. A bill providing for an additional naval academy in the southern district of the State of California, and for other purposes; to the Committee on Armed Services.

H. R. 1349. A bill to extend the benefits of the laws granting pension to veterans of the War with Spain to certain persons who served as teamsters in such war; to the Committee on Veterans' Affairs.

H. R. 1350. A bill to provide for the return to the State of California of certain original documents and maps, known as the Spanish-Mexican land-grant papers, deposited in the National Archives; to the Committee on Post Office and Civil Service.

H. R. 1351. A bill to create, and assign duties to, the office of Assistant Secretary of the Navy for the Marine Corps, and to fix the personnel strength of the United States Marine Corps in relation to that of the other Armed Forces to the Committee on Armed Services.

H. R. 1352. A bill to amend the Internal Revenue Code to provide compensation for employers required to withhold income tax at source on the wages of employees; to the Committee on Ways and Means.

H. R. 1353. A bill to establish minimum space requirements for post offices; to the Committee on Post Office and Civil Service.

H. R. 1354. A bill to amend paragraph (A) (1) of Public Law No. 662, Seventy-ninth Congress, chapter 869, second session, and for other purposes; to the Committee on Veterans' Affairs.

H. R. 1355. A bill to provide for the purchase of a site for a post-office garage building at Los Angeles, Calif.; to the Committee on Public Works.

H. R. 1356. A bill to provide for the purchase of a site for a new parcel post-office building at Los Angeles, Calif.; to the Committee on Public Works.

H. R. 1357. A bill to provide for the purchase of a site for a customhouse building at Los Angeles, Calif.; to the Committee on Public Works.

H. R. 1358. A bill to provide for the purchase of a site for a new Federal office building at Los Angeles, Calif.; to the Committee on Public Works.

H. R. 1359. A bill authorizing annual payments to States, Territories, and insular governments, for the benefit of their local political subdivisions, based on the fair value of the national-forest lands situated therein, and for other purposes; to the Committee on Public Lands.

H. R. 1360. A bill to authorize the Federal Works Administrator to design and construct a new Federal office building at Los Angeles, Calif., on land now owned or hereafter acquired by the United States, and for other purposes; to the Committee on Public Works.

H. R. 1361. A bill to provide for the construction of a customhouse building at Los Angeles, Calif.; to the Committee on Public Works.

H. R. 1362. A bill to provide for the construction of a new parcel post office building at Los Angeles, Calif.; to the Committee on Public Works.

H. R. 1363. A bill to provide for the construction of a post-office garage building at Los Angeles, Calif.; to the Committee on Public Works.

H. R. 1364. A bill to confirm and establish the titles of the States to lands and resources in and beneath navigable waters within State boundaries and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

H. R. 1365. A bill to provide for the acquisition of sites and the preparation of plans for Federal public buildings outside the District of Columbia, and for other purposes; to the Committee on Public Works.

H. R. 1366. A bill to provide the privilege of becoming a naturalized citizen of the United States to all immigrants having a legal right to permanent residence, to make immigration quotas available to Asian and Pacific peoples, and for other purposes; to the Committee on the Judiciary.

By Mr. McDONOUGH (by request):

H. R. 1367. A bill to facilitate standardization and uniformity of procedure relating to determination and priority of combat connection of disabilities, injuries, or diseases alleged to have been incurred in, or aggravated by combat service in, a war, campaign, or expedition; to the Committee on Veterans' Affairs.

By Mr. MAGEE:

H. R. 1368. A bill to authorize the appointment of doctors of chiropractic in the Department of Medicine and Surgery of the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. MANSFIELD:

H. R. 1369. A bill to provide a lump-sum death payment to beneficiaries of employees of the Forest Service killed while combating forest fires; to the Committee on Post Office and Civil Service.

By Mr. MILLER of California:

H. R. 1370. A bill to adjust the rates of annuities for certain employees retired under the Civil Service Retirement Act of May 29, 1930, as amended, prior to April 1, 1948; to

H. R. 1514. A bill to amend the Federal Trade Commission Act with respect to the advertising of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

H. R. 1515. A bill to provide free mailing privileges for patients in or at veterans' hospitals; to the Committee on Post Office and Civil Service.

H. R. 1516. A bill to relieve postmasters and other paying employees of the postal service from accountability for wrong payment of money orders in certain cases, and for other purposes; to the Committee on Post Office and Civil Service.

H. R. 1517. A bill to authorize the Public Printer to furnish copies of the CONGRESSIONAL RECORD to the Department of State for distribution to all United States missions abroad; to the Committee on House Administration.

H. R. 1518. A bill providing for the continuance of compensation or pension payments and a subsistence allowance for certain children of deceased veterans of World War I or II during education or training; to the Committee on Veterans' Affairs.

H. R. 1519. A bill to make the educational benefits of the Servicemen's Readjustment Act of 1944 available to the children of persons who died in active service or who died as a result of wounds received in World War II; to the Committee on Veterans' Affairs.

H. R. 1520. A bill for the creation of the Foreign Affairs Advisory Commission; to the Committee on Foreign Affairs.

By Mr. BECKWORTH:

H. R. 1521. A bill to provide for the training of civilian aircraft pilots, technicians, and mechanics, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOGGS of Louisiana:

H. R. 1522. A bill to amend sections 174, 200, 200a, and 200b of title 21, United States Code; section 2557 (b), title 26, United States Code; and section 2596, title 26, United States Code, to provide minimum and maximum penalties upon conviction of violation of the act of May 26, 1922, as amended; the act of December 17, 1914, as amended; and the act of August 2, 1937, as amended; and for other purposes; to the Committee on Ways and Means.

H. R. 1523. A bill to confirm and establish the titles of the States to lands and resources in and beneath navigable waters within State boundaries and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

H. R. 1524. A bill to amend the Railroad Retirement Act of 1937 to make employees eligible for annuities after 30 years of service, regardless of age, and to make widows eligible for annuities, regardless of age; to the Committee on Interstate and Foreign Commerce.

H. R. 1525. A bill to direct the Secretary of the Army to establish a national cemetery in the southern portion of Louisiana; to the Committee on Public Lands.

H. R. 1526. A bill to provide additional benefits with respect to optional retirement of persons serving in the Coast Guard who served in the former Lighthouse Service; to the Committee on Merchant Marine and Fisheries.

H. R. 1527. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide certain retirement benefits for civilian marine inspectors, officers in charge, and marine inspection officers of the United States Coast Guard; to the Committee on Post Office and Civil Service.

H. R. 1528. A bill to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act, and for other purposes," approved June 3, 1924, as amended; to the Committee on Interstate and Foreign Commerce.

H. R. 1529. A bill to provide for cancellation of certain unenforceable judgments on the records of the United States district courts; to the Committee on the Judiciary.

H. R. 1530. A bill to provide that the Legislative Reference Service shall compile and make available the voting records of the Members of Congress; to the Committee on House Administration.

H. R. 1531. A bill to provide for payment to certain retired members of the Naval and Marine Corps Reserve of a lump sum equal to their retirement pay for the period during which they remained in an inactive status without pay; to the Committee on Armed Services.

H. R. 1532. A bill to provide dispensary treatment and hospitalization in Army and Navy hospitals for retired enlisted personnel of the Army, Navy, Marine Corps, and Coast Guard; to the Committee on Armed Services.

By Mr. BREHM:

H. R. 1533. A bill to allow an income-tax exemption for any child who is supported by the taxpayer and who is a member of his household; to the Committee on Ways and Means.

By Mr. COOPER:

H. R. 1534. A bill to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes," approved May 15, 1928; to the Committee on Public Works.

By Mr. DOUGHTON:

H. R. 1535. A bill to amend certain administrative provisions of the Tariff Act of 1930 and related laws, and for other purposes; to the Committee on Ways and Means.

By Mr. HAGEN:

H. R. 1536. A bill to amend the Career Compensation Act of 1949 to provide the maximum retirement pay for certain retired enlisted men for the period from July 1, 1942, through June 30, 1946; to the Committee on Armed Services.

H. R. 1537. A bill to equalize the rates of compensation payable for wartime and peacetime service-connected disabilities; to the Committee on Veterans' Affairs.

H. R. 1538. A bill to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe; to the Committee on Public Lands.

H. R. 1539. A bill to provide retirement annuities for retired fourth-class postmasters with 30 years of service; to the Committee on Post Office and Civil Service.

H. R. 1540. A bill to provide a cost-of-living pay bonus for officers and employees of the United States; to the Committee on Post Office and Civil Service.

H. R. 1541. A bill to provide for a manufacturers' excise tax on jewelry in lieu of the retailers' excise tax on jewelry; to the Committee on Ways and Means.

H. R. 1542. A bill to exempt from income tax so much of any Christmas bonus paid to an employee as does not exceed $100; to the Committee on Ways and Means.

H. R. 1543. A bill to exempt from income taxation the interest on certain United States savings bonds; to the Committee on Ways and Means.

H. R. 1544. A bill to amend the Selective Service Act of 1948 to require that at least one member of each local board and each appeal board shall be a veteran; to the Committee on Armed Services.

By Mr. HOLIFIELD:

H. R. 1545. A bill to amend the Reorganization Act of 1949; to the Committee on Expenditures in the Executive Departments.

By Mr. LESINSKI:

H. R. 1546. A bill to provide a cost-of-living pay bonus for officers and employees of the United States; to the Committee on Post Office and Civil Service.

By Mr. McCORMACK:

H. R. 1547. A bill to authorize the incorporation of Army and Navy Legion of Valor of United States of America; to the Committee on the Judiciary.

By Mr. O'KONSKI:

H. R. 1548. A bill to declare that the United States holds certain lands in trust for the Bad River Band of Lake Superior Chippewa Indians of the State of Wisconsin; to the Committee on Public Lands.

H. R. 1549. A bill to declare that the United States holds certain lands in trust for the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the State of Wisconsin; to the Committee on Public Lands.

H. R. 1550. A bill to amend the act of August 30, 1935 (49 Stat. 1049), authorizing the Chippewa Indians of Wisconsin to submit claims to the Court of Claims; to the Committee on Public Lands.

H. R. 1551. A bill to confer civil and criminal jurisdiction on the State of Wisconsin in certain cases involving Indians; to the Committee on Public Lands.

By Mr. PRESTON:

H. R. 1552. A bill to provide for the preparation, printing, and distribution of a list of all persons who died at any time after May 26, 1941, and before December 31, 1946, while serving on active duty with the Armed Forces of the United States; to the Committee on Armed Services.

By Mr. RANKIN (by request):

H. R. 1553. A bill to provide hospital care for certain veterans residing in the Republic of the Philippines; to the Committee on Veterans' Affairs.

By Mr. SMITH of Mississippi:

H. R. 1554. A bill to provide free postage for members of the Armed Forces of the United States; to the Committee on Post Office and Civil Service.

By Mr. TOLLEFSON:

H. R. 1555. A bill to encourage the prevention of water pollution by allowing amounts paid for industrial waste treatment works or disposal facilities to be amortized at an accelerated rate for income-tax purposes; to the Committee on Ways and Means.

By Mr. SASSCER:

H. R. 1599. A bill to provide for a commission to determine the need for coordinated regional planning and action in the metropolitan area of the District of Columbia with respect to tax legislation and other matters, and for other purposes; to the Committee on the District of Columbia.

By Mr. KLEIN:

H. J. Res. 103. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. LIND:

H. J. Res. 104. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MACHROWICZ:

H. J. Res. 105. Joint resolution to extend for 1 year the issuance of visas authorized by section 3 of the Displaced Persons Act of 1948, as amended; to the Committee on the Judiciary.

By Mrs. ROGERS of Massachusetts:

H. J. Res. 106. Joint resolution authorizing the President to issue posthumously to the late George Smith Patton, Jr., a lieutenant general, Army of the United States, a commission as a five-star general; to the Committee on Armed Services.

ed in the first instance, and nothing should be permitted to occur which in any way will undermine or handicap the efforts of these States to combat discrimination in employment.

There may be some who will question the advisability or expediency of urging this type of legislation at this time. They may feel that action of this kind will be detrimental to the defense program.

I do not agree with this viewpoint. Just as the fair-employment practices order contributed so much to national unity and all-out effort in the last war, so is a similar order now most appropriate. Just as there is thorough justification for the adoption of a policy or plan of this nature temporarily, so there is equal justification for such a program on a permanent basis.

If we and our allies have been fighting for anything in Korea, we have been fighting to defend and preserve freedom and justice in the world. If freedom and justice mean anything, they mean the right of everyone to equal opportunity to earn a living according to his ability and regardless of his parentage or religious faith.

Freedom and justice are part and parcel of our American creed. Those of us who are sponsoring this bill seek thereby to help make our American creed a living reality and thus more fully to establish at home observance of the ideals and principles for which we profess to stand among the nations of the world.

ADMISSION OF ALIEN SPOUSES AND MINOR CHILDREN OF CITIZEN MEMBERS OF ARMED FORCES

Mr. McCARRAN. Mr. President, I introduce for appropriate reference a bill to permit the admission of alien spouses and minor children of citizen members of the Armed Forces and I ask unanimous consent to make a 1-minute statement in connection therewith.

The VICE PRESIDENT. The bill will be received and appropriately referred and, without objection, the Senator from Nevada may proceed.

The bill (S. 552) to amend Public Law 717 of the Eighty-first Congress to permit the admission of alien spouses and minor children of citizen members of the United States Armed Forces, introduced by Mr. McCARRAN, was read twice by its title and referred to the Committee on the Judiciary.

Mr. McCARRAN. Mr. President, in the course of the Eighty-first Congress I introduced and there was enacted a bill (S. 1858) which waived the exclusion provisions of our immigration laws relating to inadmissibility because of race in the case of alien spouses and minor children of United States citizens serving in or having been honorably discharged from the Armed Forces of the United States.

Under the provisions of this law which was passed by the Eighty-first Congress, the marriage between the United States citizen and the alien spouse must occur prior to February 19, 1951, in order for the alien spouse and minor children to benefit from the provisions of the law. The purpose of the bill which I have just introduced is to extend the operative effect of the act so that the provisions of the original law may be available in cases in which the marriage occurs before 12 months after the enactment of the instant bill. The provisions of the law would thus be available to alien spouses and minor children of our soldiers who are engaged in the Korean conflict.

INCREASED ALLOWANCES FOR DEPENDENTS OF CERTAIN MEMBERS OF ARMED FORCES

Mr. LANGER. Mr. President, I introduce for appropriate reference a bill to provide that the pay of the soldiers serving in Korea and in other parts of the globe be increased by $50 a month. At the present time, a soldier who has a wife and two children receives the sum of $107 a month. Manifestly, with the increased cost of living, with the rise in price of bread, butter, coffee, food of all kinds, and other things the average family needs, such a family cannot live decently on $107 a month. I therefore ask in this bill that the pay be increased by $50 additional, to be paid entirely by the Government.

I ask unanimous consent that the bill, together with a statement I have prepared explaining the measure, be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred, and, without objection, the bill and statement will be printed in the RECORD. The Chair hears no objection.

The bill (S. 565) to increase by $50 per month the allowances provided for dependents of enlisted personnel in active service in the Armed Forces, and for other purposes, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That (a) for the duration of section 3 of the Dependents Assistance Act of 1950 (Public Law 771, 81st Cong.), the table of monthly basic allowances for quarters for enlisted members in pay grades E-1 to E-7, inclusive, prescribed by such section is amended to read as follows:

	Not over 2 dependents	Over 2 dependents
E-7	$117.50	$135
E-6	117.50	135
E-5	117.50	135
E-4	117.50	135

	1 dependent	2 dependents	Over 2 dependents
E-3	$95	$117.50	$135
E-2	95	117.50	135
E-1	95	117.50	135

(b) For the duration of section 9 of the Dependents Assistance Act of 1950, the fourth proviso of section 515 (b) of such act of October 12, 1949, is amended to read as follows: "*Provided further*, That when a member is furnished Government quarters adequate for himself and his dependents, the total sum saved for him by this subsection shall be reduced at the rate of $95 per month for members in pay grades E-1, E-2, E-3, and E-4 (less than 7 years' service) and $117.50 per month for members in pay grades E-4 (7 or more years' service), E-5, E-6, and E-7."

SEC. 2. The amendments made by this act shall be effective on the first day of the first calendar month beginning after the date of enactment of this act.

The statement presented by Mr. LANGER is as follows:

STATEMENT BY SENATOR LANGER

The purpose of the bill is to assist dependents of enlisted personnel in active service in the Armed Forces in meeting increased costs of living by increasing by $50 a month the allowances provided for such dependents. As increased by the bill, the amounts payable for enlisted men in the first three grades would be $95 where there is only one dependent, $117.50 where there are two dependents, and $135 where there are more than two dependents. Dependents of enlisted men in grades 4 to 7, inclusive, would receive $117.50 a month where there are not more than two dependents and $135 a month where there are more than two dependents. These amounts are furnished by the Government in addition to any amounts furnished by the serviceman himself.

OPERATIONS UNDER CERTAIN MINERAL LEASES COVERING SUBMERGED LANDS OF CONTINENTAL SHELF

Mr. O'MAHONEY. Mr. President, on behalf of the Senator from New Mexico [Mr. ANDERSON] and myself, I introduce for appropriate reference a joint resolution to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, and I ask unanimous consent that I may make a brief statement in connection therewith.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred, and, without objection, the Senator from Wyoming may proceed.

The joint resolution (S. J. Res. 20) to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes, introduced by Mr. O'MAHONEY (for himself and Mr. ANDERSON), was read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. O'MAHONEY. Mr. President, this measure is a modification of a joint resolution which I introduced during the last session of Congress. Hearings upon the joint resolution were held by the Committee on Interior and Insular Affairs, but it was impossible to secure action because the Supreme Court had not then acted upon the case United States against Texas and the case of the United States against Louisiana. Those cases were determined on the fifth of June by a decision of the Supreme Court which was in harmony with the decision rendered in the prior case of the United States against the State of California. In all three of these cases the paramount authority of the United States over the submerged lands was asserted by the Supreme Court.

Operations off the California coast have been continued under stipulation between the Federal Government and the State of California. No stipulation

has been made with Texas and Louisiana. With respect to oil operations off their coasts the Secretary of the Interior has issued a 60-day operating permit so that producers would not have to shut-in their wells. These arrangements, however, are only temporary in character, and the Secretary of the Interior has held that he is without authority to administer the submerged oil lands except under the inherent authority invested in his office to prevent waste of Federal property.

Petroleum is one of the two basic strategic materials for both industry and war—the other being steel. Approximately two-thirds of the world's petroleum reserves are outside the boundaries of the United States. It is, therefore, of the utmost importance to the Nation that in the present international emergency, authority be speedily granted to the Government to administer these lands.

The controversy which has existed between the States and the Federal Government over the control of the submerged lands should not be permitted, in the opinion of the Senator from New Mexico [Mr. ANDERSON] and myself, to prevent continued development and exploration in these areas. The purpose of our resolution, therefore, is to provide interim authority for exploration and development while Congress is considering permanent legislation.

It would be unwise to await the enactment of such permanent legislation because the companies which have received and have been operating valid leases on submerged lands under the authority of the States are now unable to risk the investment of the large sums necessary to explore for and produce petroleum from deposits under the seas. These operating companies have already invested over $250,000,000 in operations in the Gulf of Mexico, and additional millions have been invested in operations off the coast of California.

Production amounting to 1,300,000 barrels a month in the case of California, and 480,000 barrels a month in the Gulf of Mexico, has already been developed by the operators. With no rule of law governing payment of rents and royalties, and only a temporary arrangement for production, there can be little argument against the need for immediate enactment of interim legislation so that the oil may continue to be produced and exploration undertaken in those submerged areas which have not yet been tested.

Under the Supreme Court decree in the Texas and Louisiana cases the States are not accountable for rents and royalties received prior to June 5, 1950. Without interim legislation, uncertainty as to payments subsequent to that date would necessarily mean an end to operation. Neither the Secretary of the Interior nor the States, nor, indeed, the companies operating under State leases, should be allowed to remain in the present legal vacuum in which only one thing is certain, namely, that Federal authority is paramount in the submerged lands.

The resolution provides that oil and gas leases issued by the States prior to December 21, 1948, which were in force and effect on June 5, 1950, may continue to be operated, except that all such leases will terminate within 5 years in the absence of production or drilling operations.

The resolution has no application to navigable inland waters within the boundary of any State. It therefore does not apply to any of the lands covered by the claims of the city of Long Beach, Calif., which are landward of the line established in the stipulation between the Attorney General of the United States and the attorney general of California. The resolution, however, does not attempt to determine what submerged lands on the seaward side of this line are in fact navigable inland waters to which the Federal Government has no title.

In order to cover the conditions which might arise in the event of a controversy as to whether a particular area of submerged lands is inside or outside the jurisdiction of a State, this resolution authorizes the Secretary of the Interior to make special agreements with the States or the lessee of the States for oil and gas operations, and for the payment and the handling of rents and royalties.

In view of the urgent need for the exploration of oil and gas, the Secretary of the Interior is authorized, pending the enactment of permanent legislation, to issue leases on areas of the Continental Shelf not now under lease. These leases are to be issued at competitive bidding for a period of 5 years and as long as oil and gas is produced at a royalty of not less than 12½ percent.

Bonuses, rents, royalties, and other funds payable in connection with the issuance and operation of all leases, except as to moneys received under an agreement authorized to be made with any State with respect to whether disputed lands are beneath navigable inland waters, would be deposited by the Secretary of the Interior in a special fund in the United States Treasury. Payments out of this fund would be made to the States on the basis of 37½ percent on all the receipts from areas within their seaward boundaries. Although the Supreme Court decision held that the paramount rights of the Federal Government cover all the lands seaward of the low-tide mark, State boundaries of the coastal States have traditionally extended 3 miles seaward. This provision for the payment of 37½ percent of the receipts to the States from operations within the State boundaries goes, therefore, beyond the holding of the Supreme Court. The balance of all receipts would be held in a special fund to await the enactment of permanent legislation.

Submerged lands of the Continental Shelf seaward of the State boundaries may be leased by the Secretary of the Interior. The resolution contains no provision for any payment of royalty to the coastal States from production in this area. This is because the lands seaward of the boundaries were never claimed by the States prior to the controversy, and the Federal claim to the resources of this area was established only as recently as September 28, 1945, by the proclamation of President Harry S. Truman. In international law, national sovereignty traditionally did not extend beyond the 3-mile limit, a boundary fixed in the days of sailing ships when the range of a cannon was 3 miles.

In view of the national emergency, it is also provided that the President may withdraw from disposition any of the unleased lands of the Continental Shelf and reserve them for the use of the United States in the interest of national security. In time of war, or when the President so prescribes, the United States shall have a prior right to purchase at the market price the oil and gas produced from the lands affected by the act. It is also provided that upon the recommendation of the Secretary of Defense during war or national emergency, operations under any lease may be suspended or any lease terminated provided that the lessee shall be compensated according to law.

Inasmuch as many applications have been made to the Federal Government in the past for leases under the Mineral Leasing Act of February 25, 1920, the resolution also contains a section providing that it shall not affect whatever rights, if any, such a prior applicant may have acquired under the law at the time of application.

Mr. President, I ask unanimous consent that the full text of the joint resolution I have introduced be printed at length in the RECORD, as a part of my remarks.

There being no objection the text of the joint resolution (S. J. Res. 20) was ordered to be printed in the RECORD, as follows:

Whereas certain mineral leases on submerged lands of the Continental Shelf were issued by coastal States under claim of ownership by such issuing States, and lessees have expended large sums of money in conducting operations under such leases; and

Whereas the Supreme Court of the United States on June 23, 1947, rendered an opinion in the case of *United States* v. *California* and on June 5, 1950, rendered opinions in the cases of *United States* v. *Louisiana* and *United States* v. *Texas*, holding that the United States has paramount rights in, and full dominion and power over, the submerged lands of the Continental Shelf adjacent to the shores of California, Louisiana, and Texas, and that the respective States do not own the submerged lands of the Continental Shelf within their boundaries; and

Whereas it is in the national interest and important to national defense in the present emergency that the orderly development of the oil and gas deposits in the submerged lands of the Continental Shelf should continue without interruption, and in view of the time required for consideration and enactment of permanent legislation covering the exploration, development, production, and conservation of the oil and gas deposits in the submerged lands of the Continental Shelf, thus making it essential that this resolution be enacted in order to protect the interests of the United States pending the enactment of permanent legislation by the Congress respecting the submerged lands of the Continental Shelf: Therefore be it

Resolved, etc., That (a) the provisions of this section shall apply to all mineral leases covering submerged lands of the Continental Shelf issued by any State or political subdivision or grantee thereof (including any

extension, renewal, or replacement thereof heretofore granted pursuant to such lease or under the law of such State) provided—

(1) That such lease or a true copy thereof shall have been filed with the Secretary by the lessee or his duly authorized agent within 90 days from the effective date of this resolution, or within such further period or periods as may be fixed from time to time by the Secretary;

(2) That such lease was issued (i) prior to December 21, 1948, and was on June 5, 1950, in force and effect in accordance with its terms and provisions and the law of the State issuing it, or (ii) with the approval of the Secretary and was on the effective date of this resolution in force and effect in accordance with its terms and provisions and the law of the State issuing it;

(3) That within the time specified in paragraph (1) of this subsection there shall have been filed with the Secretary (i) a certificate issued by the State official or agency having jurisdiction and stating that the lease was in force and effect as required by the provisions of paragraph (2) of this subsection or (ii) in the absence of such certificate, evidence in the form of affidavits, receipts, canceled checks, or other documents, and the Secretary shall determine whether such lease was so in force and effect;

(4) That except as otherwise provided in section 3 hereof, all rents, royalties, and other sums payable under such a lease between June 5, 1950, and the effective date of this resolution, which have not been paid in accordance with the provisions thereof, and all rents, royalties, and other sums payable under such a lease after the effective date of this resolution shall be paid to the Secretary, who shall deposit them in a special fund in the Treasury to be disposed of as hereinafter provided;

(5) That the holder of such lease certifies that such lease shall continue to be subject to the overriding royalty obligations existing on the effective date of this resolution;

(6) That such lease was not obtained by fraud or misrepresentation;

(7) That such lease, if issued on or after June 23, 1947, was issued upon the basis of competitive bidding;

(8) That such lease provides for a royalty to the lessor of not less than 12½ percent in amount or value of the production saved, removed, or sold from the lease: *Provided, however,* That if the lease provides for a lesser royalty, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary, to the increase of the royalty to the minimum herein specified;

(9) That such lease will terminate within a period of not more than 5 years from the effective date of this resolution in the absence of production or operations for drilling: *Provided, however,* That if the lease provides for a longer period, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary, to the reduction of such period, so that it will not exceed the maximum period herein specified; and

(10) That the holder of such lease furnishes such surety bond, if any, as the Secretary may require and complies with such other requirements as the Secretary may deem to be reasonable and necessary to protect the interests of the United States.

(b) Any person holding a mineral lease which comes within the provisions of subsection (a) of this section, as determined by the Secretary, may continue to maintain such lease, and may conduct operations thereunder, in accordance with its provisions for the full term thereof and of any extension, renewal, or replacement authorized therein or heretofore authorized by the law of the State issuing such lease. A negative determination under this subsection may be made by the Secretary only after giving to the holder of the lease notice and an opportunity to be heard.

(c) With respect to any mineral lease that is within the scope of subsection (a) of this section, the Secretary shall exercise such powers of supervision and control as may be vested in the lessor by law or the terms and provisions of the lease.

(d) The permission granted in subsection (b) of this section shall not be construed to be a waiver of such claims, if any, as the United States may have against the lessor or the lessee or any other person respecting sums payable or paid for or under the lease, or respecting activities conducted under the lease, prior to the effective date of this resolution.

SEC. 2. The Secretary is authorized, with the approval of the Attorney General of the United States and upon the application of any person holding a mineral lease issued by or under the authority of a State on tide lands or submerged lands beneath navigable inland waters within the boundaries of such State, to certify that the United States does not claim any proprietary interest in such lands or in the mineral deposits within them. The authority granted in this section shall not apply to rights of the United States in lands (a) which have been lawfully acquired by the United States from any State, either at the time of its admission into the Union or thereafter, or from any person in whom such rights had vested under the law of a State or under a treaty or other arrangement between the United States and a foreign power, or otherwise, or from a grantee or successor in interest of a State or such person; or (b) which were owned by the United States at the time of the admission of a State into the Union and which were expressly retained by the United States; or (c) which the United States lawfully holds under the law of the State in which the lands are situated; or (d) which are held by the United States in trust for the benefit of any person or persons, including any tribe, band, or group of Indians or for individual Indians.

SEC. 3. In the event of a controversy between the United States and a State as to whether or not lands are submerged lands beneath navigable inland waters, the Secretary is authorized, notwithstanding the provisions of subsections (a) and (c) of section 1 of this resolution, and with the concurrence of the Attorney General of the United States, to negotiate and enter into an agreement with the State or a lessee of the State, its political subdivision or grantee, respecting operations under existing mineral leases and payment and impounding of rents, royalties, and other sums payable thereunder, or with the State respecting the issuance of new mineral leases pending the settlement or adjudication of the controversy: *Provided, however,* That the authorization contained in this section shall not be construed to be a limitation upon the authority conferred on the Secretary in other sections of this resolution. Payments made pursuant to such agreement, or pursuant to any stipulation between the United States and a State, shall be considered as compliance with section 1 (a) (4) hereof. Upon the termination of such agreement or stipulation by reason of the final settlement or adjudication of such controversy, if the lands subject to any mineral lease are determined to be in whole or in part submerged land of the Continental Shelf, the lessee, if he had not already done so, shall comply with the requirements of section 1 (a), and thereupon the provisions of section 1 (b) shall govern such lease.

SEC. 4. (a) In order to meet the urgent need during the present emergency for further exploration and development of the oil and gas deposits in the submerged lands of the Continental Shelf, the Secretary is authorized, pending the enactment of further legislation on the subject, to grant to the qualified persons offering the highest bonuses on a basis of competitive bidding, oil and gas leases on submerged lands of the Continental Shelf which are not covered by leases within the scope of subsection (a) of section 1 of this resolution.

(b) A lease issued by the Secretary pursuant to this section shall cover such area as the Secretary may determine, shall be for a period of 5 years and as long thereafter as oil or gas may be produced from the area in paying quantities, shall require the payment of a royalty of not less than 12½ percent, and shall contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe in advance of offering the area for lease.

(c) All moneys paid to the Secretary for or under leases granted pursuant to this section shall be deposited in a special fund in the Treasury to be disposed of as hereinafter provided.

SEC. 5. (a) Except as provided in subsection (b) of this section:

(1) 37½ percent of all moneys received as bonus payments, rents, royalties and other sums payable with respect to operations in submerged coastal lands lying within the seaward boundary of any State shall be paid by the Secretary of the Treasury to such State within 90 days after the expiration of each fiscal year;

(2) all other moneys received under the provisions of this act shall be held in a special account in the Treasury pending the enactment of legislation by the Congress concerning the disposition thereof.

(b) The provisions of this section shall not apply to moneys received and held pursuant to any stipulation or agreement referred to in section 3 of this resolution pending the settlement or adjudication of the controversy.

(c) If and whenever the United States shall take and receive in kind all or any part of the royalty under a lease maintained or issued under the provisions of the act and covering submerged coastal lands lying within the seaward boundary of any State, the value of such royalty so taken in kind shall, for the purpose of subsection (a)(1) of this section, be deemed to be the prevailing market price thereof at the time and place of production, and there shall be paid to the State entitled thereto 37½ percent of the value of such royalty.

SEC. 6. The Secretary is authorized to issue such regulations as he may deem to be necessary or advisable in performing his functions under this resolution.

SEC. 7. (a) The President may, from time to time, withdraw from disposition any of the unleased lands of the Continental Shelf and reserve them for the use of the United States in the interest of national security.

(b) In time of war, or when the President shall so prescribe, the United States shall have the right of first refusal to purchase at the market price all or any portion of the oil and gas produced from the submerged lands covered by this act.

(c) All leases issued under this act, and leases, the maintenances and operation of which are authorized under this act, shall contain or be construed to contain a provision whereby authority is vested in the Secretary, upon the recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or the President after the effective date of this act, to suspend operations under, or to terminate any lease; and all such leases shall contain or be construed to contain provisions for the payment to the lessee whose operations are thus suspended or whose lease is thus terminated of an amount determined by due process of law.

SEC. 8. Nothing herein contained shall affect any rights that may have been acquired under any law of the United States by any person on lands subject to this resolution

and any such rights shall be governed by the law in effect at the time they may have been acquired.

SEC. 9. When used in this resolution, (a) the term "submerged lands of the Continental Shelf" means the lands (including the oil, gas, and other minerals therein) underlying the sea and situated outside the ordinary low water mark on the coast of the United States and outside the inland waters and extending seaward to the outer edge of the Continental Shelf; (b) the term "seaward boundary of a State" shall mean a line 3 miles distant from the points at which the paramount rights of the Federal Government in the submerged lands begin; (c) the term "mineral lease" means any form of authorization for the exploration, development or production of oil, gas, or other minerals; (d) the term "tidelands" means lands regularly covered and uncovered by the flow and the ebb of the tides; and (e) the term "Secretary" means the Secretary of the Interior.

UNIVERSAL MILITARY TRAINING—AMENDMENTS

Mr. JOHNSON of Texas (by request) (for himself, Mr. RUSSELL, Mr. CHAPMAN, Mr. KEFAUVER, Mr. HUNT, Mr. STENNIS, Mr. BRIDGES, Mr. SALTONSTALL, Mr. MORSE, Mr. KNOWLAND, Mr. CAIN, and Mr. FLANDERS) submitted amendments in the nature of a substitute intended to be proposed by them, jointly, to the bill (S. 1) to provide for the common defense by establishing a universal training program, and for other purposes, which were referred to the Committee on Armed Services and ordered to be printed.

ADDRESS BY SENATOR WILEY BEFORE ECONOMICS CLUB OF NEW YORK

[Mr. WILEY asked and obtained leave to have printed in the RECORD an address entitled "Our Country's Role in the World Crisis," delivered by him before the Economics Club of New York, on January 17, 1951, which appears in the Appendix.]

IT'S TIME TO REEXAMINE FOREIGN COMMITMENTS THAT THREATEN UNITED STATES—ADDRESS BY FORMER SENATOR CAPPER

[Mr. CARLSON asked and obtained leave to have printed in the RECORD a radio address entitled "It's Time To Reexamine Foreign Commitments That Threaten United States," delivered by former Senator Capper, of Kansas, which appears in the Appendix.]

THREAT OF COMMUNISM—ADDRESS BY GEORGE E. STRINGFELLOW

[Mr. O'CONOR asked and obtained leave to have printed in the RECORD an address entitled "Our Responsibility," delivered by George E. Stringfellow, of East Orange, N. J., before the members of Rameses Temple, Ancient Arabic Order, Nobles of the Mystic Shrine, at Toronto, Ontario, Canada, on December 8, 1950, which appears in the Appendix.]

COMMUNIST CHINA AN AGGRESSOR—ARTICLE BY CONSTANTINE BROWN

[Mr. O'CONOR asked and obtained leave to have printed in the RECORD an article regarding the naming of Communist China as an aggressor, written by Constantine Brown and published in the Washington Star of January 12, 1951, which appears in the Appendix.]

WHAT ARE WE TRYING TO DO?—ARTICLE BY LOUIS BROMFIELD

[Mr. MARTIN asked and obtained leave to have printed in the RECORD an article entitled "What Are We Trying To Do?" written by Louis Bromfield and published in the Philadelphia Bulletin of January 13, 1951, which appears in the Appendix.]

OUR FOREIGN AND MILITARY POLICIES—EDITORIAL COMMENT AND CORRESPONDENCE RECEIVED BY SENATOR WHERRY

[Mr. WHERRY asked and obtained leave to have printed in the RECORD an editorial entitled "Where's Our Leadership?" published in the January 11 issue of the Cedar County News, at Hartington, Nebr.; and a telegram from Mrs. Edwin S. Towle, of Falls City, Nebr., which appear in the Appendix.]

TAX EXEMPTION FOR PRESIDENT AND CONGRESS SHOULD BE ELIMINATED—EDITORIAL FROM THE WINCHESTER (VA.) EVENING STAR

[Mr. WILLIAMS asked and obtained leave to have printed in the RECORD an editorial entitled "Tax Exemption for President and Congress Should be Eliminated," published in the Winchester (Va.) Evening Star of January 15, 1951, which appears in the Appendix.]

TRIBUTE TO LT. HARRY E. SUTTON AND HIS PLATOON

[Mr. LEHMAN asked and obtained leave to have printed in the RECORD an article entitled "Negro Unit Hailed on Hungnam Stand," published in the New York Times of December 22, 1950, which appears in the Appendix.]

THE MARSHALL PLAN—EDITORIAL FROM THE MANCHESTER (ENGLAND) GUARDIAN WEEKLY

[Mr. MORSE asked and obtained leave to have printed in the RECORD an editorial entitled "The Marshall Plan," published in the Manchester Guardian Weekly of December 21, 1950, which appears in the Appendix.]

LETTER FROM JESSE H. BOND TO SENATOR MORSE

[Mr. MORSE asked and obtained leave to have printed in the RECORD a letter addressed to him by Jesse H. Bond, of Eugene, Oreg., under date of December 6, 1950, which appears in the Appendix.]

TRENDS SHOW BIG INCREASE IN OREGON INCOME BY 1960—ARTICLE BY PAUL W. ELLIS

[Mr. MORSE asked and obtained leave to have printed in the RECORD an article entitled, "Trends Show Big Increase in Oregon Income by 1960," written by Paul W. Ellis, associate professor of economics, University of Oregon, and published in the November 1950 issue of Oregon Business Review, which appears in the Appendix.]

WARNING TO THE NORTHWEST—EDITORIAL FROM THE McMINNVILLE (OREG.) TELEPHONE REGISTER

[Mr. MORSE asked and obtained leave to have printed in the RECORD an editorial entitled "Warning to the Northwest," published in the McMinnville (Oreg.) Telephone Register of December 28, 1950, which appears in the Appendix.]

ANOTHER MUNICH?—LETTER TO THE PORTLAND OREGONIAN

[Mr. MORSE asked and obtained leave to have printed in the RECORD a letter entitled "Another Munich?" written by Clarence E. Singleton, of Astoria, Oreg., to the editor, and published in a December 1950 issue of the Portland Oregonian, which appears in the Appendix.]

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles, and referred, as indicated:

H. R. 136. An act allowing the consumer of gasoline to deduct, for income-tax purposes, State taxes on gasoline imposed on the wholesaler and passed on to the consumer;

H. R. 1012. An act to permit educational, religious, or charitable institutions to import textile machines and parts thereof for instructional purposes; and

H. J. Res. 73. Joint resolution amending chapter 26 of the Internal Revenue Code; to the Committee on Finance.

H. R. 1001. An act to authorize the construction of modern naval vessels, and for other purposes; to the Committee on Armed Services.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on Finance.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. FREAR, from the Committee on Banking and Currency:

William H. Harrison, of New York, to be Defense Production Administrator.

IMPORTANCE OF ADEQUATE MEDICAL CARE

Mr. MURRAY. Mr. President, I ask unanimous consent that an article by Mr. Bernard DeVoto, entitled "Letter to a Family Doctor," which appeared in the January issue of Harper's magazine, be set forth in the RECORD following the conclusion of these remarks.

I know I need not remind my colleagues of the continuing importance of the problem of assuring adequate medical care to all the American people. The President of the United States has just stressed the great role it plays in this critical period. The international situation in which we now find ourselves makes it perhaps more important than ever before. I know, too, that everyone in the Congress is aware of the excellent character of Harper's magazine and of Mr. DeVoto's reputation for perspicacity, clarity, and intellectual integrity. The combination of these factors has resulted in an article which, I believe, should be read with care, not only by Members of the Congress, but by every doctor in the country. Mr. DeVoto has pointed out in no uncertain terms the altogether indefensible position into which members of one of America's most noble professions are being led as a result of entrusting the determination of their public relations, their legislative activities, and their political thinking to a team of hucksters whose outstanding characteristic seems to be a complete disregard of their obligations as citizens or as purveyors of truth. Unless the doctors of America quickly awaken to what is being done in their name, they will inevitably find themselves regarded, not

also unwittingly extends similar appeasement to Russia through our friends and neighbors in Europe and Asia.

During the fiscal year which ends June 30, our Government will have spent almost $4,500,000,000 in military and economic assistance to foreign countries. The President's budget message on January 15 calls for $7,000,000,000 more for military and economic assistance to foreign countries.

I submit, Mr. Speaker, it is ridiculous to furnish financial assistance in this magnitude in an amount almost equivalent to the President's requested increase in taxes without sufficient control of the manner in which such funds are to be used by the countries who are the recipients of these funds. Certainly, we have a right, if we are going to spend this money, to know something about the purpose for which it is used.

If we are to believe that the international situation is as grave as it is pictured to be by the spokesmen for the administration, including the President, Secretary of State, and others, I think it is time for us to be more firm in our foreign policy. In extending our friendship, aid, and assistance to the free democracies of the world, and in helping them to rehabilitate their industries, economies, and their people following the devastation of World War II, we must not unwittingly furnish communism with the tools of war.

If the international situation is as grave as it is said to be, we cannot have free trade as usual among all the nations of the world. The United States Government must take necessary steps to salvage what little is left from the mistakes and ridiculous commitments which have been made in the past 4 years by our State Department.

If our Government approves the expenditure of approximately $12,000,000,000 for military and economic assistance abroad over a 2-year period it is extremely important that this Congress enact legislation such as I have introduced today. This proposed legislation will, in my judgment, help protect our investments in democracy at home as well as abroad.

Mr. Speaker, it is absolutely wrong that the United States of America should pour billions of dollars in materials and funds into other countries who, in turn, furnish war materials to those who are destroying the lives of our boys and who would destroy our country if they could.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. JACKSON of Washington (at the request of Mr. MANSFIELD) on account of illness.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 18 minutes p. m.) the House adjourned until tomorrow, Wednesday, January 24, 1951, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

109. A letter from the Chairman, Reconstruction Finance Corporation, transmitting a draft of a proposed joint resolution entitled "Joint resolution to repeal the first two sentences of section 9 (a) of the Rubber Act of 1948, as amended"; to the Committee on Armed Services.

110. A letter from the Acting Attorney General, transmitting copies of orders of the Commissioner of the Immigration and Naturalization Service suspending deportation, as well as a list of the persons involved; to the Committee on the Judiciary.

111. A letter from the Acting Attorney General, transmitting copies of the orders of the Commissioner of the Immigration and Naturalization Service granting the application for permanent residence filed by the subjects of such orders, pursuant to section 4 of the Displaced Persons Act of 1948, as amended; to the Committee on the Judiciary.

112. A letter from the Deputy Attorney General, transmitting a draft of a proposed bill entitled "A bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States"; to the Committee on the Judiciary.

113. A letter from the Deputy Attorney General, transmitting a draft of a proposed bill entitled "A bill to amend sections 544 and 546 of title 28, United States Code"; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARING:

H. R. 1933. A bill to provide for the eradication and control of poisonous weeds, especially Halogeton glomeratus, on range and pasture lands in the several States and Territories, and for other purposes; to the Committee on Agriculture.

By Mr. BRAMBLETT:

H. R. 1934. A bill to confirm and establish the titles of the States to lands and resources in and beneath navigable waters within State boundaries and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

H. R. 1935. A bill to create, and assign duties to, the office of Assistant Secretary of the Navy for the Marine Corps, to fix the personnel strength of the United States Marine Corps, and to make the Commandant of the Marine Corps a permanent member of the Joint Chiefs of Staff; to the Committee on Armed Services.

By Mr. D'EWART (by request):

H. R. 1936. A bill to transfer to the Indian tribes of Montana control over their tribal funds; to the Committee on Public Lands.

By Mr. DOLLINGER:

H. R. 1937. A bill to enable the people of Puerto Rico to select their form of government; to the Commmittee on Public Lands.

By Mr. FORAND:

H. R. 1938. A bill relating to the use for Federal tax purposes of the last-in, first-out inventory method; to the Committee on Ways and Means.

By Mr. REES of Kansas:

H. R. 1939. A bill to provide that war materials, or economic or financial assistance, shall not be furnished to any foreign country which permits the export of war materials to Russia and other Communist-dominated countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BUCHANAN:

H. R. 1940. A bill to provide for home rule and reorganization in the District of Columbia; to the Committee on the District of Columbia.

By Mr. JONAS:

H. R. 1941. A bill to amend the Railroad Retirement Act of 1937; to the Committee on Interstate and Foreign Commerce.

By Mr. LANE:

H. R. 1942. A bill to amend the Federal Civil Defense Act of 1950 to authorize the disposal of certain Federal surplus property to State and local units of the United States Civil Defense Corps; to the Committee on Armed Services.

By Mr. O'NEILL:

H. R. 1943. A bill to provide free postage for members of the Armed Forces of the United States; to the Committee on Post Office and Civil Service.

By Mr. REED of New York:

H. R. 1944. A bill to extend certain benefits to persons who served in the Armed Forces of the United States in Mexico or on its borders during the period beginning May 9, 1916, and ending April 6, 1917, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Wisconsin:

H. R. 1945. A bill to amend section 2 of the act entitled "An act to incorporate the National Society of the Daughters of the American Revolution"; to the Committee on the Judiciary.

By Mr. ADDONIZIO:

H. R. 1946. A bill to extend the Housing and Rent Act of 1947, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. CELLER:

H. R. 1947. A bill to regulate the interception of communications in the interest of national security and the safety of human life; to the Committee on the Judiciary.

By Mr. LANTAFF:

H. R. 1948. A bill to amend the limitation upon the total annual compensation of certain rural carriers serving heavily patronized routes; to the Committee on Post Office and Civil Service.

By Mr. BUCKLEY:

H. R. 1949. A bill to retrocede to the State of Illinois jurisdiction over 154.2 acres of land used in connection with the Chain of Rocks Canal, Madison County, Ill.; to the Committee on Public Works.

By Mr. JUDD:

H. R. 1950. A bill to provide for the admission to St. Elizabeths Hospital, in the District of Columbia, of certain citizens of the United States adjudged insane in foreign countries; to the Committee on Education and Labor.

By Mr. BARTLETT:

H. R. 1951. A bill to provide that lands reserved to the Territory of Alaska for educational purposes may be leased for periods not in excess of 99 years; to the Committee on Public Lands.

H. R. 1952. A bill relating to cost-of-living allowances and additional compensation by reason of environment for officers and employees of the United States stationed outside the continental United States or in Alaska; to the Committee on Post Office and Civil Service.

By Mr. ELLIOTT:

H. R. 1953. A bill to create the Small Defense Plants Corporation and to preserve small-business institutions and free, competitive enterprise; to the Committee on Banking and Currency.

By Mr. STAGGERS:

H. R. 1954. A bill to provide a transcontinental superhighway with alternate sections; to the Committee on Public Works.

H. R. 1955. A bill to provide that standard time shall be the measure of time for all purposes and to authorize Congress to estab-

The senior Senator from Massachusetts [Mr. SALTONSTALL] recently called a similar transaction to the attention of the Senate in relation to our exportation of substantial quantities of butter at 15 cents a pound, while the American housewives are being forced to pay 75 cents.

Unless we discontinue this absurd contradictory policy, by which we find that one Government agency is spending millions of dollars for the sole purpose of deliberately forcing food prices higher, by creating artificial shortages, and, at the same time, another Government agency is set up and staffed with thousands of employees for the sole purpose of holding down these same prices, Washington, instead of being classified as the Capital of the State of Confusion, will find itself as the Capital of Bankruptcy.

As evidence of what this type of program is costing the American taxpayers, I ask unanimous consent to have inserted in the RECORD at this point a letter from Mr. F. J. Lawton, Director of the Bureau of the Budget, dated October 11, 1950, in which he points out that the Commodity Credit Corporation, the agency which handles these transactions, has since its inception cost the American taxpayers $3,251,843,466.22. This amount does not include $1,952,544,994 which has been expended by the Department of Agriculture under section 32 of the Agricultural Adjustment Act; although that amount has been spent as a subsidy to agriculture, those operations are conducted under separate legislative authority.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., October 11, 1950.

Hon. JOHN J. WILLIAMS,
United States Senate, Washington, D. C.

MY DEAR SENATOR WILLIAMS: In answer to a telephone request from your office concerning the operating results of the Commodity Credit Corporation since its inception and through June 30, 1950, the following information is submitted:

OPERATING RESULTS TO JUNE 30, 1950, AND DEFICIT

Net operating loss, exclusive of cost of wartime consumer subsidy program	$1,149,773,595.73
Adjustments for recovery of price support losses:	
Charges to the reserve for postwar price support	500,000,000.00
Recovery from Secretary of the Treasury—Public Laws 389 and 393, 80th Cong.	56,239,432.11
Net operating loss after adjustments	593,534,163.62
Cost of wartime consumer subsidy program	2,102,069,870.49
Net restoration of capital from U. S. Treasury	1,897,367,543.78
Net deficit as of June 30, 1950	798,236,490.33

The net operating loss of the Commodity Credit Corporation, including the $2,102,069,870.49 cost of the wartime consumer subsidy program, was $3,251,843,466.22. Of the net operating loss of $1,149,773,595.73, excluding the wartime consumer subsidy program shown above, $705,790,030.36 represents the establishment of reserves for estimated losses on loans, receivables, and inventories as of June 30, 1950. In other words, this amount represents possible future losses rather than realized losses as of that date. Actual realized net losses, exclusive of the wartime consumer subsidy costs, amounted to $443,983,565.37, this amount including both net program losses as well as overhead expenses and interest costs.

In regard to section 32 operations, the funds made available for "Exportation and domestic consumption of agricultural commodities" since enactment of section 32 legislation on August 24, 1935, through the fiscal year 1950 have amounted to $2,241,557,961. Of this total, $1,961,716,479 had been obligated as of June 30, 1950, and $1,952,544,994 had been expended. Of the total obligations, $1,400,681,148 was used for the purposes within section 32, and $561,035,331 represents funds used in accordance with legislative directives other than section 32. The latter include National School Lunch Act (1947, 1948, and 1949), cotton price adjustment program, agricultural conservation program, wartime incentive payments, and pay act purposes in 1947. Of the total funds available to June 30, 1950, the sum of $115,223,849 was returned to the Treasury in the form of unobligated balances. The remainder of the unused balances was either reappropriated or was continued available for obligation after June 30, 1950.

It should be pointed out, we believe, that the Commodity Credit Corporation does not spend section 32 funds, and in tabulations of CCC costs section 32 expenditures should not be included. Section 32 of the Agricultural Adjustment Act, as amended (7 U. S. C. 612c), is a separate legislative authority under which a number of different programs are carried out by the Department of Agriculture.

Sincerely yours,

F. J. LAWTON,
Director.

TITLE TO LANDS BENEATH NAVIGABLE WATERS

Mr. HOLLAND. Mr. President, on behalf of myself and 34 of my colleagues from States spanning the Nation, both inland and coastal, I ask unanimous consent to introduce a bill to establish, confirm and vest in the States title to lands beneath navigable waters within their boundaries. The following Senators are joint sponsors of this measure: Arkansas, Mr. MCCLELLAN; California, Messrs. KNOWLAND and NIXON; Delaware, Mr. FREAR; Florida, Messrs. HOLLAND and SMATHERS; Indiana, Messrs. CAPEHART and JENNER; Iowa, Mr. HICKENLOOPER; Kansas, Messrs. SCHOEPPEL and CARLSON; Louisiana, Messrs. ELLENDER and LONG; Maryland, Messrs. O'CONOR and BUTLER; Massachusetts, Mr. SALTONSTALL; Minnesota, Mr. THYE; Mississippi, Messrs. EASTLAND and STENNIS; Nebraska, Mr. BUTLER; Nevada, Messrs. MCCARRAN and MALONE; New Jersey, Mr. HENDRICKSON; Ohio, Messrs. TAFT and BRICKER; Oregon, Mr. CORDON; Pennsylvania, Messrs. MARTIN and DUFF; South Carolina, Mr. JOHNSTON; South Dakota, Mr. MUNDT; Texas, Messrs. CONNALLY and JOHNSON; Virginia, Messrs. BYRD and ROBERTSON; Washington, Mr. CAIN.

The primary objective of this measure is to preserve and restore unimpaired the fundamental property rights of the several sovereign States, and to prevent further encroachment by the Federal Government upon the rights of the States in this respect.

May I express the view of myself and my colleagues that the time is long overdue that definite and permanent action be taken by the Congress to accomplish this end. There are important reasons, emphasized by current events which are well known to all, why this is imperative. Had such action been taken when such a measure was first presented to the Congress some 5 years ago we would not find ourselves confronted with the problem which now faces us.

Experience has demonstrated and present conditions confirm the fact that the States have shown superior ability in the development and production of petroleum resources. This statement is substantiated by the report of the National Petroleum Council on this question. This national body, composed of outstanding experts in the oil industry, was appointed by the Secretary of the Interior to conduct an investigation, to make research, and to formulate "A national oil policy for the United States." In its report, after a thorough review of the entire situation, the Council expressed its studied conclusion and made the following recommendation:

> The petroleum resources of the lands beneath the marginal seas extending to the outer edge of the Continental Shelf can best be explored and developed under State, rather than Federal, control.

In that connection, it went on to say:

> Substantial quantities of oil lie under the seas bordering the shores of several States. They constitute one of the most important sources of additional domestic oil supply remaining to be discovered and developed. A prudent oil policy would require that these resources be discovered and developed as soon as possible.
>
> Years of experience have demonstrated that State laws and regulations, designed to provide the necessary incentives and proper conservation practices, and on-the-ground State administration encourage the risk-taking vital to the discovery and development of petroleum resources. Federal laws and regulations, with final authority far removed from the scene of operations, have tended to discourage exploration for oil underlying Federal lands and to retard its discovery.
>
> Furthermore, on historic and constitutional grounds and under judicial precedents, the abutting States should own the lands and the resources beneath the marginal sea to the outer edge of the Continental Shelf, inasmuch as any area within or appurtenant to the continental United States is required under our Federal system to be included in one or more States of the Union. A sound national policy should prompt Congress to confirm in such abutting States the ownership of the lands and subsoil beneath such marginal seas.

Despite this definite recommendation, action by Congress resolving this problem has been delayed, with resulting confusion on the part of the oil industry, the

States, and the Federal agencies. This confusion was further enhanced by the decisions of the United States Supreme Court on June 5 of last year in the cases brought by the United States against the States of Louisiana and Texas. These decisions had been looked forward to with a considerable degree of expectancy for guidance in the solution of the existing problem. It had been hoped that the Court might correct what many consider an erroneous pronouncement of the law in the California case, which failed to recognize the rights of the States which had prevailed in this Nation for over a century. These rights embraced the ownership of all lands beneath navigable waters within their boundaries. No order and decree effectuating these decisions was entered into until December 11, 1950, so that no legislation was passed during the Eighty-first Congress.

At the opening of the Eighty-second Congress a so-called interim resolution—Senate Joint Resolution 20—was introduced by the senior Senator from Wyoming and the junior Senator from New Mexico. The hearings are now being conducted thereon before the Senate Committee on Interior and Insular Affairs. These hearings demonstrate the serious confusion and uncertainty that exists, and that, in my opinion at least, the so-called interim measure is entirely inadequate and will not provide the remedy to clear up the situation. It is recognized by all that to effect a permanent solution of the problem Congress can take one of two steps. It must restore to the States their long-asserted rights or must implement the claims of the Federal Government. In the judgment of the introducers of this bill, the one tenable course to be followed is the first named—that is to protect, defend, and restore to the States their long-asserted property rights.

It is the considered opinion of a substantial number of the Members of this body that definite and permanent legislation should be considered and passed without delay. While this bill now presented may not treat every angle of the problems presented, its concept is deemed sound and the basic principles upon which it rests are considered worthy of approval of this body. Whatever additional provisions may be deemed desirable can be readily provided upon a hearing of this measure. It is hoped that such hearing will take place immediately, and we believe it will result in a righteous solution, one of benefit to the entire Nation.

The policy which Congress should follow has been clearly set forth in a report (No. 2078) by the Judiciary Committee of the House dated May 17, 1950, where it was thus expressed.

> We consider it against the public interest for the Federal Government to commence a series of vexatious lawsuits against the sovereign States to recover submerged lands within the boundaries of the States, traditionally looked upon as the property of the States under a century of pronouncements by the Supreme Court reflecting its beliefs that the States owned these lands.

The report also said:

> The committee is of the opinion that not only will the public interest be best served by confirming the rights of the States but that common justice and equity require such action.

As yet, many States, including my own, have not been subjected to any legal action instituted by the Federal Government, challenging the ownership and use of the submerged lands and resources within their boundaries. Who is there to say that many States, interior or coastal, are not subject to being placed in jeopardy by court action brought by Federal agencies in an effort to invoke the same doctrine of so-called paramount rights?

In presenting this bill, my cosponsors and I find ourselves in highly respectable company. This company includes the following Nation-wide organizations whose dignity and patriotism are unchallenged: The Council of State Governments, the Governors' Conference, National Association of Attorneys General, the American Bar Association, National Conference of Mayors, American Association of Port Authorities, National Reclamation Association, National Water Conservation Association, National Institute of Municipal Law Officers (representing 503 cities), and the National Association of Secretaries of State.

Mr. President, at this time I ask unanimous consent to introduce, out of order, the bill which is described in my statement.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Without objection, the bill will be received and appropriately referred.

The bill (S. 940) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources, introduced by Mr. HOLLAND (for himself and other Senators), was read twice by its title, and referred to the Committee on Interior and Insular Affairs.

SERVICEMEN'S INDEMNITY ACT OF 1951

Mr. GEORGE. Mr. President, I move that the Senate proceed to the consideration of House bill 1, the veterans' bill.

The PRESIDING OFFICER. The clerk will read the bill by title.

The LEGISLATIVE CLERK. A bill (H. R. 1) to authorize the payment by the Administrator of Veterans' Affairs of a gratuitous indemnity to survivors of members of the Armed Forces who die in active service, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 1) to authorize the payment by the Administrator of Veterans' Affairs of a gratuitous indemnity to survivors of members of the Armed Forces who die in active service, and for other purposes, which had been reported from the Committee on Finance, with amendments.

Mr. GEORGE. Mr. President, I ask unanimous consent that the bill be temporarily laid aside, until after the reading of Washington's Farewell Address, tomorrow, at which time, if it is agreeable to the majority leader, I shall ask that the Senate proceed to the consideration of the bill.

Mr. McFARLAND. Mr. President, as I remember, the distinguished chairman of the Senate Finance Committee expressed the opinion that it would take not more than an hour to dispose of House bill 1, and, inasmuch as it will take but a very short time to dispose of it tomorrow after the reading of Washington's Farewell Address, I think we should do so; after which we can recess until Monday, February 26, thus giving the committees an opportunity to catch up on their important work.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

CITATION FOR CONTEMPT OF JOSEPH AIUPPA

Mr. KEFAUVER. Mr. President, on the calendar are a number of resolutions the purpose of which is to cite witnesses for contempt of the Special Committee To Investigate Organized Crime in Interstate Commerce. The first is Senate Resolution 66, which I desire to call up at this time. I therefore move that the Senate proceed to consider Senate Resolution 66.

The PRESIDING OFFICER. Does the Senator from Tennessee make a motion or request unanimous consent for the consideration of this resolution?

Mr. KEFAUVER. It is a privileged matter, Mr. President. However, I ask unanimous consent that the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 66) citing Joseph Aiuppa, alias Anton Palunas, alias Joey O'Brien, for contempt of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the resolution was considered and agreed to, as follows:

> *Resolved*, That the President of the Senate certify the report of the Special Committee To Investigate Organized Crime in Interstate Commerce of the United States Senate as to the refusal of Joseph Aiuppa (alias Anton Palunas alias Joey O'Brien) to answer certain questions and his failure to produce certain records in response to subpena duly issued, before the said special committee, together with all the facts in connection therewith, under the seal of the United States Senate, to the United States attorney for the northern district of Ohio, to the end that the said Joseph Aiuppa (alias Anton Palunas alias Joey O'Brien) may be proceeded against in the manner and form provided by law.

By Mr. MAGNUSON:

S. 1085. A bill for the relief of Kane Shinohara; and

S. 1086. A bill for the relief of Dr. Guy Raiola; to the Committee on the Judiciary.

By Mr. MAYBANK (for himself, Mr. BYRD, and Mr. ROBERTSON):

S. 1087. A bill to authorize the coinage of 50-cent pieces in commemoration of the sixty-first and final reunion of the United Confederate Veterans; to the Committee on Banking and Currency.

By Mr. MAGNUSON (for himself and Mr. O'CONOR):

S. 1088. A bill to amend the Ship Mortgage Act, 1920, as amended; and

S. 1089. A bill to provide for United States-flag shipping participation in Government-financed cargoes; to the Committee on Interstate and Foreign Commerce.

By Mr. CASE:

S. 1090. A bill to confirm and establish the titles of the States to certain lands beneath navigable waters within State boundaries; to establish a Federal Waterlands Reserve and to provide for aid to the States for primary and secondary schools with the receipts therefrom; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LEHMAN:

S. 1091. A bill for the relief of Helene Gabor;

S. 1092. A bill for the relief of Dr. Francesco Drago; and

S. 1093. A bill for the relief of Dr. Theodore A. Schmidt; to the Committee on the Judiciary.

By Mr. LANGER:

S. 1094. A bill for the relief of Shazed Ali; to the Committee on the Judiciary.

By Mr. KERR:

S. 1095. A bill to extend the time for filing claims on behalf of certain persons, and for other purposes; to the Committee on the Judiciary.

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

AMENDMENT OF NATURAL GAS ACT

Mr. O'CONOR. Mr. President, on behalf of the Senator from Ohio [Mr. BRICKER] and myself, I introduce for appropriate reference a bill to amend section 2 of the Natural Gas Act, and I ask unanimous consent that a statement by me explaining the purposes of the bill be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred, and, without objection, the statement will be printed in the RECORD. The Chair hears no objection.

The bill (S. 1084) to amend section 2 of the Natural Gas Act, introduced by Mr. O'CONOR (for himself and Mr. BRICKER), was read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The statement presented by Mr. O'CONOR is as follows:

STATEMENT BY SENATOR O'CONOR

Government, as we have been privileged to know it in these United States, has functioned most effectively, in line with the ideas of our far-sighted forefathers, on three levels—the Federal, the State, and the local. It is, and was designed to be, the very antithesis of the totalitarian state, now unfortunately in operation throughout such a large part of the world.

The evils of overcentralization of governmental power need no exposition today. By their excesses in this field, other systems have made it all too evident that when phases of government which can be handled satisfactorily on local levels are taken over by the central government, destruction of individual and local rights inevitably follows.

Conditions elsewhere in the world today only serve to emphasize what has been the experience of our own people in this respect, namely, that government which is closest to the people serves the people best. Such government is most responsible to the will of the governed. It protects their interests most completely.

Great dangers lurk in the trend toward the paternalistic state. The over-centralized, overpowerful government, by its very nature, poses a threat to the liberties and the economic well-being of a people.

To come to the immediate matter at hand, let me cite a recent decision of the Supreme Court of the United States in *Federal Power Commission* v. *East Ohio Gas Co.* (338 U. S. 464 (January 9, 1950)). Briefly, this decision upheld a contested Federal Power Commission ruling to the effect that the East Ohio utility was engaged in the transportation of natural gas in interstate commerce, and, therefore, was subject to the jurisdiction of the Commission because it receives natural gas from a supplier outside the State, and makes local distribution to ultimate consumers.

On appeal of the ruling by the company to the courts, the United States Circuit Court of Appeals for the District of Columbia reversed the holding of the Federal Power Commission, in a 2-to-1 decision. Later the Supreme Court overruled the position taken by the Circuit Court of Appeals, and affirmed the contention of the Federal Power Commission that the continuous flow of gas from other States to and through the East Ohio Co.'s pipelines constitutes interstate transportation. Again there was a division in the Court, with 2 justices dissenting and 2 not participating.

The situation thus arising, as a result of the Supreme Court's interpretation of congressional action is one that has wide repercussions. It goes to the heart of the matter of local government and local regulation. It affects the distribution company in my own State of Maryland, as well as many other local distributing companies throughout the country which likewise receive out-of-State gas which they sell to their customers, the ultimate consumers of such gas, within their respective States. Some 43 similar cases are now said to be pending before the Commission.

Two pertinent facts attendant upon the controversy would seem to be worthy of emphasis. The first is that the East Ohio Co., just as are the Maryland company and many, if not all, of the various other companies over which the Federal Power Commission claims jurisdiction under the Natural Gas Act, already is subject to State regulation as to rates. Now, under the recent Supreme Court decision, all these companies could be subject to dual Federal-State regulations as to their books of account, depreciation practices, and other matters. Whether any public interest would be served thereby is highly debatable, inasmuch as the Natural Gas Act specifically denies the Federal Power Commission any control over retail rates and services by such distributing companies.

"Secondly, the very fact that both the Circuit Court of Appeals and the Supreme Court were divided in their opinions, and that they rendered contrary decisions, makes it clear that the present wording of the Natural Gas Act is subjected to more than one construction.

"The question which, therefore, immediately suggests itself is: What ought to be the law covering such situations? Should such local distribution companies be outside the Federal Power Co. jurisdiction, and subject to local regulations, and local regulation only.

"I believe that such was the intent of the Congress when the natural gas statute was enacted; and I believe the interests of gas consumers in the various States require that the Congress clearly reaffirm the local nature of such transactions, and exempt such local distribution companies from Federal regulations, where their distribution is exclusively within a State.

"It is a situation that demands attention and correction by the Congress, so that the rights of local and State governments may be preserved and guaranteed. For this purpose I am introducing, for myself and the Senator from Ohio, Mr. BRICKER, a bill which would amend the Natural Gas Act in several particulars, to provide definitely that local distribution companies are not natural gas companies as affected by the act, and to declare such local distribution companies subject to regulation by the several States.

"More and more in recent years it has become apparent that invasion by the Federal Government in the domain of State controls and regulations poses a definite threat to the stability of State and local governments. Such centralization of power and activities, moreover, results in duplication of effort in many fields, a duplication which is exceedingly costly and adds greatly to the tax burdens now weighing so heavily upon all our people.

"It is a tendency which must be stopped. And only Congress has the power to apply the brakes. By amending the Natural Gas Act, as is projected in this proposal, the Congress will be clarifying this question definitely. Such action will reserve to the States, in cases where the distribution is entirely intrastate, the regulation of those companies which can be or are being regulated adequately by the States, and will accord to the Federal agencies jurisdiction only where Federal control is clearly indicated, as, for instance, in matters clearly of an interstate nature.

"I do not believe the Congress intended its enactment to have the effect which the majority opinion of the Supreme Court has given to the language used. If it did so intend, then the Congress made an encroachment upon State sovereignty and State regulating practices that was far-reaching and not required by the bill it had under consideration. It is the intention of our proposal to put Congress on record as not having such an intention to extend Federal jurisdiction, under circumstances here described, especially when the regulation can properly and satisfactorily be handled by the respective States."

EXTENSION OF TIME FOR FILING CLAIMS ON BEHALF OF CERTAIN PERSONS

Mr. KERR. Mr. President, I introduce for appropriate reference a bill to extend the time for filing claims on behalf of certain persons, and for other purposes, and I ask unanimous consent that a statement by me explaining its provisions be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred, and, without objection, the statement will be printed in the RECORD. The Chair hears no objection.

The bill (S. 1095) to extend the time for filing claims on behalf of certain persons, and for other purposes, introduced by Mr. KERR, was read twice by its title, and referred to the Committee on the Judiciary.

The statement presented by Mr. KERR is as follows:

STATEMENT BY SENATOR KERR

In 1939, after Congress had authorized the construction of the Denison Dam and appropriated money for initiating its construction, the Governor of Oklahoma caused suits to

1951 in the amount of $25,000,000 for the Department of Commerce (H. Doc. No. 83); to the Committee on Appropriations and ordered to be printed.

299. A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1951 in the amount of $3,650,000 for the Department of the Interior (H. Doc. No. 84); to the Committee on Appropriations and ordered to be printed.

300. A communication from the President of the United States, transmitting a proposed supplemental appropriation to pay claims for damages, audited claims, and judgments rendered against the United States, as provided by various laws, in the amount of $1,999,044.26, together with such amounts as may be necessary to pay indefinite interest and costs and to cover increases in rates of exchange as may be necessary to pay claims in foreign currency (H. Doc. No. 85); to the Committee on Appropriations and ordered to be printed.

301. A letter from the Secretary of Commerce, transmitting the annual report of the Foreign-Trade Zones Board for the fiscal year ended June 30, 1950, together with the reports covering the operations during the same period of foreign-trade zones Nos. 1, 2, 3, 4, and 5 located, respectively, at New York City, New Orleans, San Francisco, Los Angeles, and Seattle, also a copy of the interim report covering the operations of foreign-trade zone No. 1 at New York, for the 6-month period ended June 30, 1949, pursuant to section 16 of the Foreign-Trade Zones Act of June 18, 1934, as amended by Public Law 566, Eighty-first Congress, approved June 17, 1950; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARY: Committee on Appropriations. H. R. 3282. A bill making appropriations for the Treasury and Post Office Departments and funds available for the Export-Import Bank of Washington for the fiscal year ending June 30, 1952, and for other purposes; without amendment (Rept. No. 272). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 169. Resolution providing for the consideration of House Joint Resolution 196, joint resolution to continue for a temporary period the provisions of the Housing and Rent Act of 1947, as amended; without amendment (Rept. No. 273). Referred to the House Calendar.

Mr. MITCHELL: Committee on Rules. House Resolution 170. Resolution providing for the waiving of points of order against H. R. 3282, a bill making appropriations for the Treasury and Post Office Departments and funds available for the Export-Import Bank for the fiscal year ending June 30, 1952, and for other purposes; without amendment (Rept. No. 274). Referred to the House Calendar.

Mr. BATES of Kentucky: Committee on Appropriations. House Joint Resolution 207. Joint resolution making additional appropriations for the District of Columbia for the fiscal year 1951, and for other purposes; without amendment (Rept. No. 275). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 171. Resolution providing for the consideration of S. 1, an act to provide for the common defense and security of the United States and to permit the more effective utilization of manpower resources of the United States by authorizing universal military training and service, and for other purposes; without amendment (Rept. No. 276). Referred to the House Calendar.

Mr. GARMATZ: Joint Committee on the Disposition of Executive Papers. House Report No. 277. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. GARMATZ: Joint Committee on the Disposition of Executive Papers. House Report No. 278. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARY:

H. R. 3282. A bill making appropriations for the Treasury and Post Office Departments and funds available for the Export-Import Bank of Washington for the fiscal year ending June 30, 1952, and for other purposes; to the Committee on Appropriations.

By Mr. POAGE:

H. R. 3283. A bill to amend the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. HARRIS:

H. R. 3284. A bill to amend section 401 (d) of the Defense Production Act of 1950, so as to exempt cotton from price control; to the Committee on Banking and Currency.

By Mr. LYLE:

H. R. 3285. A bill to amend the Natural Gas Act approved June 21, 1938, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. McMULLEN:

H. R. 3286. A bill to amend the Social Security Act so that persons receiving insurance benefits under the Federal old-age and survivors insurance system can earn as much as $100 a month, in lieu of $50 a month, without forfeiting insurance benefits; to the Committee on Ways and Means.

By Mr. MORRISON:

H. R. 3287. A bill to amend the Classification Act of 1949, as amended, pertaining to the crafts, protective, and custodial schedule, and to place the position of char employee working part time in the appropriate grade of the crafts, protective, and custodial schedule; to the Committee on Post Office and Civil Service.

H. R. 3288. A bill to provide promotional credit for certain postal employees now under the Classification Act of 1949, as amended; to the Committee on Post Office and Civil Service.

H. R. 3289. A bill to grant longevity credit to former postal employees now under the Classification Act of 1949, as amended; to the Committee on Post Office and Civil Service.

By Mr. BURTON:

H. R. 3290. A bill to amend the War Claims Act of 1948 to compensate members of the military and naval forces of the United States for losses sustained as a result of Japanese sequestration of bank accounts in the Philippine Islands; to the Committee on Interstate and Foreign Commerce.

state and Foreign Commerce.

H. R. 3291. A bill to amend subdivision a of section 34 of the Bankruptcy Act, as amended; to the Committee on the Judiciary.

H. R. 3292. A bill to amend subdivision (a) of section 55 of the Bankruptcy Act, as amended; to the Committee on the Judiciary.

By Mr. COMBS:

H. R. 3293. A bill to amend sections 112 and 113 of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. ENGLE:

H. R. 3294. A bill to conserve water and power for irrigation and related purposes and to conserve petroleum used in power generation and to direct the construction, operation, and maintenance of transmission lines interconnecting Federal power systems of the Bonneville Power Administration and the Bureau of Reclamation in the Pacific Northwest and northern and central California; to the Committee on Interior and Insular Affairs.

By Mr. KLEIN:

H. R. 3295. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended; to the Committee on Post Office and Civil Service.

By Mr. LANE:

H. R. 3296. A bill to provide a Federal old-age pension for citizens of America; to the Committee on Ways and Means.

By Mr. TEAGUE:

H. R. 3297. A bill to authorize the Commissioners of the District of Columbia to appoint a member of the Metropolitan Police Department or a member of the Fire Department of the District of Columbia as director of the District Office of Civil Defense, and for other purposes; to the Committee on the District of Columbia.

By Mr. DURHAM:

H. R. 3298. A bill to amend section 503 (b) of the Federal Food, Drug, and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. FISHER:

H. R. 3299. A bill to extend the times for commencing and completing the construction of a free bridge across the Rio Grande at or near Del Rio, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. RANKIN:

H. R. 3300. A bill to confirm and establish the title of the States to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

By Mr. BENNETT of Michigan:

H. R. 3301. A bill to amend section 3 of the act entitled "An act to prohibit transportation of gambling devices in interstate commerce," appproved January 2, 1951, so as to require that information furnished to the Attorney General thereunder shall be kept and maintained in such manner as to be open for public inspection; to the Committee on Interstate and Foreign Commerce.

By Mr. CROSSER:

H. R. 3302. A bill to amend the act entitled "An act to authorize the construction, protection, operation, and maintenance of public airports in the Territory of Alaska," as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. HOFFMAN of Michigan:

H. R. 3303. A bill to establish a temporary National Commission on Intergovernmental Relations; to the Committee on Expenditures in the Executive Departments.

H. R. 3304. A bill to establish principles and policies to govern generally the management of the executive branch of the Government in accordance with recommendations of the Commission on Organization of the Executive Branch of the Government; to the Committee on Expenditures in the Executive Departments.

H. R. 3305. A bill to establish and to consolidate certain hospital, medical, and public health functions of the Government in a Department of Health; to the Committee on Expenditures in the Executive Departments.

H. R. 3306. A bill to establish a Department of Social Security and Education in accordance with recommendations of the Commission on Organization of the Executive Branch of the Government; to the Committee on Expenditures in the Executive Departments.

H. R. 3307. A bill making certain changes in laws applicable to regulatory agencies of the Government so as to effectuate the recommendations regarding regulatory agencies made by the Commission on Organization of the Executive Branch of the Government; to

under its previous order, the House adjourned until tomorrow, Thursday, May 3, 1951, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

419. A letter from the president, Girl Scouts of the United States of America, transmitting the First Annual Report of the Girl Scouts of the United States of America for the year ending December 31, 1950, under the requirement of section 7 of the act of March 16, 1950 (H. Doc. No. 123); to the Committee on the District of Columbia and ordered to be printed.

420. A letter from the Attorney General, transmitting the second report pursuant to section 708 (e) of the Defense Production Act of 1950 (Public Law 774, 81st Cong.), based upon a survey of Government procurement since the outbreak of hostilities in Korea; to the Committee on Banking and Currency.

421. A letter from the Secretary of the Interior, transmitting a legislative proposal entitled, "A bill to provide for the reforestation and revegetation of the forest and range lands under the administration or control of the Department of the Interior, and for other purposes"; to the Committee on Interior and Insular Affairs.

422. A letter from the Deputy Attorney General, transmitting a draft of a bill entitled "A bill for the relief of M. Neil Andrews"; to the Committee on the Judiciary.

423. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated March 30, 1951, submitting a report, together with accompanying papers, on a review of reports on the coasts of the Great Lakes, harbors of refuge for light-draft vessels, particularly with respect to a harbor of refuge at Port Huron, Mich.; on Black River, Sanilac and St. Clair Counties, Mich., requested by resolutions of the Committee on Rivers and Harbors, House of Representatives, adopted on September 25, 1945, and March 5, 1946, respectively; and also a preliminary examination and survey of Black River, Port Huron, Mich., authorized by the River and Harbor Act approved on July 24, 1946; to the Committee on Public Works.

424. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated March 23, 1951, submitting a report, together with accompanying papers on a review of reports on Shipyard River, S. C., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on November 20, 1945; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SABATH: Committee on Rules. House Resolution 220. Resolution for consideration of H. R. 3880, a bill making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1952, and for other purposes; without amendment (Rept. No. 417). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GRAHAM: Committee on the Judiciary. H. R. 616. A bill for the relief of Tomas J. Zafiriadis; without amendment (Rept. No. 402). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 617. A bill for the relief of Franz Furtner, his wife, Valentina Furtner, and her daughters, Nina Tuerck and Victoria Tuerck; with amendment (Rept. No. 403). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 895. A bill for the relief of Dr. Giuseppe Mazzone; without amendment (Rept. No. 404). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H. R. 1233. A bill for the relief of Mrs. Vasilia Parselles; with amendment (Rept. No. 405). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H. R. 1234. A bill for the relief of Mrs. Selma Cecelia Gahl; with amendment (Rept. No. 406). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 1457. A bill for the relief of Antranik Ayanian; without amendment (Rept. No. 407). Referred to the Committee of the Whole House.

Mr. GOSSETT: Committee on the Judiciary. H. R. 2114. A bill for the relief of Joe Lee (also known as Lee Jow); without amendment (Rept. No. 408). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 2310. A bill for the relief of Jindrich (Henri) Nosek and Mrs. Zdenka Nosek; with amendment (Rept. No. 409). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H. R. 2372. A bill for the relief of Michael Post-Posniakoff and Zinaida Post-Posniakoff; with amendment (Rept. No. 410). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H. R. 2852. A bill for the relief of Quen Mee Gee, also known as Loui Siu Lin; with amendment (Rept. No. 411). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H. R. 2853. A bill for the relief of Shizue Sakurada; without amendment (Rept. No. 412). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H. R. 2854. A bill for the relief of Dorothy Fumie Maeda; without amendment (Rept. No. 413). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H. R. 2916. A bill for the relief of Shizu Terauchi Parks; without amendment (Rept. No. 414). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 3063. A bill for the relief of Rosina Mouradian; without amendment (Rept. No. 415). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 3183. A bill for the relief of Chin Yuen Ling, minor unmarried Chinese child of a United States citizen; without amendment (Rept. No. 416). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAGEN:

H. R. 3930. A bill to authorize a $100 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation; to the Committee on Interior and Insular Affairs.

By Mr. HELLER:

H. R. 3931. A bill to create the United States Medical Academy; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGEE:

H. R. 3932. A bill to amend subparagraph (a), paragraph I, part I, Veterans' Regulation No. 1 (a), as amended, to provide more equitable rates of disability and death compensation for disability or death incurred in service on or after June 27, 1950, and for other purposes; to the Committee on Veterans' Affairs.

H. R. 3933. A bill to amend subparagraph (a), paragraph I, part I, Veterans' Regulation No. 1 (a), as amended, to provide more equitable rates of disability and death compensation for disability or death incurred in service on or after June 27, 1950, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARRIS:

H. R. 3934. A bill to authorize the appropriation of funds to assist the States and Territories in financing a minimum foundation education program of public elementary and secondary schools, and in reducing the inequalities of educational opportunities through public elementary and secondary schools, for the general welfare, and for other purposes; to the Committee on Education and Labor.

H. R. 3935. A bill to provide compensation under the veterans' laws and regulations for a child whose legal adoption by a veteran of World War II was not completed before the service-connected death of such veteran; to the Committee on Veterans' Affairs.

By Mr. HILLINGS:

H. R. 3936. A bill to confirm and establish the title of the States to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

By Mr. HARDIE SCOTT:

H. R. 3937. A bill to amend the act of June 28, 1948 (62 Stat. 1061), to provide for the operation, management, maintenance, and demolition of federally acquired properties following the acquisition of such properties and before the establishment of the Independence National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALTER:

H. R. 3938. A bill to amend the act of June 28, 1948 (62 Stat. 1061), to provide for the operation, management, maintenance, and demolition of federally acquired properties following the acquisition of such properties and before the establishment of the Independence National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DEANE:

H. R. 3939. A bill to amend the act of June 23, 1949, with respect to telephone and telegraph service for Members of the House of Representatives; to the Committee on House Administration.

By Mr. MILLS:

H. R. 3940. A bill to exclude from gross income certain receipts collected for the benefit of the American Red Cross; to the Committee on Ways and Means.

(Rept. No. 479). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. H. R. 3950. A bill for the relief of Rita V. L. Flaherty; without amendment (Rept. No. 480). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. Senate Concurrent Resolution 15. Concurrent resolution favoring the suspension of deportation of certain aliens; with amendment (Rept. No. 481). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATTLE:

H. R. 4135. A bill to authorize adjustments of rentals paid for premises leased for use during a national emergency; to the Committee on Public Works.

By Mr. KELLEY of Pennsylvania:

H. R. 4136. A bill to enable the States to make more adequate provision for special services required for the education of physically handicapped children of school age, and for other purposes; to the Committee on Education and Labor.

By Mr. PRESTON:

H. R. 4137. A bill to provide for the release of the right, title, and interest of the United States in a certain tract or parcel of land conditionally granted by it to the city of Savannah, Chatham County, Ga.; to the Committee on Armed Services.

By Mr. RODINO:

H. R. 4138. A bill providing equal pay for equal work for women, and for other purposes; to the Committee on Education and Labor.

By Mr. ROGERS of Colorado:

H. R. 4139. A bill to repeal certain provisions of the acts of September 23, 1950, and September 30, 1950, providing financial assistance to local educational agencies so as to remove discrimination against larger school districts; to the Committee on Education and Labor.

By Mr. CLEMENTE:

H. R. 4140. A bill to change penalties for the sale of narcotics; to the Committee on Ways and Means.

By Mr. DAVIS of Georgia:

H. R. 4141. A bill to provide for the more effective prevention, detection, and punishment of crime in the District of Columbia; to the Committee on the District of Columbia.

By Mr. EDWIN ARTHUR HALL:

H. R. 4142. A bill to authorize creation of a National Commission of Decency; to the Committee on the Judiciary.

By Mr. MULTER:

H. R. 4143. A bill to amend the Securities Exchange Act of 1934, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. ANFUSO:

H. R. 4144. A bill providing equal pay for equal work for women, and for other purposes; to the Committee on Education and Labor.

By Mr. KEOGH:

H. R. 4145. A bill to amend sections 309 of the Tariff Act of 1930, as amended (U. S. C., 1946 ed., title 19, sec. 1309) and section 446 of the Tariff Act of 1930 (U. S. C., 1946 ed., title 19, sec. 1446); to the Committee on Ways and Means.

By Mr. O'BRIEN of Michigan:

H. R. 4146. A bill to provide for the granting of financial aid to Israel; to the Committee on Foreign Affairs.

By Mr. TEAGUE:

H. R. 4147. A bill to confirm and establish the titles of the States to lands and resources in and beneath navigable waters within State boundaries and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

By Mr. CUNNINGHAM:

H. R. 4148. A bill to increase the amount of wages that may be earned by individuals entitled to old-age and survivors insurance benefit payments under the Social Security Act; to the Committee on Ways and Means.

By Mr. WICKERSHAM:

H. J. Res. 261. Joint resolution proposing an amendment to the Constitution of the United States to require the apportionment of Representatives among the several States on the basis of the number of citizens of the several States; to the Committee on the Judiciary.

By Mr. RODINO:

H. Con. Res. 107. Concurrent resolution to provide for an appropriate ceremony in the rotunda of the Capitol in honor of Constantino Brumidi; to the Committee on Rules.

By Mr. MACHROWICZ:

H. Con. Res. 108. Concurrent resolution expressing the sense of the Congress that the agreements concluded in 1945 at Yalta and Teheran should be forthwith repudiated by the United States; to the Committee on Foreign Affairs.

By Mr. BROWNSON:

H. Res. 231. Resolution expressing it to be the sense of the House of Representatives that Secretary of State Dean Acheson should be removed from office; to the Committee on the Judiciary.

By Mr. CANNON:

H. Res. 232. Resolution providing for the payment of 6 months' salary and $350 funeral expenses to the estate of Robert D. Johnson, late an employee of the House of Representatives; to the Committee on House Administration.

By Mr. BUCKLEY:

H. Res. 233. Resolution to provide funds for the expenses of the investigation and studies authorized by House Resolution 158; to the Committee on House Administration.

By Mr. ABBITT:

H. Res. 234. Resolution creating a select committee to conduct an investigation and study of the utilization of military manpower by the Armed Forces; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of New Jersey, requesting the return to New Jersey and to other States sufficient moneys from taxes raised in the States for the administration of the employment security program, so as to provide adequately for administration of the unemployment compensation law in the State; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDONIZIO:

H. R. 4149. A bill for the relief of Maria (Henriette) Zagrabowicz; to the Committee on the Judiciary.

By Mr. BARTLETT:

H. R. 4150. A bill to authorize the Secretary of the Interior to sell certain land to Ted B. Landoe and Roderic S. Carpenter; to the Committee on Interior and Insular Affairs.

By Mr. BENDER:

H. R. 4151. A bill for the relief of Stevan Pivnicki; to the Committee on the Judiciary.

By Mr. BUSBEY:

H. R. 4152. A bill for the relief of Ann Tobak and John Tobak; to the Committee on the Judiciary.

By Mr. CUNNINGHAM:

H. R. 4153. A bill for the relief of Isaac H. Shobet; to the Committee on the Judiciary.

By Mr. GORE:

H. R. 4154. A bill for the relief of the estate of Jake Jones, deceased; to the Committee on the Judiciary.

By Mr. EDWIN ARTHUR HALL:

H. R. 4155. A bill for the relief of the minor child, "Kim," a Korean war orphan; to the Committee on the Judiciary.

By Mr. HART:

H. R. 4156. A bill for the relief of Carmen Salvador and her daughter Ruby Salvador; to the Committee on the Judiciary.

By Mr. KARSTEN of Missouri:

H. R. 4157. A bill for the relief of Sister Helena Ginal, Sister Anna Szoldrska, Sister Anna Gluchowska and Sister Bronislawa Szewczyk; to the Committee on the Judiciary.

By Mr. KENNEDY:

H. R. 4158. A bill for the relief of Jacek Von Henneberg; to the Committee on the Judiciary.

By Mr. MACHROWICZ:

H. R. 4159. A bill for the relief of Georgette J. Zacarias; to the Committee on the Judiciary.

By Mr. POWELL:

H. R. 4160. A bill for the relief of M'Dahoma Ahmed Kouva; to the Committee on the Judiciary.

By Mr. RIBICOFF:

H. R. 4161. A bill for the relief of Beatrice O. Haidostian; to the Committee on the Judiciary.

By Mr. RILEY:

H. R. 4162. A bill for the relief of the Columbia Hospital of Richland County, S. C.; to the Committee on the Judiciary.

H. R. 4163. A bill for the relief of Francis C. Dennis and Marvin Spires of Eastover, S. C.; to the Committee on the Judiciary.

By Mrs. ST. GEORGE:

H. R. 4164. A bill for the relief of Danuta Resizke Birke; to the Committee on the Judiciary.

By Mr. TEAGUE:

H. R. 4165. A bill for the relief of A. D. Woods; to the Committee on the Judiciary.

By Mr. VAIL:

H. R. 4166. A bill for the relief of Victor Manuel Escobar; to the Committee on the Judiciary.

By Mr. WILLIAMS of Mississippi:

H. R. 4167. A bill for the relief of Mrs. Frank Rea D. Taylor; to the Committee on the Judiciary.

H. R. 4168. A bill for the relief of M. L. Brewer; to the Committee on the Judiciary.

PETITIONS, ETC.

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

287. By Mr. ANDERSON of California: Petition of William W. Mitchell and others concerning abuse of Presidential powers; to the Committee on the Judiciary.

288. By Mr. CANFIELD: Resolutions adopted by American Hard Rubber Co., Butler, N. J.; Woman's Club of Little Falls, Little Falls, N. J.; Paterson League for the Hard of Hearing, Paterson, N. J.; Raymond Pellington Unit No. 77, American Legion Auxiliary, Paterson, N. J.; Wanaque Borough Woman's Club, Wanaque Borough, N. J.; Saint Mary's Hospital Senior Guild, Passaic, N. J.; Hawthorne Junior Woman's Club, Hawthorne, N. J.; and Ladies Auxiliary William B. Mawhinney Post No. 1593, Veterans of Foreign Wars, Hawthorne, N. J.; reaffirming faith in the American voluntary way to

By Mr. HERTER:

H. R. 4192. A bill to authorize the attendance of the United States Marine Band at the national encampment of the Auxiliary to Sons of Union Veterans of the Civil War to be held in Columbus, Ohio, August 19 to August 23, 1951; to the Committee on Armed Services.

By Mr. AYRES:

H. R. 4193. A bill to authorize payment of the servicemen's indemnity to survivors of members of the National Guard who die while engaged in any training duty under competent orders; to the Committee on Veterans' Affairs.

By Mr. BENNETT of Florida:

H. R. 4194. A bill to amend the Internal Revenue Code, so as to provide that embezzled funds shall be included in gross income; to the Committee on Ways and Means.

H. R. 4195. A bill to amend the Internal Revenue Code, so as to impose a tax of 100 percent on illegally obtained income; to the Committee on Ways and Means.

By Mr. BURLESON:

H. R. 4196. A bill to confirm and establish the titles of the States to lands and resources in and beneath navigable waters within State boundaries and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

By Mr. FARRINGTON:

H. R. 4197. A bill to withdraw and restore to its previous status under the control of the Territory of Hawaii that certain Hawaiian home lands required for the use of the board of water supply of the city and county of Honolulu for the location of a water shaft, pump station, and tunnel, and to amend section 203 of the Hawaiian Homes Commission Act, 1920, so as to confer upon certain lands of Auwaiolimu, Kewalo-Uka, and Kalawahine, on the Island of Oahu, Territory of Hawaii, the status of Hawaiian home lands; to the Committee on Interior and Insular Affairs.

H. R. 4198. A bill to ratify and confirm Act 291 of the Sessions Laws of Hawaii, 1949, which included Maui County Waterworks Board under the definition of "municipality" in the issuance of revenue bonds pursuant to the Revenue Bond Act of 1935; to the Committee on Interior and Insular Affairs.

By Mr. REDDEN:

H. R. 4199. A bill to authorize the transfer of lands from the jurisdiction of the Secretary of the Interior to the jurisdiction of the Secretary of Agriculture; to the Committee on Interior and Insular Affairs.

By Mr. RIVERS:

H. R. 4200. A bill to make certain revisions in titles I through IV of the Officer Personnel Act of 1947, as amended, and for other purposes; to the Committee on Armed Services.

H. R. 4201. A bill to make certain revisions in the Officer Personnel Act of 1947, as amended, and for other purposes; to the Committee on Armed Services.

By Mr. ANFUSO:

H. R. 4202. A bill to amend the Veterans' Preference Act of 1944, as amended, so as to provide for designated representatives thereunder of certain veterans' organizations; to the Committee on Post Office and Civil Service.

By Mr. FARRINGTON:

H. R. 4203. A bill to ratify and confirm Act 7 of the Session Laws of Hawaii, 1951, extending the time within which revenue bonds may be issued and delivered under chapter 118, Revised Laws of Hawaii, 1945; to the Committee on Interior and Insular Affairs.

By Mr. FOGARTY:

H. R. 4204. A bill to amend the Armed Services Procurement Act of 1947, with respect to the procurement of supplies from small business concerns; to the Committee on Armed Services.

By Mr. RIVERS:

H. R. 4205. A bill to provide retirement benefits for the Chief of the Dental Division of the Bureau of Medicine and Surgery, and for other purposes; to the Committee on Armed Services.

By Mr. ADDONIZIO:

H. R. 4206. A bill providing equal pay for equal work for women, and for other purposes; to the Committee on Education and Labor.

By Mr. JAVITS:

H. R. 4207. A bill to repeal limitations contained in other laws on federally assisted low-rent housing projects authorized by the Housing Act of 1949, as amended; to the Committee on Banking and Currency.

By Mr. McMILLAN (by request):

H. R. 4208. A bill to amend an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and acts amendatory thereof and supplementary thereto; to the Committee on the District of Columbia.

H. R. 4209. A bill to amend the law of the District of Columbia relating to forcible entry and detainer; to the Committee on the District of Columbia.

H. R. 4210. A bill to amend acts relating to fees payable to the clerk of the United States District Court for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H. R. 4211. A bill to amend acts relating to garagekeepers' and liverymen's liens and the enforcement thereof in the District of Columbia and for other purposes; to the Committee on the District of Columbia.

By Mr. PRIEST:

H. R. 4212. A bill for the establishment of a temporary National Advisory Committee for the Blind; to the Committee on Education and Labor.

By Mr. FERNANDEZ:

H. R. 4213. A bill to extend for 1 year the 5-year period of limitation on the presentation of Indian claims to the Indian Claims Commission; to the Committee on Interior and Insular Affairs.

By Mr. REED of New York:

H. R. 4214. A bill to permit unincorporated businesses to be taxed as corporations; to the Committee on Ways and Means.

By Mr. ARMSTRONG:

H. Con. Res. 110. Concurrent resolution expressing the sense of the Congress that the United Nations take such steps against Communist China necessary to restore and maintain international peace and security; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to Senate Joint Resolution No. 29, relating to the American Indian; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to Senate Joint Resolutions Nos. 22 and 24, relating to the consideration of the use of certain highways in the region of Lake Tahoe and California State Highway Sign Route 88 for civil and military defense in the case of emergency; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDONIZIO:

H. R. 4215. A bill for the relief of Dr. Benjamin Blumenfeld Fielding; to the Committee on the Judiciary.

By Mr. BURLESON:

H. R. 4216. A bill for the relief of Elbert B. Peters; to the Committee on the Judiciary.

By Mr. CUNNINGHAM:

H. R. 4217. A bill for the relief of Janis Lamberts and Pauline Leontine Lamberts, his wife, and Harold Lamberts and Arnis Lamberts, their minor children; to the Committee on the Judiciary.

By Mr. D'EWART:

H. R. 4218. A bill authorizing the Secretary of the Interior to issue a patent in fee to Agnes Stevens Fisher; to the Committee on Interior and Insular Affairs.

H. R. 4219. A bill authorizing the Secretary of the Interior to issue a patent in fee to Louis W. Milliken; to the Committee on Interior and Insular Affairs.

By Mr. FARRINGTON:

H. R. 4220. A bill for the relief of Hazel Sau Fong Hee; to the Committee on the Judiciary.

H. R. 4221. A bill for the relief of Hidetaro Yamaguchi; to the Committee on the Judiciary.

H. R. 4222. A bill for the relief of Kurie Sassayama Tasato and Charlyne Kazue Tasato; to the Committee on the Judiciary.

By Mr. FOGARTY:

H. R. 4223. A bill for the relief of Richard F. Harvey; to the Committee on the Judiciary.

By Mr. HERLONG:

H. R. 4224. A bill for the relief of Mrs. Elfriede Hartley; to the Committee on the Judiciary.

By Mr. KENNEDY:

H. R. 4225. A bill for the relief of Elias Miltiades Iordanopoulos; to the Committee on the Judiciary.

By Mr. McGREGOR:

H. R. 4226. A bill for the relief of Walter M. Smith; to the Committee on the Judiciary.

By Mr. McMILLAN:

H. R. 4227. A bill for the relief of Fred Uziel and Mrs. Loretta Uziel; to the Committee on the Judiciary.

By Mr. NELSON:

H. R. 4228. A bill for the relief of Mrs. Lorene M. Williams; to the Committee on the Judiciary.

PETITIONS, ETC.

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

294. By Mr. MARTIN of Iowa: Petition signed by 74 railroad employees urging enactment of legislation amending the Railroad Retirement Act so as to provide retirement after 30 years of service at half pay, pay to be based on the five highest years of earnings, not to exceed $4,000, also requesting enactment of legislation which will assure the widow of a railroad employee drawing a pension equal to one-half of her husband's earned annuity, after she reaches the age of 50, and requesting further a minimum pension of $100 per month and optional retirement at 60; to the Committee on Interstate and Foreign Commerce.

295. By Mr. SHEEHAN: Petition of the Chicago Veterans Civic Association, Inc., of Cook County, Ill., resolving that the CVCA denounces universal military training in its

By Mr. O'CONOR (for himself, Mr. KEFAUVER, Mr. HUNT, Mr. TOBEY, and Mr. WILEY):

S. 1529. A bill to require the keeping of more detailed records and the furnishing of additional information by certain persons for income tax purposes;

S. 1530. A bill to establish a 2-year period of validity for basic permits issued under the Federal Alcohol Administration Act;

S. 1531. A bill to amend the Internal Revenue Code so as to provide for the preservation of records and for other purposes; and

S. 1532. A bill to amend the Internal Revenue Code so as to prohibit the deduction of expenses or losses incurred in illegal wagering; to the Committee on Finance.

(See the remarks of Mr. O'CONOR when he introduced the above bills, which appear under a separate heading.)

By Mr. HUMPHREY:

S. 1533. A bill to designate a Floyd B. Olson Memorial Triangle in the District of Columbia, and to authorize the erection of a memorial plaque in such triangle; to the Committee on the District of Columbia.

By Mr. HOLLAND:

S. 1534. A bill for the relief of Midori Akimoto, also known as Sharlene Akimoto; to the Committee on the Judiciary.

By Mr. WILEY (for himself, Mr. ROBERTSON, Mr. HOLLAND, and Mr. HENDRICKSON):

S. 1535. A bill to amend the National Labor Relations Act so as to provide that nothing therein shall invalidate the provisions of State laws prohibiting strikes in public utilities; to the Committee on Labor and Public Welfare.

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

By Mr. ANDERSON:

S. 1536. A bill to stabilize the economy of dependent residents of New Mexico using certain lands of the United States known as the North Lobato and El Pueblo tracts, originally purchased from relief program funds, and now administered under agreement by the Carson and Santa Fe National Forests, to effect permanent transfer of these lands, and for other purposes; to the Committee on Agriculture and Forestry.

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

By Mr. MAGNUSON:

S. 1537. A bill to amend the act entitled "An act to provide for the extension of the term of certain patents of persons who served in the military or naval forces of the United States during World War II"; and

S. 1538. A bill for the relief of O. E. Hambleton; to the Committee on the Judiciary.

S. 1539. A bill to amend an act entitled "An act to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service," approved March 2, 1931; to the Committee on Post Office and Civil Service.

By Mr. O'MAHONEY (for himself and Mr. ANDERSON):

S. 1540. A bill relating to the rights of the several States in lands beneath inland navigable waters and to the recognition of equities in submerged coastal lands adjacent to the shores of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

AMENDMENT OF NATIONAL LABOR RELATIONS ACT RELATING TO PROHIBITION OF STRIKES IN PUBLIC UTILITIES

Mr. WILEY. Mr. President, on behalf of myself, the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. HOLLAND], and the Senator from New Jersey [Mr. HENDRICKSON], I introduce for appropriate reference a bill to amend the so-called Taft-Hartley law so as to permit the respective States to deal with utility strikes. I ask unanimous consent that a statement I have prepared on this subject, together with an explanatory memorandum, a resolution adopted by the Public Relations Committee of the Wisconsin Electric Cooperative, and five newspaper editorials, which I have assembled in support of this legislation, be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred, and, without objection, the matters referred to by the Senator from Wisconsin will be printed in the RECORD.

The bill (S. 1535) to amend the National Labor Relations Act so as to provide that nothing therein shall invalidate the provisions of State laws prohibiting strikes in public utilities, introduced by Mr. WILEY (for himself, Mr. ROBERTSON, Mr. HOLLAND, and Mr. HENDRICKSON), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The statement, explanatory memorandum, resolution, and editorials presented by Mr. WILEY are as follows:

STATEMENT BY SENATOR WILEY

This action is made imperatively necessary by the decision of the United States Supreme Court in February which invalidated the Wisconsin compulsory arbitration law which governed the handling of labor disputes in essential services furnished by public utilities.

UTILITY STRIKES WRECK WHOLE CITIES

By this amendment today, we hope to handle one of the most critical problems of this technological age, namely, the problem of the possible paralysis of entire cities, regions, and States by the shutting down of a public utility. In recent years, there have been a tremendous number of disastrous instances, for example, the tugboat strike in New York, the prolonged Detroit transit strike and others wherein whole communities have been absolutely paralyzed by the decision of a union and/or of management, which resulted in a stoppage. It is absolutely impossible to estimate the tremendous direct and indirect financial costs of such a municipal paralysis, the staggering drop in business volume, the loss in profits, interests, dividends, wages in general and other harmful consequences to the very lives of individuals.

TEXT OF AMENDMENT

The amendment being introduced today reads as follows:

"Section 14 of the National Labor Relations Act, as amended, is amended by adding at the end thereof a new subsection as follows:

"'(c) (1) Nothing in this act or the Labor Management Relations Act, 1947, shall be construed to nullify the provisions of any State or Territorial law which regulate or qualify the right of employees of a public utility to strike, or which prohibit strikes by such employees.

"'(2) As used in this subsection the term 'public utility' means an employer engaged in the business of furnishing water, light, heat, gas, electric power, sanitation, passenger transportation, or communication services to the public, or of operating a gas pipeline or a toll bridge or tunnel.'"

I might incidentally mention that I had hoped to introduce this amendment right after the Supreme Court decision. However, the need for further research in this matter, as well as the conflicting pressures of a great mass of other work, including Foreign Relations Committee hearings, prevented me.

I will not presume at this point to attempt to argue the legal merits of the majority and minority opinions of the Supreme Court in the February case. What I am concerned with for the present is the net effect of the Supreme Court's action, when by a vote of 6 to 3 it decided that the Wisconsin law banning utility strikes was in open conflict with the Federal Taft-Hartley law and was therefore null and void.

LIMITS OF TAFT-HARTLEY LAW

It should be remembered that the Taft-Hartley law does not of itself ban strikes in key industries. It merely provides for injunction powers against Nation-wide emergency strikes. However, these injunctions are limited to 80 days, after which a union can legally strike. Moreover, even such injunctions cannot be used against a public-utility strike, unless the walk-out actually affects a major part of the industry nationally.

Recognizing the deficiencies of the Taft-Hartley statute, therefore, various States like Wisconsin, New Jersey, Virginia, Florida, have tried to find ways and means of preventing local utility strikes from completely paralyzing their communities. The theory behind the Wisconsin and similar statutes was that the States could act on such walk-outs because they were local in nature. The dissenting Court opinion written by Justice Felix Frankfurter confirmed the right of the States to act accordingly.

Under the Wisconsin statute State courts were empowered to issue injunctions against such utility walk-outs. Employers and unions in the field were compelled to accept the settlements ordered by State-appointed arbitrators if negotiations bogged down.

WHAT THE MAJORITY RULED

The majority of the Supreme Court did not cover all aspects of the Badger law, but merely indicated that it felt that the Wisconsin statute was in conflict with the portion of the Taft-Hartley law, which guarantees the right of workers to strike.

The Court majority did not consider the appeal by labor unions to the effect that the Wisconsin statute allegedly created a condition of "involuntary servitude" by denying the workers the right to strike. I do not personally believe that any such condition at all was created. Chief Justice Vinson, in the majority opinion, merely stated that the Wisconsin act was not "emergency legislation," but a comprehensive code for the settlement of labor disputes between public-utility employers and employees. The Chief Justice stated that public utilities were in the domain of interstate commerce. He went on to say:

"Where, as here, the State seeks to deny entirely a federally guaranteed right which Congress itself restricted only to a limited extent in case of national emergencies, however serious, it is manifest that the State legislation is in conflict with Federal law.

"Such State legislation must yield as conflicting with the exercise of federally protected labor rights."

WHAT THE MINORITY DECISION HELD

In the minority opinion, Justice Frankfurter commented "It is not reasonable to impute to the Congress the desire to leave States helpless in meeting local situations when Congress restricted national intervention to national emergencies."

Justice Frankfurter rightly pointed out that the Supreme Court has in the past amply sustained portions of the Wisconsin labor laws which dealt with matters not spe-

service by rail and water; to the Committee on Interstate and Foreign Commerce.

By Mr. WALTER:

H. R. 4484. A bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the continental shelf lying outside of State boundaries; to the Committee on the Judiciary.

By Mr. BENNETT of Michigan:

H. R. 4485. A bill to amend the act of June 4, 1897, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," as amended, to enable the Secretary of Agriculture to sell without advertisement national forest timber in amounts not exceeding $2,000 in appraised value; to the Committee on Agriculture.

By Mr. FUGATE:

H. R. 4486. A bill to provide for a cost-of-living increase in the rates of compensation of policemen and firemen employed by the Panama Canal; to the Committee on Merchant Marine and Fisheries.

By Mr. HAGEN:

H. R. 4487. A bill to readjust postal rates and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H. R. 4488. A bill granting to veterans of World War I and their widows and dependent children pensions equivalent to the pensions granted to veterans of the war with Spain and their widows and dependent children; to the Committee on Veterans' Affairs.

H. R. 4489. A bill to increase the period of education or training to which veterans of World War II are entitled, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SIEMINSKI:

H. R. 4490. A bill to amend the Housing Act of 1948, so as to provide that disability and death benefits based on military service may be excluded from net income in establishing rents for certain low-rent housing projects; to the Committee on Banking and Currency.

By Mr. TEAGUE:

H. R. 4491. A bill to amend section 2 of the Missing Persons Act, so as to provide that benefits thereunder shall be available to certain members of the Philippine Scouts; to the Committee on Armed Services.

By Mr. ABBITT:

H. J. Res. 270. Joint resolution continuing for a temporary period certain provisions of law relating to import controls for fats and oils (including butter) and for rice and rice products; to the Committee on Banking and Currency.

By Mr. KERSTEN of Wisconsin:

H. Con. Res. 123. Concurrent resolution expressing the hopes of the American people for the early liberation of the Rumanian people from their present enslavement and for the early restoration of their basic human rights and freedoms; to the Committee on Foreign Affairs.

By Mr. GROSS:

H. Res. 259. Resolution favoring an armistice in the Korean War; to the Committee on Foreign Affairs.

By Mr. MURDOCK:

H. Res. 260. Resolution authorizing the printing of the manuscript comprising reports on the basic physical and economic features of water resources and photosynthesis as a House document; to the Committee on House Administration.

By Mr. DOLLINGER:

H. Res. 261. Resolution reestablishing principles stated in Executive Order 8802 of June 25, 1941, as amended, and requesting the President to provide for fair employment practices; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUFFETT:

H. R. 4492. A bill for the relief of Norma J. Roberts; to the Committee on the Judiciary.

By Mr. LESINSKI:

H. R. 4493. A bill for the relief of Dorothy Radich; to the Committee on the Judiciary.

By Mr. SABATH:

H. R. 4494. A bill for the relief of Carmella Zuccarello; to the Committee on the Judiciary.

By Mr. WOOD of Idaho:

H. R. 4495. A bill for the relief of Lee Yim Quon; to the Committee on the Judiciary.

SENATE

MONDAY, JUNE 18, 1951

(Legislative day of Thursday, May 17, 1951)

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

Chaplain (Lt. Col.) Frederick E. Morse, post chaplain, Fort Jay, Governors Island, N. Y., offered the following prayer:

Eternal God, the Father of all mankind, we yield Thee hearty thanks for all Thy goodness and loving kindness to us and to all men. As we stand in this place of service make us to have a true appreciation of our heritage, of the great men and great deeds which have gone before us, and help us to feel our inadequacy without Thee as we face the problems of this troubled hour. Direct and prosper our President, the Members of this body, and all others in authority in the great work of government which is theirs, that all accomplished herein will be to the advancement of Thy glory, the safety, honor, and welfare of Thy people.

We pray this day for a blessing on our Nation. Make us strong in our devotion to truth; great in our desire for honor; wise in our labors with the nations of men; ready to sacrifice all else, but never righteousness or virtue. Strengthen us all that we may walk with Thee as we carry burdens of responsibility. Guide us that in honorable service and humility of spirit we may bring peace by doing Thy will. Thus help us at all times to seek and see Thy plan, and may our faith be seen in our works.

In Thy holy name we pray. Amen.

THE JOURNAL

On request of Mr. MCFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Friday, June 15, 1951, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

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

On June 15, 1951:

S. 276. An act for the relief of Dr. Alexander V. Pananicolau and his wife Emilia; and

S. 872. An act to furnish emergency food aid to India.

On June 16, 1951:

S. 362. An act for the relief of Tu Do Chau (also known as Szetu Dju or Anna Szetu); and

S. 364. An act for the relief of Mrs. Suzanne Wiernik and her daughter, Genevieve.

LEAVE OF ABSENCE

On request of Mr. WHERRY, and by unanimous consent, Mr. MORSE was excused from attendance on the sessions of the Senate during this week.

TRANSACTION OF ROUTINE BUSINESS

Mr. MCFARLAND. Mr. President, I ask unanimous consent that Senators may introduce bills and joint resolutions, present petitions and memorials, and transact other routine business, without debate.

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

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATION, DEPARTMENT OF AGRICULTURE (S. DOC. NO. 45)

A communication from the President of the United States, transmitting a proposed supplemental appropriation, in the amount of $200,000, for the Department of Agriculture, fiscal year 1952, in the form of an amendment to the budget for said fiscal year (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

REPORT ON EXCHANGE STABILIZATION FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the Exchange Stabilization Fund, together with a summary of operations of the fund from its establishment to June 30, 1950 (with accompanying papers); to the Committee on Banking and Currency.

GRANTING OF STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIENS

A letter from the Attorney General, transmitting, pursuant to law, copies of the orders of the Commissioner of Immigration and Naturalization granting the application for permanent residence to certain aliens, together with a statement of the facts and pertinent provisions of law as to each alien, and the reasons for granting such applications (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO UNITED STATES OF CERTAIN ALIEN SEAMEN

A letter from the Attorney General, transmitting, pursuant to law, a copy of an order of the Acting Commissioner of Immigration and Naturalization, dated October 20, 1950, authorizing the temporary admission into the United States, for shore leave purposes

Mr. PHILLIPS and to include a letter from the gentleman from New Hampshire [Mr. COTTON].

Mr. O'HARA and to include a newspaper article.

Mr. McCORMACK and to include a statement recently made by Miss India Edwards.

Mr. CAMP and to include a section-by-section explanation of a bill to which he referred in previous remarks this morning.

Mr. KEATING (at the request of Mr. BRYSON) and to include extraneous matter.

Mr. VAN ZANDT and to include extraneous matter.

Mr. FOGARTY and to include an article from the Providence Journal.

Mr. BARDEN and to include a newspaper article.

Mr. GARMATZ (at the request of Mr. PRIEST) and to include extraneous matter.

Mr. BURDICK.

Mr. MEADER and to include correspondence.

Mr. RADWAN and to include an editorial.

Mr. OSTERTAG and to include extraneous matter.

Mrs. ST. GEORGE in two instances and to include extraneous matter.

Mr. MILLER of Maryland.

Mr. POULSON in three instances and to include extraneous matter.

Mr. JUDD in three instances and to include extraneous matter.

Mr. SABATH (at the request of Mr. BOYKIN) and to include statements by Mr. William Green and Mr. James Carey.

Mr. GWINN on controls and constitutional limitations.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. J. Res. 82. Joint resolution to amend title 28 of the United State Code so as to add thereto a chapter relating to procedure in condemnation proceedings; to the Committee on the Judiciary.

BILLS PRESENTED TO THE PRESIDENT

Mr. STANLEY, from the Committee on House Administration, reported that that committee did on July 11, 1951, present to the President, for his approval, a bill of the House of the following title:

H. R. 953. An act for the relief of Joseph A. Myers, Hazel C. Myers, and Helen Myers.

ADJOURNMENT

Mr. EBERHARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 49 minutes p. m.) the House adjourned until tomorrow, Friday, July 13, 1951, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

599. A letter from the Attorney General, transmitting copies of orders of the Commissioner of Immigration and Naturalization granting the application for permanent residence filed by the subjects of such orders, pursuant to section 4 of the Displaced Persons Act of 1948, as amended; to the Committee on the Judiciary.

600. A letter from the Attorney General, transmitting copies of orders of the Commissioner of Immigration and Naturalization suspending deportation as well as a list of the persons involved, pursuant to the act of Congress approved July 1, 1948 (Public Law 863), amending subsection (c) of section 19 of the Immigration Act of February 5, 1917, as amended (8 U. S. C. 155 (c)); to the Committee on the Judiciary.

601. A letter from the Secretary of State, transmitting a draft of a proposed bill entitled, "A bill to amend the act providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization to provide for the acceptance of gifts, and for other purposes"; to the Committee on Foreign Affairs.

602. A letter from the Assistant Secretary of Defense, transmitting a draft of legislation entitled "A bill to retrocede to the State of North Carolina concurrent jurisdiction over a highway at Fort Bragg, N. C."; to the Committee on Armed Services.

603. A letter from the Attorney General, transmitting a letter relative to the case of Jessie Nowell Hoover, file No. A-6935154 CR 30969, and requesting that it be withdrawn from those before the Congress and returned to the jurisdiction of the Department of Justice; to the Committee on the Judiciary.

604. A letter from the Attorney General, transmitting a copy of an order of the Acting Commissioner of Immigration and Naturalization, dated November 16, 1950, authorizing the temporary admission into the United States of displaced persons, pursuant to section 6 (b) of the act of October 16, 1918, as amended by section 22 of the Internal Security Act of 1950; to the Committee on the Judiciary.

605. A letter from the Attorney General, transmitting a copy of an order of the Acting Commissioner of Immigration and Naturalization, dated November 16, 1950, authorizing the temporary admission into the United States of displaced persons, pursuant to section 6 (b) of the act of October 16, 1918, as amended by section 22 of the Internal Security Act of 1950; to the Committee on the Judiciary.

606. A letter from the Chairman, Federal Civil Defense Administration, transmitting the first quarterly report of property acquisitions for the period ending March 31, 1951, pursuant to subsection 201 (h) of the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

607. A letter from the Secretary of Agriculture, transmitting proposed amendments to the Federal Seed Act of August 9, 1939 (53 Stat. 1275); to the Committee on Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FELLOWS: Committee on the Judiciary. H. R. 4484. A bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries; without amendment (Rept. No. 695). Referred to the Committee of the Whole House on the State of the Union.

Mr. STANLEY: Committee on House Administration. H. Res. 308. Resolution providing for additional compensation to the stenographer, Office of the Sergeant at Arms; without amendment (Rept. No. 696). Referred to the House Calendar.

Mr. STANLEY: Committee on House Administration. S. J. Res. 71. Joint resolution relating to the compensation of employees of the House and Senate press, periodical, and radio galleries; without amendment (Rept. No. 697). Referred to the Committee of the Whole House on the State of the Union.

Mr. STANLEY: Committee on House Administration. H. R. 1038. A bill relating to the policing of the buildings and grounds of the Smithsonian Institution and its constituent bureaus; with amendment (Rept. No. 698). Referred to the Committee on the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAMP:

H. R. 4775. A bill to provide for revenue revision, to correct tax inequities, and for other purposes; to the Committee on Ways and Means.

By Mr. CLEMENTE:

H. R. 4776. A bill denying bail on appeals from convictions in capital cases; to the Committee on the Judiciary.

By Mrs. HARDEN:

H. R. 4777. A bill to amend the Railroad Retirement Act of 1937 to provide increased annuities for retired railroad employees and their widows; to the Committee on Interstate and Foreign Commerce.

By Mr. MORRISON:

H. R. 4778. A bill to provide an additional period within which veterans of World War II who are patients at the United States Public Health Service Hospital, Carville, La., may initiate and receive education and training under Veterans' Regulation No. 1 (a); to the Committee on Veterans' Affairs.

By Mr. GREGORY:

H. R. 4779. A bill to limit reduction of ratings for certain disabilities aggravated by active service; to the Committee on Veterans' Affairs.

By Mr. EDWIN ARTHUR HALL:

H. R. 4780. A bill to fix permanent bail of $1,000,000 for each day a convicted Communist remains away from jail; to the Committee on the Judiciary.

By Mr. RICHARDS:

H. J. Res. 289. Joint resolution to terminate the state of war between the United States and the Government of Germany; to the Committee on Foreign Affairs.

By Mr. MARTIN of Massachusetts:

H. J. Res. 290. Joint resolution providing for the recognition and endorsement of the World Metallurgical Congress; to the Committee on Foreign Affairs.

By Mrs. BOSONE:

H. Res. 322. Resolution authorizing the printing of the manuscript entitled "A Manual on the Planning of Small Water Projects" as a House document; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAMBLETT:

H. R. 4781. A bill for the relief of Mrs. Raymunda Panart de Zanino and Julio Zanino; to the Committee on the Judiciary.

By Mr. DEANE:

H. R. 4782. A bill for the relief of Sheppard B. Yates; to the Committee on the Judiciary.

Czechoslovakian glassware is being shipped into this country and Czechoslovakian glassworkers are reported to receive 20 cents per hour.

In regard to diplomatic relations, it is our opinion that an American Embassy which was unable to secure the release of a newspaperman commendably performing his function of gathering newspaper information, obviously has no influence upon the Communist-dominated regime of Czechoslovakia.

The foreign masters of Czechoslovakia show only contempt for our American Embassy. They denied any Embassy officer access to Mr. Oatis during his imprisonment and presumably tortured him and conducted a mock trial which was a travesty of all the ideas of western justice in which Czechoslovakia had demonstrated her belief prior to the Communist coup. It cannot be argued that the Embassy in Prague is of any value as a listening post while its employees are shadowed, restricted in their movements and when merely gathering press information is considered as spying. It is reported that the State Department has cancelled visas for travel in Czechoslovakia but this cannot be considered any type of measure that would be effective in securing Mr. Oatis' release.

Mr. KERSTEN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BEAMER. I yield.

Mr. KERSTEN of Wisconsin. I wish to compliment the gentleman on his resolution and on his statement. I for one believe that we should withdraw recognition of the Czechoslovakian Government, which does not represent the Czechoslovakian people.

Mr. BEAMER. I am glad my friend from Wisconsin has mentioned that. I want to refer to that in the next paragraph.

Many friends of Oatis have asked that steps be taken to sever diplomatic relations with Czechoslovakia by removing the Embassy and closing the consulates in that country. However, it is felt that prudence is the greater virtue in keeping a diplomatic contact with Czechoslovakia. In this manner it is hoped that the officials of that country might be persuaded that we have a legislative body that is determined that justice shall prevail for the citizens of our country and that our State Department is being asked by this House of Representatives to take a positive and determined action.

None of this resolution is intended to imply that the ransom procedure be followed. Apparently Vogeler was ransomed. We want Oatis released for his own personal safety. We also want him released to show the Communist-dominated countries that we still believe in all the freedoms to the extent that we intend to insure such freedoms for our citizens even though these freedoms are denied to their own citizens:

Whereas the arrest and conviction of William N. Oatis, correspondent for the Associated Press in Prague, Czechoslovakia, is a violation of freedom of speech and freedom of press provided all citizens of the United States; and

Whereas inadequate steps seem to have been taken for the release of William N. Oatis: Now be it

Resolved, That the State Department employ all available diplomatic means to secure the release of William N. Oatis; and be it further

Resolved, That economic sanctions be imposed by suspending all importations from Czechoslovakia.

Mr. McKINNON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wish simply to point out very briefly that this proposal is primarily special-privilege legislation for a few people. I call attention to the fact that the bill of last year, 1950, anticipated that we wanted a profit for all slaughter houses, that we wanted a profit for all of the various kinds of processors. We wrote that into the bill, and it is now in the law and in this bill. The act itself provided:

That in establishing and maintaining the ceilings on products resulting from the processing of agricultural commodities, including livestock, a generally fair and equitable margin shall be allowed for such processing.

In other words, we want to see that the small processor gets a profit the same as the large one. It is in the bill. If the Administrator does not grant the profit then, it does not matter what kind of bill we write. If the Administrator is not going to pay any attention to the law we pass, then we should get an Administrator who will.

As I have said, this is mere special legislation for a privileged few. I think we should defeat the amendment and insist that the letter of the law should be followed when it comes to insuring a profit to every step involved in processing. Let us protect the processors in their legitimate profits, but let us not ask special legislation for the privileged few. The law is sufficient guaranty as it stands. I know of no one who has been hurt by its provisions.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 3871) to amend the Defense Production Act of 1950, and for other purposes, had come to no resolution thereon.

HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Landers, its enrolling clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 292. Joint resolution making additional appropriations for disaster relief for the fiscal year 1952, and for other purposes.

CONFIRMING AND ESTABLISHING TITLES OF THE STATES TO LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

Mr. LYLE, from the Committee on Rules, reported the following privileged resolution (H. Res. 335, Rept. No. 704) which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4484) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the continental shelf lying outside of State boundaries That after general debate, which shall be confined to the bill and continue not to exceed 4 hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SPECIAL ORDER GRANTED

Mr. HAND asked and was given permission to address the House for 15 minutes on Wednesday, July 25, 1951, following the legislative program and any special orders heretofore entered.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND THE JUDICIARY APPROPRIATION BILL, 1952

Mr. LYLE, from the Committee on Rules, reported the following privileged resolution (H. Res. 336, Rept. No. 705) which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4740) making appropriations for the Departments of State, Justice, Commerce, and the Judiciary, for the fiscal year ending June 30, 1952, and for other purposes, and all points of order against said bill or any provision contained therein are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 6 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SPECIAL ORDER GRANTED

Mr. HOFFMAN of Michigan asked and was given permission to address the House for 20 minutes today, at the conclusion of any special orders heretofore entered.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks, was granted to:

Mr. BARTLETT and to include an editorial.

Mr. DEANE to revise and extend the remarks he made in the Committee of the Whole and to include extraneous matter.

Mr. PERKINS in three instances, in one to include a story by Robert L. Riggs, Washington bureau of the Louisville Courier-Journal, dated July 8, 1951, about a great American, entitled "Don't Figure BARKLEY Too Old To Run in 1952; The Vice President Is Ready for Any Job"; and in the others to include stories from the Louisville Courier-Journal.

Mr. YORTY and to include extraneous matter.

Mr. CANFIELD in two instances and to include newspaper material.

Mr. WOOD of Idaho and to include extraneous matter.

Mrs. BOSONE and to include a comparison of retail food prices in Washington, D. C., in June 1950, and on July 5, 1951, compiled by Mrs. India Edwards, vice chairman of the Democratic National Committee.

Mr. BARING.

Mr. BROOKS.

Mr. SIEMINSKI in two instances.

Mr. WALTER and to include an editorial.

Mr. YATES to revise and extend the remarks he made in Committee of the Whole today and include extraneous matter.

Mr. GATHINGS and to include an article.

Mr. RANKIN and to include an article.

Mr. JENKINS and to include resolutions.

Mr. VAN ZANDT and to include extraneous matter.

Mr. MEADER and to include an editorial.

Mr. KERSTEN of Wisconsin and to include extraneous matter.

Mr. BROWNSON in two instances and to include extraneous matter.

Mr. HOPE to revise and extend the remarks he made in the Committee of the Whole and include certain tables.

Mr. HILL to revise and extend the remarks he made in the Committee of the Whole and include certain tables.

Mr. CURTIS of Missouri and to include an editorial.

Mr. SHAFER (at the request of Mr. MARTIN of Massachusetts) in three instances and to include extraneous matter.

Mr. HAND in two instances and to include extraneous matter.

Mr. POULSON in three instances and to include extraneous matter.

ENROLLED JOINT RESOLUTION SIGNED

Mr. STANLEY, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 292. Joint resolution making additional appropriations for disaster relief for the fiscal year 1952, and for other purposes.

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.), under its previous order, the House adjourned until tomorrow, Wednesday, July 18, 1951, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

614. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal and lists or schedules covering records proposed for disposal by certain Government agencies; to the Committee on House Administration.

615. A letter from the Secretary of State, transmitting a draft of proposed legislation entitled "A bill to amend the joint resolution providing for the membership of the United States in the Pan American Institute of Geography and History and authorize appropriations therefor"; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LYLE: Committee on Rules. House Resolution 335. A resolution for consideration of H. R. 4484, a bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries; without amendment (Rept. No. 704). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. House Resolution 336. A resolution for consideration of H. R. 4740, a bill making appropriations for the Departments of State, Justice, Commerce, and the Judiciary, for the fiscal year ending June 30, 1952, and for other purposes; without amendment (Rept. No. 705). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS of Georgia:

H. R. 4844. A bill to amend the act approved March 3, 1899 (30 Stat. 1045, 1057, ch. 422) so as to provide for the appointment by the Commissioners of the District of Columbia of special policemen, and for other purposes; to the Committee on the District of Columbia.

By Mr. WALTER:

H. R. 4845. A bill to assist in preventing aliens from entering or remaining in the United States illegally; to the Committee on the Judiciary.

By Mr. KEARNS:

H. R. 4846. A bill to authorize the appropriation of funds for the construction of emergency works for the protection of Presque Isle Peninsula, Erie Harbor, Pa., and for other purposes; to the Committee on Public Works.

By Mr. PATTEN:

H. R. 4847. A bill to prevent subversive individuals and organizations from appearing as surety for bail in criminal cases; to the Committee on the Judiciary.

H. R. 4848. A bill to amend section 3141 of title 18 of the United States Code so as to prohibit bail, pending appeal or certiorari, after conviction of espionage, treason, sedition, or subversive activities or of conspiracy to commit any such offense; to the Committee on the Judiciary.

By Mr. ANFUSO:

H. Res. 331. Resolution creating a select committee to conduct an investigation and study of horse races which utilize horses which have been shipped in interstate or foreign commerce; to the Committee on Rules.

By Mr. BEAMER:

H. Res. 332. Resolution calling upon the State Department to employ means to secure the release of William N. Oatis imprisoned by the Czechoslovakian Government; to the Committee on Foreign Affairs.

By Mr. BOW:

H. Res. 333. Resolution calling upon the State Department to employ means to secure the release of William N. Oatis, imprisoned by the Czechoslovakian Government; to the Committee on Foreign Affairs.

By Mr. PRIEST:

H. Res. 334. Resolution calling upon the State Department to employ means to secure the release of William N. Oatis, imprisoned by the Czechoslovakian Government; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Utah, memorializing the President and the Congress of the United States relative to "going on record as favoring and in support of the immediate authorization of the plan for development of water resources of the upper river basin known as the Colorado storage project and participating projects," etc.; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H. R. 4849. A bill for the relief of certain Polish sailors; to the Committee on the Judiciary.

By Mr. DONOVAN:

H. R. 4850. A bill to stay deportation proceedings on Juan Onativia; to the Committee on the Judiciary.

By Mr. HELLER:

H. R. 4851. A bill for the relief of Tear Siu-Chjuang Too-kem; to the Committee on the Judiciary.

By Mr. MARTIN of Iowa:

H. R. 4852. A bill for the relief of Albert Weeks Nevers; to the Committee on the Judiciary.

By Mr. SABATH:

H. R. 4853. A bill for the relief of Joseph Michael Piatkowski; to the Committee on the Judiciary.

PETITIONS, ETC.

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

352. By the SPEAKER: Petition of American Veterans Committee (AVC), Washington, D. C., relative to urging the enactment of a strong Defense Production Act to stop inflation; to the Committee on Banking and Currency.

353. Also, petition of Rotary Club of Mayaguez, Mayaguez, P. R., relative to the celebration of the golden jubilee of the Mayaguez Federal Experiment Station; to the Committee on Agriculture.

Hull
Hunter
Jackson, Calif.
Jackson, Wash.
James
Jarman
Jenison
Jenkins
Jensen
Johnson
Jonas
Jones, Ala.
Jones, Mo.
Jones, Hamilton C.
Jones, Woodrow W.
Judd
Karsten, Mo.
Kean
Kearney
Kearns
Keating
Kee
Kelly, N. Y.
Kennedy
Keogh
Kerr
Kilday
King
Kirwan
Klein
Kluczynski
Lane
Lanham
Lantaff
Larcade
LeCompte
Lesinski
Lind
Lovre
Lucas
Lyle
McCarthy
McConnell
McCormack
McCulloch
McGrath
McGregor
McGuire
McKinnon
McMillan
McMullen
McVey
Machrowicz
Mack, Ill.
Mack, Wash.
Madden
Magee
Mahon
Mansfield
Marshall
Martin, Iowa
Martin, Mass.
Mason
Meader
Merrow
Miller, Md.
Miller, Nebr.
Mills
Mitchell
Morano
Morgan
Morris
Morrison
Moulder
Multer
Mumma
Murdock
Murphy
Nelson
Nicholson
Norrell
O'Brien, Ill.
O'Hara
O'Konski
O'Neill
Ostertag
O'Toole
Passman
Patman
Patten
Patterson
Philbin
Phillips
Pickett
Poage
Polk
Potter
Poulson
Price
Priest
Prouty
Quinn
Rabaut
Radwan
Rains
Ramsay
Rankin
Redden
Reece, Tenn.
Reed, Ill.
Reed, N. Y.
Rees, Kans.
Regan
Rhodes
Ribicoff
Richards
Riehlman
Riley
Rivers
Roberts
Robeson
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Mass.
Rogers, Tex.
Rooney
Roosevelt
Sabath
Sadlak
St. George
Sasscer
Schwabe
Scott, Hardie
Scrivner
Scudder
Secrest
Seely-Brown
Shafer
Sheehan
Shelley
Sheppard
Short
Sieminski
Sikes
Simpson, Ill.
Simpson, Pa.
Sittler
Smith, Miss.
Smith, Va.
Smith, Wis.
Spence
Springer
Stanley
Steed
Stefan
Stigler
Sutton
Taber
Tackett
Talle
Taylor
Teague
Thomas
Thompson, Mich.
Thompson, Tex.
Thornberry
Tollefson
Towe
Trimble
Vail
Van Pelt
Van Zandt
Vaughn
Velde
Vinson
Vorys
Vursell
Walter
Watts
Weichel
Welch
Werdel
Wheeler
Whitaker
Whitten
Wickersham
Widnall
Wier
Wigglesworth
Williams, Miss.
Williams, N. Y.
Willis
Wilson, Tex.
Winstead
Withrow
Wolcott
Wolverton
Wood, Idaho
Yates
Yorty
Zablocki

ANSWERED "PRESENT"—1

Javits

NOT VOTING—53

Arends
Armstrong
Bolling
Breen
Brehm
Brooks
Busbey
Camp
Cannon
Chatham
Coudert
Curtis, Mo.
Davis, Tenn.
Denton
Dingell
Dondero
Dorn
Durham
Ellsworth
Gamble
Gavin
Gillette
Gordon
Gore
Gwinn
Hall, Edwin Arthur
Hoffman, Ill.
Irving
Kelley, Pa.
Kersten, Wis.
Kilburn
Latham
McDonough
Miller, Calif.
Miller, N. Y.
Morton
Murray, Tenn.
Murray, Wis.
Norblad
O'Brien, Mich.
Perkins
Powell
Preston
Reams
Saylor
Scott, Hugh D., Jr.
Smith, Kans.
Staggers
Stockman
Wharton
Wilson, Ind.
Wood, Ga.
Woodruff

So the joint resolution was agreed to.

The Clerk announced the following pairs:

Mr. Kelley of Pennsylvania with Mr. Arends.
Mr. Dingell with Mr. Latham.
Mr. Wood of Georgia with Mr. Wharton.
Mr. Rooney with Mr. Coudert.
Mr. Staggers with Mr. McDonough.
Mr. O'Brien of Michigan with Mr. Busbey.
Mr. Murray of Tennessee with Mr. Brehm.
Mr. Perkins with Mr. Kilburn
Mr. Powell with Mr. Kersten of Wisconsin.
Mr. Preston with Mr. Miller of New York.
Mr. Camp with Mr. Morton.
Mr. Bolling with Mr. Murray of Wisconsin.
Mr. Durham with Mr. Dondero.
Mr. Gordon with Mr. Gwinn.
Mr. Brooks with Mr. Gillette.
Mr. Chatham with Mr. Stockman.
Mr. Dorn with Mr. Norblad.
Mr. Irving with Mr. Gamble.
Mr. Denton with Mr. Armstrong.
Mr. Davis of Tennessee with Mr. Hoffman of Illinois.
Mr. Breen with Mr. Gavin.
Mr. Gore with Mr. Ellsworth.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUBMERGED LANDS ACT

Mr. LYLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 335 and ask for its immediate consideration.

The Clerk read the House resolution, as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4484) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries. That after general debate, which shall be confined to the bill and continue not to exceed 4 hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. LYLE. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN] and at this time I yield myself such time as I may consume.

Mr. Speaker, this resolution makes in order the immediate consideration of the bill, House bill 4484, reported from the Committee on the Judiciary, a measure concerning the submerged lands with within the States and seaward of the coastline of the United States, the so-called tidelands bill.

It is not disputed that legislation upon this subject is timely—yes, vitally necessary to our welfare. Century-old titles are clouded and disputed. Valuable equities are threatened and development of new resources in the Gulf of Mexico are halted and remain at a standstill.

This resolution or similar resolutions making in order such a bill have been overwhelmingly adopted by this body so many times I am certain it requires little or no explanation.

The problem to be solved is not peculiar to nor limited to a few Gulf Coast States. It is national and affects the property rights of individuals and governments in each of the 48 States. It cannot be wisely decided along sectional or political lines.

Mr. Speaker, the measure, House bill 4484, is not and should not be controversial, for it embodies a principle dear to the heart of each of us, the integrity of property ownership, a principle as old and honorable as our flag.

It is a simple, direct confirmation of the rights of the 48 States, claimed, asserted, and exercised by them throughout our country's history, to the lands beneath navigable waters within State boundaries and to the resources within such lands and waters.

Too, and this is of great importance to the Government, it establishes ownership and control in the Government of the United States to the natural resources of the Continental Shelf and establishes the method and manner of leasing and developing such resources.

It is a matter of deep regret that the provisions of title II are necessary, for only by the wildest stretch of judicial interloping could the century-old titles have been clouded and put into dispute.

I could not praise too highly the work of the Committee on the Judiciary which has labored so diligently and ably to bring a bill to this body which will rightly, honorably, and permanently settle the issue and reestablish confidence among our citizens in the integrity of ownership of property.

While there should be no controversy, unfortunately there will be.

The argument that the Supreme Court has spoken and the issue is settled is not a valid one. It is a screen and simply does not hold water.

The Congress—and only the Congress—can and should settle the dispute. Too, only Congress can establish a Federal leasing policy on the resources beneath the Continental Shelf.

The argument that the resources offshore of State coastlines belong to all of the people is no more acceptable, reasonable or American than a statement that my home is at the disposal of the Federal Government.

Proposals to divide the revenue, whatever it may be, among the States is as foolish as saying that I am entitled to a share of Pennsylvania's or Ohio's coal, or Montana's metals, or Minnesota's iron ore, or to Maine's kelp and fish.

No Member of this body would preemptorily expropriate the private property of a citizen of the United States without trial or compensation. Would you do so to your State's property? I think not. Then you favor this measure and you will support it.

In supporting this measure you take nothing from the Federal Government, nothing it rightfully owns or claims, but you do affirm to the State, your State, title to its property.

There are some who through ignorance or deliberate disregard for truth who would cry "wolf," would contend that this is a steal for the major oil companies. That is not true. Actually, the oil companies would fare better under Federal ownership.

I have, with all sincerity, examined the position of those who espouse Federal ownership and control of all resources under navigable waters, particularly under the waters seaward of our coast. I cannot find one single argument that intelligently supports their position.

Mr. Speaker, a vote for this bill is an honorable vote and one of which you can be proud, because it will be in the tradition of good Americanism. It is a vote in the tradition of your home, your property rights, and the valuable things in your life. I have often thought, Mr. Speaker, that young Americans proudly wear the uniform of this country because they believe in the principles of private ownership of property and the integrity of that property ownership, because they believe in the integrity of their Government, because they believe in the justness of the things that belong to them, and because they know that there will not be expropriated without trial or without compensation that which belongs to them and their fellow Americans, including that of the State governments.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. LYLE. I yield to the gentleman from Mississippi.

Mr. RANKIN. Of course, I agree with the gentleman from Texas in everything that he said. I am wondering if this law could be extended to the Territory of Alaska, to protect the people of Alaska from a condition that to me is just unthinkable, and that is with reference to their fisheries along the coast.

Mr. LYLE. I am sure it could be if it were properly drawn. I could not say whether it is in order in this bill or not.

Mr. RANKIN. I thank the gentleman.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. LYLE. I yield to the gentleman from California.

Mr. HINSHAW. I would like to say to the gentleman from Mississippi that when Alaska becomes a State it will be entitled to all of the rights that are inherent in every other State, on an equal footing with all of the States.

Mr. LYLE. This rule and his bill ought to have the unanimous and the wholehearted approval of this body because it is just, it is right, and it is American.

Mr. ALLEN of Illinois. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, this rule makes in order H. R. 4484, known as a bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the continental shelf lying outside of State boundaries. It is an open rule and provides for 4 hours of general debate after which it will be open to any arguments that might be offered.

This measure confirms and establishes the right and claims of the 48 States. It is substantially the same legislation that has passed both Houses of Congress several times over the years and in many respects similar to House Joint Resolution 225, which passed the Seventy-ninth Congress by a substantial majority. This legislation merely restores to the States the accepted law of the land prior to the Supreme Court decision in the California case which by a 4 to 3 decision robbed the respective States of their sovereign rights, beneath navigable waters within their boundaries and of the natural resources within such land and waters.

The Judiciary Committees of both the House and Senate have had over the years many hearings on this subject. Always the committees have held in favor of the States. We must not forget that for over 160 years in our Nation's history that the States had unchallenged ownership of these lands and exercised all rights until the Supreme Court's decision in the California case created uncertainties.

As far as I have been able to learn the contest here today is between those of us who believe in States rights on one hand and outsiders who have been lobbying against this measure because they want the Federal Government to grab these resources so they can obtain through favoritism certain Federal leases. In other words there are certain individuals who see a golden opportunity if they can succeed in getting Federal bureaucrats in control of this wealth. That is the reason you have heard so many untrue and misleading statements. If they are successful in having the Federal Government confiscate the rightful property of the 48 States they hope to make a killing that will make Teapot Dome appear as a dwarf. These outsiders with their propaganda have attempted to make it appear as if only three or four States are affected. That is not true. All States are affected and that is the reason many State legislatures have passed resolutions asking that the Federal Government not confiscate their property. Take Illinois, my State for instance. The Prairie State has 976,640 submerged acres under Lake Michigan and 289,920 acres of submerged lands under inland waters. Millions of dollars' worth of buildings and other improvements in Chicago are built on filled-in lands and are now in jeopardy by virtue of the Tidelands case. Is it any wonder that the late Mayor Edward J. Kelly, of Chicago, insisted that these rights remain with the various States.

Dwight H. Green, Governor of Illinois, at the time of the California case, said: "Through certain interpretations of the Supreme Court's tidelands decision, the Federal Government could obtain comparable rights in Lake Michigan and these rivers." Without attempting a legal discussion of the issues or the decision in this case, let me point out that the majority opinion giving the Federal Government jurisdiction over these lands was based on the assumption that the natural resources in these lands might be vital to the national defense, and that they might be the subject of international negotiations conducted by the Federal Government. Of course, all of us agree that in time of war the Federal Government has the right to the use of every resource which we possess; but that right does not imply the confiscation of existing property rights in those resources or the lands which contain them. The new principle enunciated in United States against California might be applied to effect the nationalization of all property useful or vital to the national defense or which might become the subject of international negotiations.

The Supreme Court's decision applies equally to all the 48 States. Particularly does it apply to the 18 coastal States and the 8 States bordering on the Great Lakes whose submerged lands contain oil, gas, iron ore, coal, and other minerals.

Let me repeat, the legislation now before us merely confirms title to lands which have always been in possession of the States. The National Government has never possessed those lands and cannot now take possession or use them unless Congress passes an act authorizing such possession and use. This legislation merely allows the States to keep what they had and prevents the Federal Government from taking over property it never had and never thought of claiming until the California Supreme Court case.

Nationalization of this property would result in less efficient development of these resources. Transfer of operation to the Federal Government contemplates an entirely new bureau. Let us pass this legislation and in no uncertain terms make clear for all time that the Congress of the United States is not going to confiscate the property which rightfully belongs to the 48 States.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. FEIGHAN. I think it might be well to note in the first place that there has been a determination by the court as to who owns the land that may be under the bed of any lake.

There was a decision in the United States Supreme Court in the case of *Illinois Central Railroad* v. *Illinois* (146 U. S. 387), which involved the bed of Lake Michigan. The Court there held that the State of Illinois owned that. What the gentleman is talking about is just a recitation of a conjecture by a man who apparently is not cognizant of the fact that in the determination of the Supreme Court in the Louisiana, Texas, and California cases it was stipulated and agreed that it concerned only that portion of the Continental Shelf beginning from the low-water mark extending seaward. It had nothing to do with the tideland which is the strip of ground covered by the ebb and flow of the tide, which strip is marked by the high- and low-water marks.

Mr. GOSSETT. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. GOSSETT. The case cited by my distinguished friend and colleague also held that the same rule applied to the Great Lakes as applied to the open sea. Following the case of the Illinois Central

Railway versus Illinois, under the philosophy of the California decision, the Federal Government owns the beds of the Great Lakes. That is the only logical conclusion you can draw—that the Federal Government under the California decision has paramount power and dominion over the Great Lakes just as it has over the marginal seas.

Mr. ALLEN of Illinois. I am in agreement with the gentleman from Texas.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. CELLER. I may say that I have read all of the Supreme Court cases. There is not a word in them which indicates that the Federal Government assumes any proprietary interest in lands under inland waters. That includes the Great Lakes. The President's veto message, and former Attorney General Clark and present Attorney General McGrath, indicate there is no intention on the part of the Government to proclaim any sovereign rights or proprietary or paramount rights over any inland waters. That includes rivers, lakes, bays, inlets, straits, and harbors.

Mr. ALLEN of Illinois. I may say to the gentleman that the people who own property in Chicago are very much disturbed about this bill, because they feel in the event the bill is not passed and the situation remains as it now is, there will be confusion as regards title to their property.

Mr. GOSSETT. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. GOSSETT. May I interject here that when my distinguished chairman says the Federal Government has no claim on the inland waters that he has a bill now pending, which he has introduced, to quitclaim to the States title to the inland waters, at the behest of Federal officials other Members have several times presented and introduced such bills. If there is no cloud on the title to the submarginal lands under these inland lakes, why would there then be the necessity to have a quitclaim bill introduced in the Congress?

Mr. ALLEN of Illinois. Mr. Speaker, in conclusion, I say that this merely permits the States to keep what they already own and what they have understood to be theirs for over 160 years. It merely permits them to keep their own property.

On the other hand, if this bill is not passed, then there is confusion as a result of which some will feel that the Federal Government is trying to confiscate this property which belongs to the State and to nationalize it.

Once it becomes nationalized then we are going to see some outsiders come in because we know that the States are much more able to efficiently handle this than these bureaucrats here in Washington. In the event this is not remedied here today, you are going to have confusion, where there is no certainty as to just what the true status of the case is.

Therefore, I hope that the majority in favor of this bill will be even greater than in the Eightieth Congress, when there were only 29 Members, after hearings and debate and discussion, who voted against the bill presently before us.

Mr. WERDEL. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from California.

Mr. WERDEL. I would like to say the gentleman is entirely correct, in the light of what has happened in the Central Valley under the language of the California decision. The interpretation of the gentleman from Texas [Mr. GOSSETT] is entirely correct, because the Bureau of Reclamation now takes the position, under the California decision referred to, that even State riparian water rights can be cut off by the United States Government under the power that it has under the California decision to regulate commerce on inland streams. So they are already in the field telling the people of the United States that under these decisions the States have no water rights and that they eventually have to look to the Federal Government.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Ohio.

Mr. FEIGHAN. With reference to the statement made by the distinguished gentleman from California [Mr. WERDEL], let us get this straight. The gentleman is referring to the Rancho Marguerita case?

Mr. WERDEL. No. I am referring to what the Bureau of Reclamation, with many publicity artists, are doing in Central Valley. They are telling the people that when these waters are impounded they can eventually do anything they desire to do with the water, regardless of the riparian rights of the State of California.

Mr. FEIGHAN. I thought you were referring to the suit filed by the Federal Government with reference to Rancho Marguerita.

Mr. WERDEL. No.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. ROGERS of Colorado. In response to the argument advanced by the gentleman from California [Mr. WERDEL], the Federal Government in a law suit between Nebraska, Wyoming, and Colorado, asserted that theory; claiming that they had a right to the unappropriated waters of the stream. I am happy to report to the gentleman from California that the Supreme Court denied the Federal Government had any right whatsoever to appropriate public waters in those streams that apply to the doctrine of appropriation in the Western States. I think you will find that decision was in 1942. So this should not in any manner whatsoever involve the question of water rights in the Western States, because the Supreme Court in 1942, in the Nebraska-Wyoming-Colorado suit denied the authority of the Federal Government to assert ownership, which the gentleman is now fearful of.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Illinois.

Mr. YATES. As I understand the purpose of this bill, it is to confirm title in the States to the land lying beneath the waters within 3 miles of the present land boundaries. What will be the effect of the bill, if any, upon the land lying outside the 3-mile limit? Does that belong to the States too, or to the Federal Government?

Mr. ALLEN of Illinois. I yield to the gentleman from Texas [Mr. LYLE].

Mr. LYLE. In answer to the gentleman from Illinois [Mr. YATES], it establishes ownership of the Federal Government in the Continental Shelf, that land lying seaward of the original State boundary, to which the Federal Government now only has title by an Executive order.

Mr. CELLER. Mr. Speaker, will the gentleman yield in that connection?

Mr. ALLEN of Illinois. I yield to the gentleman from New York.

Mr. CELLER. I may say to the distinguished gentleman from Texas that under this bill Texas, Louisiana, and other coastal States have a perfect right to extend their boundaries at will. Answering the inquiry of the gentleman from Illinois I may state that Texas by legislative enactment has extended its boundaries to the edge of the Continental Shelf; so the Continental Shelf, no matter how far it may go under the Gulf of Mexico, as far as Texas is concerned, will apply to the State of Texas under the theory advanced by the proponents of the bill.

Mr. LYLE. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Rules [Mr. SABATH].

Mr. SABATH. Mr. Speaker, I am amazed by the statement of my colleague from Illinois [Mr. ALLEN]. He again starts by charging that the bureaucrats want to control. It seems to me he is more interested in the oil plutocrats. I want to preserve these rich deposits for the people of the United States.

The gentleman from Illinois claims he has received many communications from the city of Chicago expressing unfounded fear over the effect this legislation might have on Lake Michigan. It is rather strange that I have not received a single such letter. He names the Chicago Title & Trust Co. Well, naturally, they might be interested—not that their concern lies in the welfare of the people, but in their selfish personal interest. Mention has been made of former Governor Green, of my State, who is associated at this time, and has been in the past, with the big interests, and naturally the interest of the oil companies has not been foreign to him.

As to the legal questions involved, I certainly would place greater confidence and reliance in the opinions of our former colleague, Sam Hobbs, whose ability and reputation as an international lawyer is unquestioned, than I would have in those of Governor Green. I recall the excellent presentation Sam Hobbs made when this same legislation was before us in the Seventy-ninth Congress and again in the Eightieth—the legal argument he made that remains

unanswered today. I want to insert at this point, as part of my remarks, his learned argument and I urge every Member to read it carefully so that when the real time comes to vote on this bill you will be able to vote intelligently. His arguments effectively and completely dissipate the contentions of the proponents of this legislation as to the rights of the States to these lands under the ocean. A brief outline of his arguments follow:

Mr. HOBBS. This is another illustration of legislation by slogan. Mr. Robert W. Kenny, who was the former attorney general of California, conceived the brilliant idea of calling this the tide lands bill, which, of course, is utterly false. Tide lands end where the bed of the sea which contains these oil deposits—$4,000,000,000 worth of them off the coast of California—begins. No one denies that, and yet they continue to call it the tide lands bill, to pull in the suckers. Gentlemen, whether you believe it or not, that is the truth.

The low-water mark is where the tide lands end. The tide lands are those lands at the bed of the sea which sometimes are wet and sometimes dry, due to the ebb and flow of the tide. This does not begin until the tidelands end. So, for the love of God, do not be misled by that falsehood.

They talk about the pier at Atlantic City. What they were doing off the coast of California was whipstocking out 2 and 3 miles. The Japanese tankers flying the Japanese flag took this oil into those tankers, 156,000 barrels a day, getting ready for Pearl Harbor beyond a doubt. That was the only place they could get it at that time, so they parked at the outer edge of the 3-mile zone and got their fill so that they could almost take Pearl Harbor.

What I mean is that this bill of Texas and Louisiana confers that ownership on the Federal Government. That is why in the minority report we used the expression it was a "calling card" for war. You cannot do that. Anybody who has even an ABC knowledge of international law knows that we never owned an inch from our shores except by treaty. We have treaties with over 50 nations regarding the 3-mile zone. We started out with a swords' length from shore; then a cross-bow shot; then a musket; and finally they felt they had reached the limit with a cannon shot when a Norwegian cannon first penetrated to 3 miles; then, by unanimous agreement of the civilized nations, they agreed on the 3-mile zone as under the absolute control, although not ownership, of the littoral sovereign, of the littoral national sovereign.

Now, gentlemen, just one more word about this. We have no right to extend that limit except in the same laborious way by which we negotiated the treaties that fixed it originally.

What I want to do is to answer one or two things. For instance, Mr. GOSSETT referred to Mr. Ickes in his statement. Mr. Ickes did not have a thing in the world to do with the ocean; Mr. Ickes had nothing in the world to do with anything but dry land. Public lands is what they are—dry lands—and every lawyer in God's world who knows the law knows it. The law of the land and the law of lands means dry lands and not ocean-covered lands. So, of course, when he was writing that letter there responding to an application to get him to execute a license under the ocean, he very properly said, "I am in charge of public lands and have nothing in the world to do with ocean-covered lands."

Now, Texas and Oklahoma are, by this bill, Mr. GOSSETT said, abrogating their right to the Continental Shelf. Of course, that is what the bill says. They are really increasing their right to the Continental Shelf, but they fail to recognize the law of nations, the international law, that has obtained for more than 400 years without change, that the high seas are the highways of the nations, owned by none, and no one can claim exclusive rights.

Now let me say the statement has been made here that up until 1938 there was no dispute as to the law. I will say there is not any dispute as to the law now. There is not a bit of dispute as to the law. Here is a case that was decided over 125 years ago in my own State of Alabama, and it settles the law, because it has never been expanded or qualified or overruled. It is the law of the land today. This particular part of the opinion is not but four lines long, and it is illuminating, and I want you to get it:

"For, although the territorial limits of Alabama have extended all of her sovereign power into the sea, it is there, as on shore, but municipal power, subject to the Constitution of the United States."

Gentlemen, the whole thing is there. Texas, as I understand it under the treaty under which she came in and the law, had her boundaries recognized for 10 or 10½ miles out—3 leagues. So it was there, but as a municipal authority and subject to the Constitution of the United States for constitutional purposes, the first one being the right of defense. Texas cannot defend herself, as big as she is, as rich as she is, and as powerful as she is; neither can any other State. We recognized that when we created the United States of America and declared it should be a permanent Union before the Constitution by more than 12 years. That is why the Treaty of Paris was negotiated not with the sovereign, separate States or colonies, but with the United States of America, eonomine, that was a sovereign entity before the Constitution—long before. And since then there can be no question about the four powers that have been conveyed to the national entity by the Constitution. The first one is to provide for the common defense, to create and maintain an Army and Navy, to guard against the United States, and to collect imports and exports, etc.

Now, gentlemen, the Marianna Flora case decides that. Every case decides it. I know the time is short, but I want to give you one illustration. When I apeared before the Senate committee on this 10 years ago, Chairman CONNALLY said "Why, does not the gentleman know, as every other lawyer ought to know, that 54 times the Supreme Court has decided what we all believe, that these lands being to the States?" I said "No, sir; I do not know that to be true, but I will challenge the gentleman to prove it in this way: if you will show me any one case—any one—by the Supreme Court or any other court that hold that, I will eat my hat and buy you a new one and vote for your bill." He said, "Why, I will go out and get it right now," and he has not come back yet.

There is not any case, gentlemen. And for more than 150 years the case of *Pollard's Lessee* v. *Hagan, et al* (3 How. 212, 230), has been the law of the land, and since then there have been any number of cases decided by the Supreme Court, and recently *United States* v. *California* (332 U. S. 18, 23); *Toomer* v. *Witsell* (334 U. S. 385, 402); and then, within the last week or two, which has not had a chance to get into the books, they have decided the case of *Texas and Louisiana* v. *The United States*, and in every single one of them they have held just exactly what is the law, which is, gentlemen—and I am stating it categorically, and no one can dispute it—that no one owns title.

Mr. WILLIS says the Supreme Court did not decree title. No one owns title to the high seas, to say it is to fix the right to take and use the elements in the bed of the ocean. It is like the air we breathe. You do not have a deed or a mortgage or a law giving you any share of the air you breathe to sustain life; yet every baby that comes into the world has a right to breathe, and when we cut it off, it is called murder. So that is not any question. Nobody claims title. The Supreme Court is preeminently right when it says there is no title, but we have the preeminent, paramount, continuing right to control the 3-mile limit because we have treaties with every civilized nation giving us that right abutting or littoral to our shores. That is the whole case.

I think this particular bill is the worst I have ever seen. It is calling card presented to every nation as an invitation to war, because the States here are deeding to the Federal Government that which they do not own and neither does the Federal Government—that is, out to the edge of the Continental Shelf. They are taking a deed to the 3-mile zone, which they never have owned, which the Supreme Court has four times said they do not own; they are seeking to evade what is our sworn duty—to uphold the Constitution of the United States.

Mr. Speaker, oil is one of the two or three most vital resources with which our Nation is concerned. It has been the source of tremendous wealth, and the fight of the greedy interests to control and exploit this resource has been a long one.

From Teapot Dome, out into the Pacific and now into the Gulf of Mexico, the fight of these powerful interests to control the last frontiers of the source of oil rages.

The fate of our Nation may well be said to rest on the control of oil and its production. Our defense, now, in the past, and in the future is and has been dependent upon oil. Without it we are sunk.

This legislation is not new. It has been before the Congress on two other occasions, in the Seventy-ninth and Eightieth Congresses, and was reported out in the Eighty-first but never reached the floor.

The Supreme Court has ruled on this subject three times. In the cases of United States against Louisiana, June 5, 1950; United States against Texas, June 5, 1950; and United States against California, in 1947.

What are the issues involved? This bill is called a tidelands bill. This is a complete misnomer. The tidelands cover the land between high and low tide—nothing else. This bill involves lands under the ocean beyond the tidelands. There is no decision, nor has there ever been a case asserting the fee-simple title to the 3-mile limit or the underwater lands beyond this limit.

In United States against Curtiss-Wright Corp. in 1936, the Supreme Court clearly defined the powers which the States had in matters of this nature. In United States against California, 1947, the Court ruled the State of California is not the owner of the 3-mile marginal belt along its coast.

A year later, the Court spoke through Chief Justice Vinson in Toomer against Witsell that "neither the Thirteen Original Colonies nor their successor States separately acquired ownership of the 3-mile belt."

This legislation has been before Congress on numerous occasions as I said before.

On July 27, 1946, in the Seventy-ninth Congress, the House passed House Joint Resolution 225. This was a State's rights quitclaim bill to the submerged coastal belt. The President vetoed his bill when it was finally passed by the Senate, on the grounds the issue was pending in the Supreme Court —United States against California—and should not be prejudged by Congress. The House upheld this veto.

On April 30, 1948 in the Eightieth Congress, the House passed H. R. 5992, to reestablish title in the States to submerged lands within their boundaries. The Senate did not act on this bill.

In the Eighty-first Congress, H. R. 8137, substantially similar to this present bill, was reported to the House and a rule for its consideration was granted, but it never reached the floor of the House, awaiting a decision in the Texas and Louisiana cases I previously mentioned.

This bill quitclaims to the States and confirms title in the States to submerged lands within their historic and described boundaries. Of course, these historic claims are not founded on decisions of the courts in any case, nor are they in accord with the Constitution. There are no precedents establishing any historic rights involving any State. These lands are subject to the control of the Government, and this control should never be relinquished. These resources, such as this oil, the value of which runs into billions, belong to all the people and must not be turned over to the control of any State or group of States bordering thereon, nor should private interests be permitted to exploit these resources for selfish profit through the subterfuge of paying a toll to one or two or three States.

I shall not take further time to debate this question. I presume the rule is going to be adopted because I know our beloved Speaker and the people of Texas are very much interested in this legislation; in fact, he zealously advocates and supports all legislation of interest to his great State. Yes; this applies also to my able and friendly colleague on the Rules Committee, Mr. LYLE, of Texas, who is handling this important rule, who, like the Speaker, never misses the opportunity of advocating and urging matters that might be of interest to Texas. And this is more or less true of some other gentlemen from Texas, as well as from California and Louisiana, whose States would be enriched by this legislation against the interests of the rest of the Nation.

Unfortunately, there are a few who refuse to realize and recognize the great benefits derived by Texas under the former and present Democratic administrations.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I will take up no further time because I know that others well versed in the legal aspects of this question have much to tell us and I want to give them time to present their case.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. SABATH. To my colleague on the Committee on Rules I cannot refuse to yield.

Mr. COX. The gentleman will agree, will he not, that the Speaker is usually correct in the decisions he makes?

Mr. SABATH. When it is in the interest of Texas, especially so, I agree. But, of course, he is interested also in the welfare of the country, and I admire him; we honor him. He is a great Speaker, but Texas is nearest to him, and when the interest of Texas is at stake he is always there; and naturally I cannot blame him. But I am interested in all the people of the United States and I do not think we should part with any of the oil that is under the water; it should be preserved for our people. Consequently I think in view of the fact that a bill which would have deprived the Government of title to these lands, was vetoed by the President and that the Supreme Court has ruled on the matter three times. We are wasting our time in again trying to bring it to life and pass it against the best interests of the Nation, especially at this time when everybody recognizes the great need for the preservation of our very valuable oil deposits so vital to our national defense.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I am very hopeful this rule will be adopted. I shall support both the rule and the bill. Inasmuch as there is seemingly some division of opinion as to the legal effect the Supreme Court decision may have on the ownership of area bordering the Great Lakes and even some areas in or along the navigable rivers of the Nation, I feel that this legislation should be enacted so as to clarify the title of such areas so there can be no question in the future as to who actually has ownership.

In the city of Cleveland, Ohio, many public and other buildings have been erected along the lake front on what was originally a part of Lake Erie but is now filled-in land. Most of the public buildings belonging to Cuyahoga County and to the city of Cleveland are on land that has been filled in. Some of the railroad terminals are also located there. While it might be held by some that title to such property still rests with the State, there is some question about it in the minds of attorneys and others, and certainly in the minds of many of our State officials. The same situation holds true in almost every other great city located on the Great Lakes.

There are also serious questions affecting city, State, and county property rights along some of the navigable streams of the Nation. So it seems to me the logical thing to do is for the Congress to follow through on this matter once more, and do the thing they have attempted to do three times in the past, to fix for all time the ownership of these particular lands and properties. So I shall support both this rule, and the bill it makes in order, and hope all of my colleagues will do likewise.

Mr. Speaker, I also wish to take advantage of the opportunity this time affords to call the attention of the House to page A4721 of the Appendix of the RECORD of yesterday where I inserted as a part of my remarks a great speech by a great American. I refer to the address made by Douglas MacArthur, General of the Army, night before last to a joint session of the General Assembly of Massachusetts.

I especially wish to call the attention of my beloved friend, the majority leader, the gentleman from Massachusetts [Mr. MCCORMACK], to this speech, and to urge him to read it very carefully. When I conclude my remarks I shall be very happy to present him with this particular copy of the RECORD because I know he loves to quote the eloquent words of Douglas MacArthur. The gentleman from Massachusetts [Mr. MCCORMACK] quoted the general earlier this week in answering a statement which I had made on the floor of the House at that time. So I am sure he will want to comment on this latest great speech of General MacArthur.

There are many statements the general made in his appearance before the Democratic House and Republican Senate of the gentleman's own State, in the gentleman's own city, where he was applauded and cheered for his utterances. I feel sure my distinguished friend from Massachusetts will join in agreeing with all of the statements General MacArthur made in that historic meeting in his home city of Boston, and in his home State of Massachusetts, on night before last.

I would like to read at this time, for the benefit of the House and especially for the benefit of my esteemed friend, the majority leader, just a paragraph or two from the MacArthur address. I shall mark several paragraphs in this copy of the RECORD that I will give to the majority leader as soon as I have concluded. Here is a specific paragraph I desire to read:

> Much that I have seen since my return to my native land after an absence of many years has filled me with immeasurable satisfaction and pride. Our material progress has been little short of phenomenal.
>
> It has established an eminence in material strength so far in advance of any other nation or combination of nations that talk of imminent threat to our national security through the application of external force is pure nonsense.

And listen to this:

> It is not of any external threat that I concern myself but rather of insidious forces working from within which have already so drastically altered the character of our free institutions—those institutions which formerly we hailed at something beyond question or challenge—those institutions we proudly called the American way of life.

Then I would like to read another paragraph or so:

> The free world's one great hope for survival now rests upon the maintaining and preserving of our own strength. Continue to dissipate it and that one hope is dead. If the American people would pass on the

standard of life and the heritage of opportunity they themselves have enjoyed to their children and their children's children they should ask their representatives in Government:

"What is the plan for the easing of the tax burden upon us? What is the plan for bringing to a halt this inflationary movement which is progressively and inexorably decreasing the purchasing power of our currency, nullifying the protection of our insurance provisions, and reducing those of fixed income to hardship and even despair?"

I fear these questions, if asked, would be met by stony silence. For just as in Korea there has been no plan. We have long drifted aimlessly with the sole safeguard against the ineptitude of our leaders resting upon American enterprise, American skill, and American courage. But once the incentive for the maximizing of these great attributes is lost the bulwark to support our failures is gone and the American way of life as we have known it will be gravely threatened.

Mr. Speaker, there are many other paragraphs I would like to read but time will not permit, so I present, with my compliments, this copy of the RECORD to my beloved friend, the gentleman from Massachusetts [Mr. McCORMACK], so that he may have it for future reference, with the hope he will quote from it long and often here on the floor of the House in the future.

Mr. LYLE. Mr. Speaker, I yield such time as he may desire to the gentleman from Texas [Mr. FISHER].

Mr. FISHER. Mr. Speaker, I rise in support of the resolution and the bill which this resolution will make in order. It confirms title in the States to submerged lands in the rivers, lakes, and the land along the border of the coast lines commonly referred to as tidelands.

This House has acted on the subject on two prior occasions and both times did so by decisive majorities. The last time, during the Eightieth Congress, there were only 29 votes cast against a measure to confirm by an act of Congress the superior rights of the States to submerged tidelands.

It is an interesting thing to look back and observe that for 150 years no one even questioned the prior rights of the respective States to these submerged lands. Then in 1933 Harold Ickes, then Secretary of Interior, aided and abetted by certain men who were apparently dominated by a desire to extend the power and control of the Federal Government, advanced the novel idea that Uncle Sam should claim title to the submerged areas involved. There had been some oil development along the coasts of California and Texas and they saw visions of new ventures for an all-powerful Federal Government.

Then followed assertions of claims and the Supreme Court finally passed upon the issues involved. In a 4-to-3 decision the State of Texas was stripped of its oil-rich, submerged tidelands, and the decision was based upon a theory that the Federal Government holds a paramount right to such resources in the interest of national security. The opinion amounted to judicial confiscation of property that for 150 years was claimed by, used by, and the title to which was recognized to be in, the State of Texas.

Mr. Speaker, this Supreme Court decision, based upon political rather than judicial reasoning, if permitted by this Congress to stand may be, and in my judgment will be, one of the most dangerous departures from American jurisprudence that has ever happened. Under such a precedent, if permitted to stand unchallenged by corrective legislation, the Federal Government can make vassals out of the individual States and their constitutional rights as sovereigns within the confines of their own defined limitations.

The decision also marks a precedent of dangerous import from another standpoint. That particular decision completely abrogated a solemn agreement between the Federal Government and the sovereign State of Texas whereby the Federal Government agreed when Texas entered the Union, that the then defined boundaries of the Republic of Texas would remain inviolate. Those boundaries were established not by conjecture or guesswork, but by metes and bounds to include the tidal area along our seashore. If the Supreme Court can abrogate the solemn contract in the name of paramount interest, equal footing, and where national security is involved, then by the same token the Federal Government can break contracts, violate established rights, jurisdictions, and rights of the respective States with respect to any other claim some future bureaucrat might dream up.

It is generally recognized that under the Texas case, Federal Government may with equal legality lay claim to the gravel under the ground, the coal, oil, and other minerals that are deposited beneath the soil whether along the seacoast, under a lake bed, or elsewhere. In other words, the decision is a most dangerous one if we are to continue to be a nation where individual States retain rights defined in and guaranteed by the Constitution.

It is just lust for power, such grasping for authority and added jurisdiction that has destroyed other democratic governments and it can happen here. Are we traveling toward an all-powerful, paternalistic central government, where the people of all the States will be dependent upon Washington for everything? I fear there are a good many people who hope so.

Mr. Speaker, I have no disposition to belabor the issue. The subject will be thoroughly developed by others during the course of debate. There is a fundamental issue of States' rights, of recognition of basic principles, involved in the outcome, and I feel confident this House will do justice to the situation when the votes are recorded.

Mr. LYLE. Mr. Speaker, I yield such time as he may desire to the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Speaker, I am in complete accord with the purposes of the Walter bill and I strongly favor its enactment. It simply restores and protects the time-honored legal rights of the States of the Union to the lands, properties, and resources within their boundaries. It carries into effect the admonition of the Supreme Court in the unfortunate California case (332 U. S. 19, 35), wherein the Court expressly pointed out that under the provisions of the Constitution—article 4, section 3, clause 2—it is the responsibility and within the power of the Congress to "dispose of and make all needful rules respecting the territory or other properties belonging to the United States." The Court in that case further stated that "the constitutional power of Congress in this respect is without limitation" (*United States* v. *San Francisco* (310 U. S. 16, 29–30)).

To those who criticize the holding of the Supreme Court in the California case, as well as its later decisions in the Louisiana and Texas cases, I would repeat that the Supreme Court has, in effect, suggested that the Congress proceed to perform its constitutional power and duty to enact laws and make all rules that are necessary in connection with the so-called tidelands or submerged lands areas. This bill will do just that.

One other thought in connection with the enactment of this bill: it will not only comply with the constitutional power and authority of the Congress to act in this respect, and concerning the particular properties within the boundaries of the several States and those who hold under the authority of the States, but it will have the effect of preserving and extending the separate powers and duties of our Government, as set forth in the Constitution, the legislative, executive, and the judicial branches.

This bill will have the effect of reminding all concerned—the courts, the executive agencies, and the public at large—that the Congress of the United States fixes national policies; that it enacts laws in the public interest, and that it directly represents, as our Constitution and form of government intends, the people of all the States, and the Nation at large.

Mr. LYLE. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Speaker, I think it is generally agreed here that this resolution will pass and that the bill itself will pass by a substantial majority. Certainly within the 3 minutes allotted to me I could not undertake to discuss the merits, the legal and constitutional questions involved. However, I should like to record the fact that I am very much for the pending bill. While it is true that my congressional district borders on the Gulf of Mexico and that large potential oil developments exist there, my interest in the proposed legislation goes beyond that. This is a question of States' rights. It is an effort to prevent further encroachment on the rights and property of the several States of the Union by the Federal Government. Therefore, I would support this proposed legislation if I were a Representative of Colorado or some other interior State.

However, Mr. Speaker, with your indulgence and the indulgence of the House, I should like to take these couple of minutes to pay my respects to a gentleman who is very much identified with this legislation. Mr. Speaker, there have

been a large number of bills introduced more or less similar to the one now being considered, whose author is the able gentleman from Pennsylvania [Mr. WALTER] during the past several years, seeking to quiet the title to these lands in the several States. In fact, I have introduced two or three of these bills myself. But no one has devoted more time, more energy, or has been more effective in pursuing this matter than has the distinguished gentleman from Texas [Mr. GOSSETT]. I think we are all aware of the fact that at the end of this month the gentleman from Texas [Mr. GOSSETT] is voluntarily retiring from his services in this Chamber. I am also sure that, regardless of political or party alinements, the membership of this body regrets that ED GOSSETT is leaving us for new fields of endeavor. There are those among us no doubt who disagree with his philosophy of government, as will be exemplified here today by their opposition to this bill, which itself is in line with his philosophy. On the other hand, I doubt if there is a Member of this House who does not respect his integrity, his intelligence, and his personal and political courage.

ED GOSSETT is a conservative by nature. I have observed his efforts and his legislative conduct with great approval and admiration in the time that he has been a Member of this body. I know of no Member who has contributed more in the short time that he has been a Member of this House toward the advancement of good stable government and the preservation of this great Republic, to which he is so devoted, than has the retiring gentleman from Texas.

I am sure, Mr. Speaker, when our beloved friend, ED GOSSETT, retires from this Congress in a few days he will carry with him the confidence, admiration, and the good wishes of his colleagues who have learned to respect him so much during his tenure here.

Mr. LYLE. Mr. Speaker, I yield such time as he may desire to the gentleman from Texas [Mr. BECKWORTH].

Mr. BECKWORTH. Mr. Speaker, as a former teacher and as the son of a teacher, I am very interested in the passage of the tideland legislation which is being brought to the floor of the House today. I have always favored the legislation to make sure that the tidelands belong to our States. I include at this point some remarks I have heretofore made on this subject. They were made June 26, 1950, and appear in the CONGRESSIONAL RECORD, volume 96, part 7, page 9212:

Mr. BECKWORTH. I want to compliment my colleague on the excellent presentation he has given to the House, and to call to the attention of the House the fact that there is no person in this country more qualified to give a fair and concise statement than the gentleman who has spoken, for through the years he has been one of the high judges of the State of Texas, and has studied every problem that has come before him, in the most diligent manner possible. I think we all recognize the unassailable argument he has made. It is my hope that those who have not been privileged to hear him this afternoon will at least take the time to read that which he has said, for I cannot help but believe if that is done we shall win the fight which we know is right; to wit, the retention of the tidelands for our State.

Our school people in Texas are vitally interested in this legislation. No group has worked harder to retain the tidelands for Texas than our teachers and our State Teachers Association. I strongly favor this rule and shall again support the legislation as I have always supported and favored it in the past.

Mr. LYLE. Mr. Speaker, I yield such time as he may desire to the gentleman from Louisiana [Mr. ALLEN].

Mr. ALLEN of Louisiana. Mr. Speaker, I rise in support of the rule and also of the bill. This question has been before the Congress and the people for several years. I have in previous Congresses introduced bills on the subject myself and many other Members of the House have done likewise. It seems to me that it is important that the ownership of these submerged lands be settled by the Congress and settled now. Because of the decisions of the Supreme Court, great confusion has arisen over the ownership of these lands. The question should be settled so that the lands in question might be developed without confusion and strife.

Mr. Speaker, it has been said by some who are opposing this legislation that this is a bill for the big oil companies. Nothing could be further from the truth. As a matter of fact, I understand that the big oil companies do not want this legislation. It is easier for them to deal with the Federal Government. The States have pretty strict conservation laws and regulations and it is my information that the oil companies feel that they would be in a better position to deal with the Federal Government than with the State governments concerned. There is therefore no basis whatsoever for the charge that this is a bill for the oil interests.

While the question of oil under the submerged lands of only three States—California, Texas, and Louisiana—is stressed by those who are opposing this bill, it is well to bear in mind, Mr. Speaker, that this legislation directly concerns every State in the Union. Do not forget that the injustices which are being heaped upon Louisiana, California, and Texas today in this matter may tomorrow be heaped upon the State of each Member here. I understand that practically every State in the Union has some submerged lands, river bottoms, lake bottoms, and coastal areas that are involved. This issue therefore is as much the fight of the Members of the House coming from inland States as it is those coming from States having coastal waters.

Mr. Speaker, this is purely a grab by the Federal Government that has for many years now been expanding its controls and power over the people of the Nation and even over the governments of the several States. This process of expansion of Federal power has already gone too far, much too far. The submerged lands involved in this bill for 150 years have been considered by everybody as belonging to the several States. A long line of decisions of the Supreme Court supports that statement and conclusion. It has only been within recent years when a greedy Federal Government, desiring more cash and more power reached out with a long arm to take over these properties which have long been considered the property of the States. Unless the Congress of the United States, representing the people, has the determination to stand up and stop this grab for property belonging to the States, there is no telling what the end will be.

I have already pointed out, Mr. Speaker, that practically all of the States, inland and coastal, have some submerged lands affected by this bill, but the issue goes much further than oil. Do not forget that oil is but one phase of this fight. If the Federal Government has the authority to take over oil lands in a coastal State, then it has that authority to take over oil lands in inland States—lakes and river bottoms. If it has authority to take over oil lands, it would have authority to take sand and gravel from these waters. If it has that authority, it would probably have authority to take over the vast fishing industry in coastal waters, and also inland waters. It is, therefore, evident, Mr. Speaker, that this oil grab is only the beginning and that unless this grab is resisted by the Congress, the time may come when the Federal Government will assert control and ownership over many of the natural resources in every State of the Union. In fact, Mr. Speaker, in theory there can be almost no limit to what some future Federal official may think up and claim for the Federal Government. Who knows but what some ambitious Federal official will insist that the Federal Government has the claim to all oil and gas, and salt, and coal, and other minerals on the theory that the Federal Government once owned these lands. Someone may say that this idea is very farfetched. Yes, it is, but it is probably no more farfetched than the idea a very few years ago advanced that the Federal Government owned and controlled submerged lands in coastal waters and in inland States, too. I feel that this grab for submerged lands is a starting point of a vicious cycle which will all but destroy the States themselves.

The time, Mr. Speaker, to stop this is now. The hour is late. These grabbers, these theorists, have gone too far already. I hope that this House and that the other body will pass this legislation overwhelmingly. Let us act courageously today for the rights of the people and for the rights of the several States.

Mr. LYLE. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Speaker, I read in our National Constitution that the Congress is expressly charged with the responsibility of promoting the general welfare and providing for the common defense.

I insist, Mr. Speaker, that the legislation for which this rule is requested, namely, this plan to dissipate a great national resource, is not in the interest

of our general welfare. It weakens rather than strengthens our national defense.

When I entered the Congress in 1945, one of the first pieces of major legislation that engaged my attention was an effort on my part to block a moratorium in favor of some 84 stock fire insurance companies that had been convicted in the Federal courts—including the Supreme Court of Appeals—of practicing discrimination in rates.

I denounced that proposal to set aside by legislative fiat, a conviction by the highest judicial tribunal in our Nation. I want with equal vigor, to register my objection to this similar attempt to destroy by legislative fiat repeated decisions of our highest court, that promises so much for the common good and vitally affects our urgent defense efforts.

It is significant, Mr. Speaker, that one of the three Members of Congress who, in 1945, spearheaded the move to discredit our courts by sponsoring the insurance moratorium, is today the sponsor of legislation that can have but one result and that is to weaken the confidence of the American people in the stability, the honesty, and the fairness of our judicial procedures.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. BAILEY. I yield.

Mr. WALTER. I am sure the gentleman did not intend deliberately to deceive the House. The fact of the matter is the insurance moratorium bill merely restated what the law had been for 75 years.

Mr. BAILEY. The gentleman is speaking on my time.

I want to plead with you, my colleagues, not to tread on this dangerous ground. Many of you, particularly my colleagues on the left of the center aisle, were both vehement and vociferous in your denunciation of the late President Franklin D. Roosevelt for endeavoring to pack the Supreme Court by getting rid of the "nine old men" in favor of younger blood and more liberal ideas.

Today's proposal by the oil lobby makes the former President's action look tame indeed. Here and now, in the span of a few short hours and on the floor of the greatest and most deliberate legislative body in the world, they propose to do what you, the Congress and American public opinion, refused to allow a President of the United States to do.

The founding fathers in their great wisdom and foresight gave us a Constitution that makes abundantly clear the need for separate and independent action on the part of our legislative, executive, and judicial procedures.

Shall we now, after nearly two centuries of obedience to their mandate, deliberately flaunt our National Constitution and make a shamble of the Halls of Congress in order that a clique of greedy millionaires may have a field day at the expense of the common citizen and to the detriment of our defense effort.

Though my voice may ring through these sacred Halls as the voice of one crying in the wilderness, I make bold to denounce this rape of the judiciary. I protest this proposed insult to the intelligence and integrity of every Member of the Congress. As a layman I plead with you, many of you as members of the bar, I plead with you to defeat this rule.

Mr. ALLEN of Illinois. Mr. Speaker, I yield to the gentleman from Michigan [Mr. CRAWFORD] such time as he may require.

PROPOSAL FOR TRANSIT INVESTIGATION

Mr. CRAWFORD. Mr. Speaker, on Monday, July 23, I addressed the House on the need for a thoroughgoing investigation of transportation facilities here in the metropolitan area. I mentioned that four distinict agencies are responsible in one way or another for local transportation. In addition, I indirectly questioned the business competency of the administrators of local transportation. Because of an additional request for a fare increase, and because of many complaints about local transit service, several people have urged a real investigation. The gentleman from Maryland [Mr. BEALL] has introduced a resolution to that effect.

Mr. Speaker, there are a number of issues which this investigation should seriously consider.

For example, from 1947 until 1950, the Capital Transit Co. has decreased its mileage of service by some 8,000,000 miles. In 1947 the cars and busses covered approximately 48,000,000 miles in their runs. In 1950 they covered only about 40,000,000 miles. During this same period of time, the fare was increased from 10 to 15 cents. The increase was roughly 50 percent for cash fares, about 60 percent or so for tokens and passes, the latter depending upon how frequently the passes are used.

The earnings of the Capital Transit Co. are also of interest. The stock dividend paid for the first 6 months of 1950 was 87 cents per share. For the first 6 months of 1951, $4 per share was paid.

Here I am, not attempting to judge people or business firms; I am merely pointing out that there is vital need for a top-notch investigation of this whole set-up.

There are a number of important matters which the investigation should consider. One of the most fundamental of these, it seems to me, is the need for maximum utilization of equipment on the part of CTC. Reports come to me that much equipment sits around in the yards, some of it even at rush hours when trolleys and busses are painfully jammed.

Another problem is the use of trolleys. The company has considerable sums invested in cars and in underground conduits. Yet trolley transportation precludes express service, and in rush hour it is quite unsatisfactory.

The company wishes another fare increase. Short-haul traffic has already declined. People will not pay a high fee to ride only a few blocks downtown. And without short-haul fares, CTC naturally has to get revenue some place, so it raises fares, an inconvenience to long-haul passengers who probably cannot do without public transportation. The investigation should attempt a solution for this vexing problem.

Mr. Speaker, what is the nature of CTC's business? It is public. But CTC operates under a franchise. Therefore, its efficiency and competency as a business is vital. The Committee on the District of Columbia should as soon as conveniently possible get to work on an investigation. The gentleman from Maryland [Mr. BEALL] and the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON] should be supported in their legislative efforts to bring about an investigation.

If the businessmen who are operating this public transportation are not fully capable, we should know about it. If they are not interested in the public welfare, we should know about it. Because of the many complaints of recent, and the many possibilities for improvements, the Committee on the District of Columbia should begin this investigation.

Mr. Speaker, under leave granted me, I include an editorial from the Evening Star, Thursday, July 26, 1951, which follows:

MUDDLED TRANSPORTATION PROBLEM

Representative CRAWFORD, of Michigan, has given a needed boost to the developing movement for a comprehensive investigation of the muddled public transportation situation in the Washington metropolitan area. The situation is muddled for the reason that there are four different regulatory commissions functioning in the area, as Mr. CRAWFORD stressed in a House speech. Only one of the agencies, the Interstate Commerce Commission, has any over-all authority—and this is limited by law and appropriations. There is little question as to the power of the ICC, however, to make a study of regional mass-transportation problems, as proposed by governmental and civic interests. Mr. CRAWFORD wants the House District Committee to "add its strength to those requesting such an investigation."

If the ICC is awaiting a directive from Congress before taking action, this authority may be forthcoming before long. Senators BYRD and ROBERTSON, of Virginia, are the latest supporters of legislation to provide for the inquiry. They have introduced a companion piece to Maryland Representative BEALL'S bill for a broad bus-streetcar study in the Washington metropolitan area. The inquiry would be unusual, but not without precedent.

Advocates of the investigation point out that the ICC last year conducted a somewhat similar study of transit difficulties in the Omaha-Council Bluffs metropolitan area. These two cities are separated by the Missouri River. Two transit companies serve them. As a result of complaints of inadequate services and double fares for those riding from one city to the other, the ICC launched a study of the whole area. It rules that the evidence "not only amply supports, but in our opinion requires, the conclusion that the two cities comprise a single metropolitan community and should be afforded a transportation service that will enable the public to travel from any section of the area to any other section at a single fare."

Under the proposed congressional resolutions, the ICC would be asked to study the adequacy and convenience of passenger carrier facilities and service and the reasonableness of fares in the metropolitan area of Washington, D. C., including the District of Columbia, Montgomery County, and Prince Georges County, Md., and Arlington County,

Hall,	Morton	Simpson, Ill.
Edwin Arthur	Murray, Tenn.	Simpson, Pa.
Hoffman, Ill.	Murray, Wis.	Smith, Kans.
Horan	Norblad	Springer
Irving	O'Brien, Mich.	Staggers
Jones,	Perkins	Stigler
Hamilton C.	Powell	Stockman
Kelley, Pa.	Preston	Vinson
Kilburn	Redden	Wharton
Latham	Rogers, Fla.	Whitaker
Lind	Rogers, Mass.	Williams, Miss.
McDonough	Saylor	Wilson, Ind.
McGuire	Scott,	Withrow
Martin, Mass.	Hugh D., Jr.	Wood, Ga.
Mason	Sheppard	Woodruff
Miller, N. Y.	Short	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Busbey for, with Mr. Denton against.

Mr. Preston for, with Mr. O'Brien of Michigan against.

Mr. Camp for, with Mr. Dingell against.

Mr. Dorn for, with Mr. Powell against.

Mr. Wood of Georgia for, with Mr. Breen against.

Mr. Garmatz for, with Mr. Kelley of Pennsylvania against.

Mr. Martin of Massachusetts for, with Mr. McGuire against.

Mr. Brooks for, with Mr. Lind against.

Mr. Durham for, with Mr. Dawson against.

Mr. Redden for, with Mr. Irving against.

Mr. Whitaker for, with Mr. Perkins against.

Until further notice:

Mr. Sheppard with Mr. Curtis of Missouri.

Mr. Murray of Tennessee with Mr. Coudert.

Mr. Staggers with Mr. Wharton.

Mr. Hamilton C. Jones with Mr. Stockman.

Mr. Stigler with Mr. Short.

Mr. Williams of Mississippi with Mr. Hugh D. Scott, Jr.

Mr. Vinson with Mr. Dondero.

Mr. Rogers of Florida with Mr. Ellsworth.

Mr. Gore with Mr. Arends.

Mr. JONES and Mr. BUCKLEY changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4484) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 4484, with Mr. SMITH of Virginia in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. CELLAR. Mr. Chairman, I yield 15 minutes to the distinguished gentleman from Texas [Mr. GOSSETT].

Mr. GOSSETT. Mr. Chairman, roughly, H. R. 4484 does two things. It confirms in the States the submerged lands within their respective boundaries and it confirms in the Federal Government paramount power and dominion over the Continental Shelf outside of the respective boundaries of the States, implementing the Federal Government's control and operations of such areas.

In an effort to present orderly debate and to divide the issues to be discussed, it falls my lot to do two things: First, to give you a brief history of this legislation, and secondly; to explain what this bill does.

BRIEF HISTORY OF LEGISLATION

First, let us briefly sketch the historical background of the so-called tidelands controversy. Prior to 1935, lawyers and laymen of this country almost unanimously assumed that the States owned the lands of the marginal sea within their described boundaries. Certainly no one even now can question the fact that for 150 years the States of the Union were in peaceable possession of this area under an assumption of title. Even as late as 1933, the then Secretary of the Interior, Harold Ickes, who has since been the chief exponent of Federal control, assumed that the States owned the area in dispute.

I have here a photostatic copy of a letter which Mr. Ickes wrote in 1933 in response to an inquiry by an applicant for a lease on the tidelands or the lands under the so-called marginal sea. Mr. Ickes replied on December 22, 1933, quoting from the case of *Hardin* v. *Jordan* (140 U. S. 371):

> 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.

Then he said:

> 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, or under any other public-land law.

After this time, however, the marginal sea became more and more valuable. Much oil began to be produced, especially off the coast of California. Visions of wealth and power can do much to the minds and consciences of men. Mr. Ickes, after conferences with Harry Hopkins and others, changed his mind, and around 1935 a request was made of the Attorney General to file suit against California in an effort to determine whether or not the Federal Government could acquire the petroleum resources of the marginal sea off the California coast. In 1937, and again in 1939, resolutions were introduced in the Congress seeking to authorize and instruct the Attorney General to file such suit. No action was had on these resolutions. In October 1945 the Attorney General filed the California case in the Supreme Court of the United States.

In the Seventy-ninth Congress, on July 27, 1946, the House passed House House Joint Resolution 225 by a vote of 188 to 67. This was a bill confirming the title of the States to lands within their boundaries and the bill was subsequently passed by the Senate and subsequently vetoed by the President. The Presidential veto rested primarily on the ground that a suit was then pending in the Supreme Court of the United States and that the case should not be prejudged by the Congress.

On June 23, 1947, the Supreme Court handed down the decision in the California case. Justice Black wrote the majority opinion with Justices Reed and Frankfurter dissenting. The California decision held that the State of California did not own the lands beneath the marginal seas within the boundaries of that State. The decision did not say who owned such lands, but did assert that the Federal Government had paramount power and dominion over the area in question, and therefore the right to the resources beneath the soil. The decision created consternation and confusion throughout the United States. It left many issues undecided and in doubt.

In their dissenting opinions Justices Reed and Frankfurter drew the logical conclusions that under the theory and philosophy of the California decision, the Federal Government could take without compensation coal, iron ore, or any of the resources of any of the States that it might wish to appropriate.

In the Eightieth Congress, on April 30, 1948, the House passed H. R. 5992 by a vote of 257 to 29. This bill, like House Joint Resolution 225, confirmed in the States the title to their submerged lands within their described boundaries. Because the session was near an end the Senate did not act on this legislation.

Most of 1949 was consumed in futile efforts to compromise the various issues between State and Federal officials.

In May 1950 the House Judiciary Committee for the third time, reported a bill on this subject, to wit: H. R. 8137; a bill almost identical with the present bill, H. R. 4484. No action was taken on H. R. 8137 because at the time of its report decisions in the pending Louisiana and Texas cases were immediately anticipated. These decisions were handed down by the Supreme Court on June 5, 1950, and simply added further to the consternation and confusion created by the California decision. The Texas decision was decided by a 4 to 3 vote of the Court and completely ignored and repudiated the solemn compact between the State of Texas and the Federal Government. Now all drilling operations in the affected areas have stopped; neither the Federal Government, nor the States know what their rights are, and confusion reigns.

Once again, in line of duty and necessity, Congress is called upon to settle the tidelands issues by legislative enactment, and legislative enactment is the only way in which this matter can be fully and finally determined.

Now, to the second part of our discussion; what does the bill H. R. 4484 do. First, this bill restores to the States the title to submerged lands within their described boundaries. It removes the cloud of the Supreme Court decisions from the title of the States to the marginal sea within their described boundaries and also within their inland waters. This is an area of approximately 26,608 square miles.

Secondly, title 3 of this bill confirms in the Federal Government paramount power and dominion over the Continental Shelf outside of, and seaward of all State boundaries. This is an area of approximately 235,982 square miles. This bill has been publicized as a States' rights bill. However, the bill is more correctly described as a compromise bill, because it gives to the Federal Government nine-tenths of the area in dispute. Please bear in mind this Federal area, the nine-tenths beyond State boundaries, includes the major portion of the alleged petroleum resources.

Under this bill the State of Texas gets no oil wells whatsoever; there are no wells in the marginal sea within Texas boundaries. You may be amazed to learn that Texas will not acquire any oil wells under this bill, the known petroleum resources off the Texas coast are beyond our original boundaries and are in the Continental Shelf and are hence delivered to the jurisdiction of the Federal Government. Title 3 of this bill implements and gives legislative sanction to an Executive order of the President, known as Proclamation No. 2667, issued on the 28th day of September, 1945. Incidentally this proclamation marks the first time the Federal Government ever asserted dominion over this vast area known as the Continental Shelf. Prior to that time some of the States, particularly Texas and Louisiana, had extended their boundaries into the Continental Shelf and had asserted jurisdiction over the same. The States had prior claim to this unclaimed area. The States have an excellent case both in law and in equity to continue their claims over this area. However, in a spirit of compromise the States are willing to abandon this assertion of jurisdiction and to join in implemeting Federal control thereof. This section of the bill is really noncontroversial. This section of the bill was largely written by Federal officials and has been substantially agreed to by most of them. This section of the bill should not ever become controversial. This section does give to the adjoining States the same rights in the Continental Shelf beyond their boundaries as is given to all the States in the public domain within their respective jurisdictions. It gives to the riparian States 37 percent of the income from such Continental Shelf beyond its boundary, and also gives to such States the same taxation and police powers as States have always exercised over Federal public domain within their respective boundaries.

Mr. Chairman, all persons agree that congressional action in this so-called tidelands matter is necessary. The only question is what sort of a bill should be passed. The substitute bills that will be offered to this legislation are highly impractical and unsatisfactory, if for no other reason, because they are only partial settlements. Instead of doing half of the job, we should do the whole job as is proposed in H. R. 4484.

The real controversy in this bill is, of course, the reaffirmation to the States of the marginal seas and submerged lands within their boundaries. A decent regard for States' rights and property rights requires that this be done. While limitation does not run against a sovereign government, a sovereign government should be more willing to do equity than an individual. The States have been in possession of this area within their boundaries for more than 100 years. If this controversy were between individuals, there is not a court in the world, or a government in the world that would permit the person in whose possession the property had remained for 100 years to be deprived of the same without compensation. Ours is a Federal Union of sovereign States, and for our Federal Government to assert claim to these areas within State boundaries does violence to every Anglo-Saxon concept of justice and equity. Even the National Socialists of Great Britain have paid for industries confiscated; even the Republic of Mexico paid American industry for oil expropriated; even the Government of Iran will doubtless make some token settlement with the foreign interests who own and operate the oil industry of that land. Apparently, only the great Government of America will succumb to the law of the jungle and take property by force without compensation.

The issue here is not one of oil. It is one of fundamental principle, of honesty and integrity.

Mr. Chairman, if I came from a landlocked State without rivers, lakes, or submerged lands—and there is no such State—but if there were such a State, and if I were a resident thereof, I would still be just as fervently and unequivocally for this legislation.

Mr. Chairman, the vast majority of honest and informed Americans blush with shame because of efforts of Federal officials to take from the States these resources within State boundaries. If the asserted claims of the Federal Government to these areas are ever confirmed by an act of the Congress, it will be a black day in American history, for on that day we will have sold our principles for a mess of pottage and will have subverted the integrity of the Federal Government.

Mr. POAGE. Mr. Chairman, in recent months the United States Government has sent one of its outstanding troubleshooters, Hon. W. Averell Harriman, to the opposite side of the world to try to persuade the Government of Iran to deal more generously with British interests who held certain operating rights in the Iranian oil fields. The Iranian Government has asserted its paramount right to nationalize the oil industry. It has recognized its obligation to pay the British owners for their property. At the same time, the executive branch of our Government has joined in the loud wails of anguish over the "ruthless" attitude of the Iranian Government. Possibly we can the better understand the surprise of the Iranians who have looked to the United States for support in their repudiation of contracts and their grab of private property, after reading the Supreme Court decision in the case of the *United States* v. *Texas* (393 U. S. 707), which blandly ignores the contracts solemnly offered to the Republic of Texas by the United States in the Annexation Resolution passed by both Houses of Congress in 1845, and approved by President Polk. Can we criticize the claims of the Iranian Government for exercising its "paramount right" to take over its oil properties even though we may question the adequacy of the compensation, while our own Government seeks to take the property of States and individuals with no compensation whatever—on the bare claim of paramount right? Possibly the President recognized the inconsistency of his position when he decided he could not afford to allow Mr. Justice Douglas, the latest exponent of this monstrous doctrine of expropriation without compensation, to go to Iran.

Let us examine the two propositions, first, repudiation of international contracts; and, second, confiscation of property without compensation, in reverse order. The whole claim of the Federal Government to the submerged lands of the various States seems to rest on what the Supreme Court has euphoniously called paramount right. No one has ever challenged the paramount right, or just the plain constitutional right of the Federal Government to take any property wherever located, and by whoever owned, when such property was needed for governmental or public purposes. We have, however, supposed that the fifth amendment to the Federal Constitution, which states, "Nor shall private property be taken for public use, without just compensation," was still binding on the courts and the Executive. Apparently the disciples of Mr. Ickes dissent. Nowhere did the Court even discuss the constitutional requirement that the Government make just compensation for private property taken for public use. Would the distinguished chairman of our Judiciary Committee require of the Government of Iran a greater degree of honesty in its dealings with the citizens of Great Britain than he would require of the Government of the United States in its dealings with its own States and its own citizens?

Stripped of all its fancy language, this effort to take the submerged lands of the States is nothing but a naked grab of property. It is a share-the-wealth plan on a far more ambitious scale than the most ardent advocate of "$30 every Thursday" ever dared to dream. Never was the Federal Government even interest in the ownership of these submerged lands until they became potentially valuable. For nearly 200 years it had been settled law that the States, not the Federal Government, owned the submerged lands within their boundaries. By what authority do citizens of Maryland engage in the oyster business in Chesapeake Bay if the bay is the property of the Federal Government? Are the citizens of Maine trespassers on the Federal domain when they develop the kelp or the lobster business? What of the Florida sponge fishermen?

No, the plain fact is that each of the Thirteen Original States has always owned and controlled its submerged lands. The gentleman from Ohio made much of the point that only the lands under the marginal seas of California,

Texas, and Louisiana were taken by the Supreme Court decisions. He pointed out that the Attorney General specifically excluded the lands under navigable streams. Certainly the grab is being conducted by steps. The hope of these modern claim jumpers is to divide and conquer, but we all know full well that these Original Thirteen States are still in control of their lands solely because no prospect of ill-gotten wealth has tempted those who felt they could profit personally by a decision that the Federal Government, not the States, own these lands. When it becomes profitable for the Wheelers, or the Murrays, or the Smoots, and their disreputable group of camp followers, to assert Federal ownership of the bed of Lake Michigan, or of the Ohio River, you will see them move in, just as they have in California, Texas, and Louisiana.

Let us examine this rush of twentieth-century prospectors who ride Cadillacs, not burros; who live in penthouses, not tents; who seek to reap where they have not sown. These are the people who hide their selfish actions behind a cloak of pious claims of public interest. They are the people who inspire the columnists and the commentators to make their repeated and unfounded charges that an oil lobby is supporting the effort of the States to regain their property. No oil lobby is interested in the question of whether the States or the Federal Government owns these lands, except those oil lobbyists who are hopeful of getting something for nothing and they all want the Federal Government to take the property away from those oil companies who have in good faith paid the States for leases.

True, this lobby wants to turn the property of others over to their clients who have spent from 25 cents to 50 cents per acre for Federal permits to take over proven fields. This is the oil lobby and it is interested in Federal, not State, ownership.

Now, let us see just how these people expect to profit by sustaining the decision of four members of the Supreme Court. I shall use Texas as an example because I know the facts in Texas. I am sure a comparable situation exists in California and Louisiana. Texas has leased about 350,000 acres of submerged lands. These leases were made to the highest bidders. They have brought more than $7,000,000 into the public free school fund of the State of Texas. Were this same land leased by the Federal Government at the present rental figure, it would bring only $175,000. At the previous rental figure it would have brought only some $67,500. This is true because the Federal Government does not require bids for oil leases. It leases the land for 50 cents per acre to the first applicant. In addition, the States have been able to contract for greater rentals and royalties than the Federal Government requires. The oil companies that have spent their millions to try to develop these lands hold all of their rights through the State. If the States had no title, those who hold through them can have none. When it was first suggested that the Federal Government might be able to grab the title to this property, hundreds of promoters in the know blanketed the coasts of California, Texas, and Louisiana with applications for Federal leases. Most of them invested only 25 cents per acre—since raised to 50 cents. They hope to take over the properties on which oil companies have honestly spent millions, and to take the properties for little or nothing. Could it be that some of these self-appointed guardians of the rights of the Federal Government, who stand to make tremendous personal fortunes at the expense of the Texas school children, are themselves actuated by something less than the most lofty motives?

And who is the lobby which has so persistently fought to protect private property from confiscation? One would naturally suppose that the business people of this country would have been the first to protest, but they were not. Let it be said to the eternal credit of the public officials of the 48 States that they recognized the danger before the business people did. Let it be remembered that the Governors, the attorneys general, and other State officials from almost every State, have banded together to fight this grab, and finally, let no one overlook the inspired leadership of the members of the Texas State Teachers Association. These teachers had no property of their own at stake, but they knew just how much State ownership of these resources meant to the school children, and how little the school children would get from a Federal grab. Doubtless the effectiveness of these teachers may have been in large measure responsible for the crude and demagogic efforts to counteract their pleas by proposing to dedicate the fruits of the evil conspiracy to a worthy purpose, to wit, higher education.

Aside from the question of the propriety of providing a Federal subsidy to private and church schools, why should the Federal Government give the proceeds of oil produced from these submerged lands to these colleges and retain for regular governmental purposes the revenue derived from oil properties on Government land above tide water? Can there be any other purpose than a desperate effort to buy support for an unworthy cause?

Let us consider very briefly the repudiation of international obligations which is involved in this transfer of these lands from State to Federal ownership. Again I want to discuss the case of Texas. In 1836 Texas gained her independence from Mexico. This fact was recognized by the Treaty of Velasco. The boundaries of the Republic of Texas were fixed by an act of the Congress of the Republic in 1839. This act provided that the boundary of the Republic of Texas should begin at a point three leagues seaward from the mouth of the Sabine River, and should then continue in a line three leagues from shore to a point three leagues from the principal mouth of the Rio Grande. The United States recognized the boundaries claimed by the Republic of Texas and fought the Mexican War to enforce them. In 1848 the United States negotiated the Treaty of Guadalupe-Hidalgo with Mexico. That treaty defines the boundary between the United States and Mexico as beginning at a point in the Gulf of Mexico, three leagues seaward from the principal mouth of the Rio Grande. How did the boundary of the United States get to this point three leagues seaward if it had not been the true boundary of the Republic of Texas? As a matter of fact, no one has challenged the existence of the seaward boundary of the Republic of Texas at a point three leagues from land.

Now how did Texas become a part of the United States? She did so by an annexation resolution, approved by both Houses of this Congress, and signed by the President of the United States. The annexation was the result of an offer, submitted to the Republic of Texas by the United States, and it was accepted by the Republic of Texas with every confidence that the promise of the United States of America would be scrupulously fulfilled, and this resolution expressly guaranteed that the State of Texas should retain all of the vacant and unappropriated public lands lying within its limits.

Nor was this assignment of public lands to the State any accidental or ill-considered provision. It was deliberately placed in the resolution with full knowledge of its effect. Indeed, the previous year the Republic of Texas had sought annexation. It had negotiated a treaty with the United States, which treaty had specifically provided that the United States should acquire all unappropriated lands in the Republic of Texas as it had in many other States, and that it—the United States—should pay the public debt owed by the Republic of Texas—about $13,000,000. This was in keeping with the practice followed in all other cases of admitting new States. As a matter of fact, Texas is the only one of the 48 States which paid its own preannexation debt. But back to the sequence of events.

The United States Senate refused to ratify this treaty. One of the most impressive reasons given was that "all the lands in Texas are not worth $13,000,000, and it would be foolish to pay the debt of the Republic."

Therefore, when the United States made the offer as it did in 1845, it carefully provided that the State of Texas should pay the debt and keep the lands. The State did pay the debt in full, and we now submit that the United States is legally and morally bound to accept the disadvantages as well as the advantages of the contract she submitted to her neighboring Republic.

The United States cannot now repudiate her solemn obligation and expect the other nations of the world to be impressed with her sincerity in international affairs. Nor can the apologists for repudiation find any support for their position by pleading that this agreement relates to domestic not foreign affairs. I know of no rule of morality which justifies deception by a government of its own people; but the people of Texas were not citizens of the United States. On the contrary their independence was recognized by the United States and all the leading nations of the world. Clearly they, and they alone, had

the right to accept or reject the offer of the United States to give up their independent existence. In 1845 the Republic of Texas stated:

> We assent to, and accept the proposal, conditions and guarantees contained in the first and second sections of this resolution of the Congress of the United States aforesigned.

These sections contained the assurance that the State of Texas should retain its unappropriated lands.

Later that year the Congress of the United States approved a constitution for the State of Texas which contained the provision that—

> The rights of property * * * shall remain precisely in the situation which they were before the adoption of this constitution.

During the annexation negotiations President Tyler stated:

> We could not with honor take the lands without assuring the full payment of all encumbrances upon them.

Actually, the State of Texas paid the debt—and a little later President Polk stated:

> Of course, I would maintain the Texan title to the extent which she claims it to be.

In view of this evidence, evidence which by the way the Supreme Court of the United States refused to consider when it denied the State of Texas the meager right to present evidence in the greatest land suit of all times, can it be seriously contended that the United States has either a moral or a legal right to the submerged lands within the original boundaries of the Republic of Texas?

If the Congress does not act today to restore respect for the commitments of the United States, they will deservedly share with Kaiser Bill's treaties the dubious honor of being but scraps of paper. If the Congress does not today act to stop confiscation without compensation, the United States will have acquired undisputed lead in the shameful struggle for international irresponsibility. I want my country to be honest with its own citizens—to be honest with its smaller neighbors—and it can be neither so long as the present decisions of the Supreme Court stand in regard to the submerged lands. I, therefore, urge the immediate passage of the Walters-Gossett bill as a matter of elementary justice and honesty in Government.

Mr. MAHON. Mr. Chairman, I have been shocked, and the people of Texas have been shocked, over the efforts which have been made to deprive the people of the State of Texas and other coastal States of their tideland rights. The subject has been fully discussed and little remains to be said as to the controversy.

I leave to my able colleague, the gentleman from Texas [Mr. GOSSETT], and to other members of the House Judiciary Committee the matter of explaining the pending bill which they have drafted. However, I wish, as a matter of record, to reassert my great interest in seeing the people of the State of Texas secure for themselves their just rights in this important matter. It may be that the pending bill does not restore to Texas and other affected States their full rights. However, the bill appears to be the best solution to the problem that can be secured in the Congress, and I shall, therefore, support it, and I hope the measure will be promptly approved by the Congress. Action on the bill is urgently required.

THE ETHICS OF THE TIDELANDS ISSUE

Mr. TEAGUE. Mr. Chairman, in considering H. R. 4484 which would confirm the titles of the States to the tidelands, I would like to call the attention of my esteemed colleagues to the fact that there is more behind this tideland issue than whether the Federal Government or the States possess title to some valuable land. There are several very important principles at stake which involve the very foundation of our Government.

First, there is the question of altering the basic relationship between the individual States and the Federal Government as laid down in our Constitution. The founders of our Nation realized and wisely indeed, that there were certain areas of Government which could better be administered and regulated by local authorities closer to the people and their problems than one national authority could possibly be. As a result, the several States were given areas of jurisdiction in which they were to be supreme as a matter of efficiency, common sense, and protection of the citizen's best interest. The specific powers of the Federal Government were definitely outlined and enumerated in the Constitution; and, as an additional precaution the tenth amendment, part of the Bill of Rights, was adopted in 1790, stating:

> 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.

This amendment expressed the widespread fear prevalent at the time that the Federal Government might attempt to exercise powers which had not been granted.

In the intervening years, we have come to realize that this fear of extreme centralization was not without cause. Particularly in recent times, there has been an increasing encroachment of the Federal Government into the area of State rights. This has been done by many methods, some of the outstanding being that of Supreme Court decisions. The Supreme Court, being a part of the National Government, has tended to interpret the constitutional powers of the Federal Government rather broadly which has constantly led toward a greater concentration of governmental authority in Washington, largely at the expense of the States. I, for one, am quite concerned about the Federal Government trend toward domestic imperialism and control from Washington. If the Federal Government can maintain its claims to the Texas tidelands, this Nation is in my opinion well on the road to nationalization and extreme centralization of government.

The second fundamental principle at stake in this tidelands question is something which goes even beyond the Constitution to the very basis of our society: ethics and morals. Texas entered the Union under a very definite agreement, providing among other things, that Texas would pay her public debt and, in return, would be allowed to retain her public lands. The public domain included the submerged continental shelf which she had gained title to as an independent nation, the Republic of Texas. The State of Texas paid her public debt and kept her public lands. For 105 years this agreement was honored. Then in 1950, the Supreme Court—through a tortured system of legalistic reasoning—circumvented the agreement and claimed the tidelands, part of Texas' public lands, for the Federal Government.

I have heard a good deal lately about ethics on the part of Federal employees. It seems to me that we had better pay a little attention to the ethics of the Federal Government as a whole in its relationships with the States. When our National Government gets to the point where it will not deal honorably with the State governments, and maintain the highest ethical standards in its relations with the States, regardless of its power through Supreme Court interpretation, then, gentlemen, I am beginning to get very worried about the state of affairs today. What right has our Federal Government to censure individuals and groups, who operate continually in that marginal area where they are legally right, but morally and ethically wrong, if the Government itself does the same thing? When we in Congress endorse this attitude on the part of the Federal Government—which we certainly will do if we fail to return the tidelands to the States—then we have little right to question the ethics and morals of any other private or public segment of the Nation.

Against this background, I would like to consider the tidelands question per se. My thesis is this: While the Federal Government may have established a legal title to the tidelands through the Supreme Court, there is no one who can convincingly and logically show that it has a moral right or title to those lands. It seems to me that common sense, law, and justice must surely combine at some point to emerge with the obvious answer that the tidelands, particularly in the case of Texas, can only belong to the States.

The history and background of the tideland question has been utterly disregarded by the Supreme Court in its recent decisions. In my opinion, there are two basic questions which loom high in this entire matter, but which seem to have been studiously avoided or bypassed in arriving at the present rulings:

(a) As a general principle, was it ever intended when the Constitution was drawn that the original States should give up their title to the tidelands and, if not, did States entering the Union subsequently come in under any different terms?

(b) Did the Republic of Texas after 10 years of existence as a sovereign nation relinquish, through any means, her

title to the tidelands when she joined the Union?

I would like to examine each of these questions at some length.

First, over a period exceeding 100 years, there has been 53 Supreme Court decisions and 244 Federal and State court decisions holding that the Original States owned the navigable tidelands and soil beneath them in trust for the people and that all States admitted thereafter into the Union came in with at least the same rights on this matter. For example, in 1842 the Supreme Court stated:

> When the Revolution took place the people of each State became themselves sovereign * * * and hold the absolute right to all their navigable waters and the soils under them for their own common use.

In 1845:

> First, the shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States respectively; secondly, the new States have the same rights, sovereignty and jurisdiction over this subject as the Original States.

In 1876:

> The principle has long been settled * * * that each State owns the beds of all tidewaters within its jurisdiction, unless they have been granted away. In like manner, the States own the tidewaters themselves. * * * For this purpose the State represents its people, and the ownership is that of the people in their united sovereignty—

And so on. As can be seen, there were few principles more settled in the law of the land than State ownership of the tidelands.

It is interesting, and very disconcerting also, to note that in reversing over 100 years of precedent, the Supreme Court in its 1947 decision on the California tidelands side-stepped the question as a strictly domestic and constitutional issue. The Court instead assumed the necessity of Federal control over the tidelands as essential to the proper administration of a foreign-relations program based on the thin line of reasoning that only the Federal Government may deal with international affairs and the ocean is a subject which falls into that category. In my opinion, that was no argument whatsover. The same line of reasoning could be applied to any property or person, for that matter, within Texas' boundary if the Federal Government is determined to take over everything. For example, the United States represented many Texans in their claims against Mexico for oil lands expropriated by the Mexican Government some years back, but this did not mean that these Texans had to give up their State citizenship just because they happened to become involved in a matter of foreign relations. I cannot see how national representation in foreign affairs implies national ownership; the United States Government represents everyone and everything in the Nation when it comes to international affairs, but that does not mean that everything entering into that sphere must be owned by the Federal Government.

As to the second question: Did the Republic of Texas relinquish her title to the tidelands when she joined the Union or at any time thereafter? The story of the conditions of our entry into the Union, unique and different from that of any other State, will emphatically show that Texas did not.

After Texas won its independence from Mexico, it formed an independent nation, the Republic of Texas, which existed for 10 years and was recognized by the chief nations of the world including the United States. The republic in its first year of existence established its boundaries as "beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico three leagues, 10½ miles from shore, to the mouth of the Rio Grande."

The people of Texas, being mostly of Anglo-Saxon stock and having their root in the United States, expressed a desire to enter the Union. As a result, in 1844, a formal treaty was signed between two independent nations, the United States and the Republic of Texas, setting forth the terms of Texas' entry into the Union. It stated that the United States would take over all of the public debt of Texas—some $10,000,000 and, in those days, a tremendous sum of money, even where nations were involved—in return for which Texas would surrender all of its public lands and mineral rights. The United States Senate, by an overwhelming vote, refused to ratify this treaty on the grounds that the public lands of Texas were worthless and consisted of little more than swamps.

In the following months, 17 different counterproposals originated in the United States Congress concerning the terms of Texas' entry into the Union. Finally, the Congress of the United States passed a joint resolution which set forth the terms of annexation. Among the provisions were the following:

(a) The constitution of Texas must be submitted to the United States Congress for approval before January 1, 1846.

(b) Texas would retain her public debt as well as her public lands.

The idea was that Texas should pay this tremendous public debt through the proceeds from the sale of her worthless public lands.

Texas accepted these terms and became the only State to enter the Union and assume its previous public debt. Further, Texas adopted a new constitution which was transmitted to Congress in which it was stated that—

> The rights of property * * * which have been acquired under the constitution and laws of the Republic of Texas * * * shall remain precisely in the situation which they were before the adoption of this constitution.

Congress nor anybody else objected to this stipulation.

Texas paid off its public debt and, in every way, fulfilled its obligations under the terms of the treaty of annexation. As a result, for 103 years, it never entertained the thought that there could be any doubt in anyone's mind as to its absolute right to ownership of the tidelands as a part of its public domain regardless of what happened to other States in this connection. For 103 years it was the consistent interpretation of United States officials that these lands and minerals were owned by Texas in accordance with the solemn treaty entered into by two independent Nations. Not until December 21, 1948, after the property had become more valuable through development by Texas and the people to whom the State had leased the tidelands, did the executive officials of the Federal Government change their interpretation of the annexation treaty and attempt to wrest ownership of the property from Texas. Finally, on June 5, 1950, the Supreme Court in a 4-to-3 decision overrode treaty, precedent, and justice all in one breath by confiscating—and it was that—the Texas tidelands and ceding it to the Federal Government.

How did the Court arrive at such a decision in the face of the facts? As in the case of the California tidelands, it again avoided the issues and stated basically the predominant consideration was that there must be Federal control over the tidelands as an essential part of the administration of our foreign affairs program inasmuch as questions involving oceans often involved our relations with other nations. It did not explain why it would not be possible for the Federal Government to deal with foreign countries concerning the ocean without first having to own 3 miles of the ocean. I, for one, cannot see how the Federal Government can justify its conduct or how it can conscientiously utter one word of reproach to Iran for her recent nationalization and confiscation of British oil rights when the United States is doing the same thing at home with much less reason and absolutely no real legal or moral right to do so.

Aside from the legal questions involved, there is another side to this matter. For many years the entire income from the Texas tidelands have been dedicated solely to the public school fund of Texas. The loss of this revenue would seriously damage the financial structure of the Texas public-school system—one, incidentally, which is trying to avoid the dangers of Federal aid to education. The extent of the loss, both present and future, is apparent when one realizes that over 2,600,000 acres of tidelands are involved, and that in 1948 alone Texas realized $7,000,000 from tideland leases.

All these factors cannot be offset except by allowing Texas to continue its ownership of the lands as originally agreed. And certainly, if the Federal Government is determined to expropriate the Texas tidelands, there should be a just compensation paid to the State of Texas for their loss. Consideration should also be given to the fact that enormous sums of money have been expended by the State and persons operating under State leases to develop the oil potentialities of the tidelands.

Since the Supreme Court is apparently not predisposed to alter their position on the tidelands, the only alternative has been for Congress to pass legislation which would restore rightful ownership of these lands to the States. In February 1948 I introduced a bill to require Federal recognition of State ownership of these lands, and, further, if at a later date the Federal Government felt that

it was necessary to place the tidelands under national ownership in the interest of national defense, as is often claimed, to require that adequate compensation be paid to the States for the loss of their property.

Up to the present a satisfactory and equitable solution of this question by Congress has been blocked by the executive branch of the Government. In 1948 Congress passed a bill which would have settled the tidelands conflict in favor of the States; however, the President vetoed it and the Senate could not muster the two-thirds majority necessary to override the Presidential action.

I trust that every Member will take this opportunity to correct an injustice and halt this trend toward nationalization and infringement on States' rights, prerogatives, and property. There is not only a principle involved which concerns every State, regardless of whether it has tidelands or not, but every person who believes that there is too much control from Washington today, that this trend toward centralization is becoming our greatest internal threat, and that our National Government should operate on the highest level of ethical and moral conduct.

Mr. REED of Illinois. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, I propose to discuss briefly the background and need for enacting the Walter bill, H. R. 4484, which confirms the title of the various States in lands beneath the navigable waters within their boundaries.

It is first important to remember that for over 100 years it was the universal opinion of legal minds that the States, not the Federal Government, owned the lands beneath the navigable waters within their boundaries, including both inland waters and tidelands out to the traditional 3-mile limit. This was predicated on a series of Supreme Court decisions which seemed to be completely unambiguous.

Acting on what then appeared to be sound legal advice, the executive branch of the Government clearly and repeatedly indicated that the tidelands were owned by the States. For example, there were a substantial number of instances in which the Federal Government acquired title from the States to parcels of land located in the tidelands. Why would the Government go through the steps necessary to accept a conveyance of land from a State, if it did not believe that the State owned that land? If the land had belonged to the Federal Government in the first place, obviously no conveyance from the State would have been necessary. Furthermore, there are numerous decisions of the Department of the Interior denying applications for Federal oil and gas leases in the California coastal belt on the ground that California owned the land. In other words, the executive branch of the Federal Government has taken affirmative action predicated on the ground that the States, not the Federal Governmen owned the tidelands.

Another principle which has had historic acceptance, and which is of particular importance to the people of Illinois and of other States which do not border on the open seas, is the principle that title to land under inland navigable waters is determined by the same rules of law as title to the land under the marginal seas. This principle is firmly established by many decisions, but I should like to read from only one, namely, the case of *Illinois Central Railroad* v. *Illinois* (146 U. S. 387) decided in 1892:

> It is the settled law of this country that, the ownership of and dominion and sovereignty over lands covered by tidewaters, within the limits of the several States, belong to the respective States within which they are found, * * * subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States. * * *
>
> The same doctrine is in this country held to be applicable to lands covered by fresh water in the Great Lakes over which is conducted an extended commerce with different States and foreign nations. These Lakes possess all the general characteristics of open seas, except in the freshness of their waters, and in the absence of the ebb and flow of tide. In other respects they are inland seas, and there is no reason or principle for the assertion of dominion and sovereignty over and ownership by the State of lands covered by tidewaters that is not equally applicable to its ownership of and dominion and sovereignty over lands covered by the fresh waters of these Lakes. * * *
>
> We hold, therefore, that the same doctrine as to the dominion and sovereignty over and ownership of lands under the navigable waters of the Great Lakes applies, which obtains at the common law as to the dominion and sovereignty over and ownership of lands under the waters on the borders of the sea, and that the lands are held by the same right in the one case as in the other, and subject to the same trusts and limitations.

The international importance of the Great Lakes is in every respect comparable to that of the Pacific Ocean or the Gulf of Mexico. The Great Lakes are inland seas separating American States on the south from a foreign country on the north. They are part of a highway for foreign commerce of growing importance. In addition to trade between Canada and the United States which passes over the Great Lakes, they form an indispensable part of any future development of the St. Lawrence seaway. Because both foreign and interstate commerce can travel over the Great Lakes, and over the rivers of Illinois to the Mississippi and the Gulf of Mexico, the questions involved in the controversy over the ownership of the tidelands are necessarily also of great concern to the people of my State and all States that border on the Great Lakes.

When the Federal Government filed its suit against the State of California claiming a paramount interest in the oil-producing lands off the Pacific coast, it was unembarrassed by its prior recognition of California as the owner of these very same tidelands. It took the position that previous Executive action was irrelevant because the Executive did not have the power to give away the property of the United States and further that the Supreme Court decisions which had previously seemed clear to everybody, were really not controlling because none of them had adjudicated the precise question of ownership of these oil fields. In itself, the assertion of paramount Federal rights over the tidelands would not have seemed particularly significant were it not for the fact that the theory of paramount rights was given an entirely new and alarming significance. The implications of the newly asserted concept of Federal supremacy were so great that the attorneys general of 45 different States filed briefs amicus curiae to support California's defense of the rights of that State and to oppose the Federal Government's assertion of power.

These attorneys general were properly alarmed for at least two reasons of fundamental importance. First, the Federal Government's new assertion of paramount Federal rights, in essence, means authority to confiscate State property without the payment of just compensation. The concept obliterates the fundamental distinction between the recognized power to regulate and even to condemn upon the payment of fair value, and rights of ownership which may be exercised without paying anybody anything. Second, the rationale of the decision was not limited to lands beneath marginal seas but also clearly affected inland navigable waters. It thus affected every State in the Union. This can best be demonstrated by considering what the Supreme Court says its decision means.

Its holding in the California case was summed up in *United States* v. *Texas* (339 U. S. 719) when the Court noted with respect to the property in controversy that "its use, disposition, management, and control involve national interests and national responsibilities. That is the source of national rights. Such is the rationale of the California decision."

The Supreme Court holds therefore that the national interest in the tidelands is sufficient to justify the exercise of complete dominion over the property without the payment of just compensation.

In principle there is no reason why this concept of paramount Federal rights does not apply equally to inland waters. The national interest in uranium deposits which might be found beneath the Illinois River, for example, would certainly not be any less important than the national interest in tideland oil. Is it not true that, to use the Supreme Court's own language, the "use, disposition, management, and control" of possible uranium deposits, or of oil wells in Illinois or of any other precious minerals, also involve "national interests and national responsibilities." If such be the source of national rights, I suppose that the paramount national interest in these matters would justify their ownership by the National Government without the payment of just compensation to the persons now thought to be the owners. Such is the rationale of the California decision, and I want none of it.

If paramount national interest means that the Federal Government can exercise rights of ownership without the

payment of just compensation, then, particularly in a period of national mobilization, it would seem to be logical to say that the Federal Government is entitled to a proprietary interest in all the defense plants, steel mills—indeed, in most of the property in the country.

I realize that the Attorney General says that the Supreme Court decision has no application to land beneath inland navigable waters. Of course, he is right if he is talking about the precise holding because the complaint was carefully limited to the tidelands. But that does not mean that the principle of the decision will not in the future be applied to inland waters. As I pointed out previously, before the California case was filed there had been no claim by the executive branch of the Government that the tidelands were subject to Federal ownership. On the contrary, the Executive, acting through appropriate agents, had repeatedly taken the position that the tidelands belonged to the States. This position was supported by opinions of the Supreme Court, which also established the rule that inland navigable waters were subject to the same type of ownership as tidelands.

When the Attorney General was recently asked to comment on the fact that the States were in peaceful possession of the tidelands for more than 100 years, he answered that the precise question involved in the California case had "just never happened to be raised." The fact that the question of ownership of the tidelands oil had not previously been raised did not in any way prevent the Federal Government from instituting in Court the California case when it saw fit to do so.

If the present Attorney General can justify the Government's position with respect to the tidelands on the ground that the question had not previously been raised, what is to prevent another Attorney General a few years hence from making precisely the same statement when he files a test case involving inland waters?

Consider, for example, the careful statement by the present Secretary of the Interior in hearings before our committee:

> As Attorneys General and Secretaries of the Interior have said many times, the executive branch of the Government has never made any claim to the submerged lands beneath navigable inland waters.

Before the California suit was filed, precisely the same statement could have been made by the executive with respect to the tidelands, but would have afforded scant comfort to the State of California when the executive changed his mind and decided to file the California case. Similar statements today are of no greater protection against the possibility that tomorrow the Executive will assert a claim to submerged lands under inland navigable waters in other States. The fact that the Federal Government has not as yet made any claim is of no protection whatsoever to States which like to think that they are the owners of valuable lands under inland waters.

All we can tell from the California opinion is that the Supreme Court recognizes that "the belief"—and those are the Court's words—the belief that the States have title to lands under landlocked navigable waters "finds some argument for its support" (332 U. S. 34). Would the "same argument" which the Court acknowledges be sufficient to override the logic of the Court's own position? We cannot be sure of the answer to this question until the Court passes on the inland water issue. In the meantime, the States will properly be concerned with the logic of the Supreme Court's opinion, together with the many cases holding that ownership of the tidelands and of inland submerged lands are governed by the same rules of law. This concern can only be allayed by congressional action.

I wish to take this opportunity to comment briefly on the argument which is used by opponents of this legislation. The argument takes many forms, but basically it comes down to this; the tidelands are valuable property, producing great income for their owners. Why should we let three States have this income? Why not spread the wealth among all the States?

It seems to me that the fact that this argument is used to oppose this legislation is one of the best reasons for enacting it. Whenever a State is blessed with particularly valuable resources, should the other States enviously look upon the fortunate one and demand that its blessings be shared by all? Should we nationalize the automobile industry because its benefits now flow primarily to Michigan? Since I come from a great and prosperous State—one which has always been among the leaders of our Union in commerce, industry, and natural endowments—I cannot but abhor any suggestion that ownership of property should be vested in the Federal Government simply because the property produces valuable revenues.

And now particularly to those who sit to my left, let me make this closing observation.

In 1948, at its most recent national convention in Philadelphia the Republican Party adopted a platform of principles, one paragraph of which reads as follows:

> We favor restoration to the States of their historic rights to the tide and submerged lands, tributary waters, lakes, and streams.

The enactment of the Walter bill, H. R. 4484, will carry out this pledge.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. REED of Illinois. I yield to the gentleman from California.

Mr. HINSHAW. The gentleman in the course of his remarks referred to a statement made before his committee by the Secretary of the Interior, Mr. Oscar Chapman, in which, I believe, he pointed out that they had never made any claim to anything below the water in the inland waters, and that has been used by some people here on this floor as an indication that they never intend to do so. May I repeat a few words from Mr. Harold Ickes' letter of December 22, 1933, in which he says:

> It has been distinctly settled * * * that title to the shore and under water in the front of lands so granted inures to the States in which they are situated * * * such title to the shore and the lands under water is regarded as incident to the sovereignty of the State.

Of course, it was not until 1945 that Mr. Ickes decided to change his mind, but that mind can be changed by anyone in the future unless the law is settled by the Congress of the United States.

Mr. REED of Illinois. I thank the gentleman.

Mr. CELLER. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, the measure under consideration, H. R. 4484, purports to confirm and establish the titles of the several States to lands beneath navigable waters within their boundaries, the real purpose of this proposed legislation, however, is to vest in the respective coastal States along the shores of this country, the full control and ownership of the lands and the tremendously valuable petroleum resources underlying the marginal sea adjacent to those States. As I shall show during the course of my remarks, no other submerged lands are involved or have been placed in jeopardy by any controversy between the United States and the coastal States. Land underlying the ocean, however, have been held by the Supreme Court, in the recent cases of United States against California, United States against Louisiana, and United States against Texas, to be subject to the exclusive control of the United States, and not to be the property of the adjacent coastal States. This bill would, therefore, result in nullification of the decisions and judgments of the Supreme Court in those cases.

It should be made clear at the outset that the issue involved in this controversy relates solely to lands which underlie the ocean, seaward of low-water mark, and outside of the inland waters of this country. It does not involve any tidelands, which are those lands between high- and low-water mark, nor does it involve any lands underlying rivers, bays, lakes, or other inland navigable waters. Such lands were specifically excluded on the complaint filed by the United States in the off-shore cases, and from the decisions and decrees rendered by the Court in those cases.

Proponents of State ownership urge that certain broad language appearing in earlier decisions, where lands such as those "beneath navigable waters" and "beneath tidewaters" were held to be the property of the States in which they were situated, should be extended to include the lands underlying the ocean. This argument was very clearly and forcefully presented to the Supreme Court in the California proceeding and every case and authority remotely relating to the point was cited and discussed in the briefs and oral arguments. It was found, however, and the Court held, that none of the cases cited had determined the question as to the ownership of lands under the ocean. All of the cases cited were found to involve either tidelands or lands beneath inland navigable waters, and the Court refused

to enlarge the rule governing the ownership of such lands so as to embrace submerged ocean lands. The same argument was made on behalf of Louisiana, and again the Supreme Court rejected it.

In this connection, it seems appropriate to emphasize an aspect of this problem which should always be kept in mind. This is the fact that the ownership of lands beneath ocean waters, beyond the shores of this country and outside of inland waters, is an entirely different matter, insofar as legal principle is concerned, from the ownership of tidelands between high- and low-water mark or lands under bays, rivers, and other inland waters. The Supreme Court has on numerous occasions held that the States own their tidelands and the lands under inland navigable waters. The United States does not and never has challenged the rulings in those decisions. But the ownership of lands under the ocean, the principles governing which are derived not from the common law but from developments in the law of nations, is something totally different. Beyond low-water mark and beyond the seaward limit of inland waters, the domain of international affairs is reached, and different rights and different problems are encountered. It is for this reason that State ownership of tidelands and lands under inland navigable waters is not in any way threatened by the decisions of the Supreme Court in the California, Louisiana, and Texas cases. This same reason demonstrates the complete fallacy of the astounding, but frequently repeated, suggestion that the rationale of the offshore decisions would permit the United States to take over lands under inland waters or even private upland property without payment of compensation. In asserting its rights as a Nation to the lands under the ocean next to its shores, the United States is not taking anything that belongs to any State or person.

It is not accurate to say that the States have exercised full and undisputed powers of ownership over the ocean bed underlying the marginal sea since their respective admission to the Union, and that this exercise of ownership has been accompanied by "full acquiescence and approval of the United States," and has been in accordance with the many decisions of the executive departments of the Federal Government, as the Supreme Court pointed out in its California opinion:

> The question of who owned the bed of the sea only became of great potential importance at the beginning of the twentieth century when oil was discovered there (332 U. S. at 38).

And, again, said:

> As a matter of fact, the record plainly demonstrates that until the California oil issue began to be pressed in the thirties, neither the States nor the Government had reason to focus attention on the question of which of them owned or had paramount rights in or power over the 3-mile belt (332 U. S. at 39).

From an early stage of the controversy, officials of the executive branch have made it clear that the United States is making no claim to tidelands or lands underlying inland navigable waters. In substantiation thereof I refer to the following:

(a) Excerpt from press release by Department of Justice, October 19, 1945, the date suit against California was filed by Attorney General Tom C. Clark: Mr. Clark emphasized that the controversy relates exclusively to the so-called marginal sea, extending beyond low-water mark to the 3-mile limit, and that no claim is made to tidelands or lands beneath bays, harbors, or other inland navigable waters.

(b) Excerpt from message of the President, dated August 1, 1946, vetoing House Joint Resolution 225 (CONGRESSIONAL RECORD, vol. 92, pt. 8, p. 10660):

> The Supreme Court's decision in the pending case will determine rights in lands lying beyond ordinary low-water mark along the coast extending seaward for a distance of 3 miles. Contrary to widespread misunderstanding, the case does not involve any tidelands, which are lands covered and uncovered by the daily ebb and flow of the tides; nor does it involve any lands under bays, harbors, ports, lakes, rivers, or other inland waters.

(c) Excerpt from argument of Attorney General Clark before Supreme Court in United States against California, March 13, 1947:

> It is important to point out, in the beginning, what this case does not involve.
>
> The United States raises no question as to the ownership of ports, harbors, bays, rivers, lakes, or other inland waters. Nor is any question raised as to the ownership of the tidelands, that is, that narrow strip which lies between high and low water marks of the Pacific Ocean on the coast of California. The area here in controversy begins where the tidelands end. It is an area extending 3 miles from low-water mark into the sea.

(d) Excerpt from statement of Attorney General Clark, March 2, 1948, at joint hearings before Committees on the Judiciary of Senate and House of Representatives considering S. 1988 and similar House bills, Eightieth Congress, second session (hearings, p. 610):

> The Federal Government does not now assert and has no intention of asserting any claim to inland navigable waters and the beds thereof.

I have said that a hundred times.

The claims of the coastal States that this issue has been decided by the Supreme Court and lower courts more than 100 times are not founded in fact. Prior to the decision in United States against California, rendered June 23, 1947, the Supreme Court had never had occasion to pass on the question as to who owned or had the right to develop mineral resources in the bed of the ocean. Both the majority opinion and the dissenting opinion of Mr. Justice Reed in the California case recognized that the question was before the Court for the first time. To be sure, counsel for California brought to the attention of the Court all the earlier cases now referred to by proponents of State ownership, but it was shown to the Court that not a single one of those cases involved the ownership of lands under the ocean. The Members of the House may be interested in knowing that all of the leading cases on this point have been the subject of a recent analysis made by the Legislative Reference Service of the Library of Congress, in a document entitled "Jurisdiction of Submerged Lands of the Open Sea," prepared at the request of the chairman of the Senate Committee on Interior and Insular Affairs. Beginning on page 17 of that document, there is a list of all of these cases and a brief statement with respect to the particular submerged land involved in each case. This analysis reveals that none of these cases involved the question of ownership of lands underlying the ocean.

When considering the matter for the first time in the California case the Supreme Court decided that dominion over the lands underlying ocean waters adjacent to the shores of this country is an incident of the national external sovereignty of this country, and is not an attribute of the local sovereignty of the respective coastal States. This is true because such rights as any nation may enjoy in any portion of the beds of the oceans of the world are rights which are derived from international law, and from customary rules and principles developed by relations within the family of nations. In deciding United States against California, the Supreme Court held that the original Thirteen Colonies, when they separated from the British Crown, did not acquire all of the sovereignty of the British Crown; they did not enjoy the Status of independent nations, and were not separately vested with national sovereignty. From this and other considerations, the Court concluded that the Thirteen Original States did not separately acquire ownership of the bed of the marginal sea adjacent to this country. On the other hand, the Court did find that the United States, in the conduct of its relations with other nations, has acquired and now holds paramount rights and powers in the marginal sea, including dominion over the mineral resources of the subsoil.

Since the Original Thirteen States did not own the bed of the marginal sea adjacent to their shores, it follows that none of the other coastal States subsequently admitted to the Union on an equal footing have any ownership of such land. The State of Texas has contended that it is an exception in this regard because it was prior to its admission to the Union in 1845, an independent republic. However under the principle announced in the California decision, Texas cannot be vested with any status in respect to offshore lands greater than that held by her sister coastal States. Assuming that Texas did own the lands under her marginal sea prior to 1845, she held those lands by virtue of her national sovereignty as an independent republic. When Texas entered the union, she surrendered her national sovereignty, and accepted in lieu thereof State sovereignty, as one of the component States of the Union. As a consequence of this relinquishment of her national sovereignty and acceptance of State sovereignty, Texas was required to accept the disadvantages, as well as the advantages, created by this change of status. Having been admitted to the Union on an equal footing with all

other States she could no longer hold those rights and interests in submerged ocean lands which may be held only by a national and not a State sovereign. This is the reasoning upon which the Supreme Court based its decision in *United States* v. *Texas* (339 U. S. 707—see page 717–718).

The case of *U. S.* v. *Louisiana* (339 U. S. 699), decided on the same day the Texas decision was rendered, was found to involve substantially the same facts and circumstances as the California case and to be governed by that case.

The law controlling the question as to the disposition of mineral resources of the ocean beds adjacent to this country has been decided by the Supreme Court in the three cases which have been mentioned. The Supreme Court has rendered its decisions in the exercise of the function vested in it by the Constitution and its decision in this respect is final. The problem before the Congress, therefore, is not one which involves a reargument of the California, Louisiana, and Texas cases, but rather a decision of the policy question as to whether these tremendously valuable resources, known and yet to be discovered, should be retained and developed for the benefit of the people of the United States as a whole or should be transferred to a few coastal States to be enjoyed by the people of those States alone. This, of course, is a question that Congress is empowered to decide under the provisions of article IV of the Constitution, which vests in the Congress the power of disposition with respect to the territory and other property of the United States. With this same power, however, there rests the responsibility to see that these resources, which have been held to belong to all the people, are utilized in such a way as to inure to the benefit of all people of all States.

To me, Mr. Chairman, the question is one which is readily answered. I cannot vote for any proposal which would give away what I regard to be a national inheritance.

I believe that at the present time we should have interim legislation such as House Joint Resolution 274. The reason for this is that the history of this controversy in the Congress reveals that since 1937 neither the administration nor the proponents of quitclaim legislation have been able to obtain enactment of permanent legislation. It is likely that this stalemate will continue for some time. In the interest of national defense and the security of this country, I think that new oil production under the management of the Federal Government should be permitted and encouraged—at least during the interim which may elapse before any permanent legislation is enacted.

In illustration of this stalemate to which I have referred, I have prepared a brief summary of this controversy which I will insert at this point:

I. BACKGROUND

The Federal-State controversy over the control and management of the petroleum and other resources in lands underlying ocean waters adjacent to this country has been before the Congress since 1937. The submerged lands involved are those situated seaward of low-water mark on the open coast and outside of inland waters. The basic legal issue involved in the controversy has been decided in favor of the Federal Government in the Supreme Court cases of *United States* v. *California* (332 U. S. 19 (1947)), *United States* v. *Louisiana* (339 U. S. 699 (1950)) and *United States* v. *Texas* (339 U. S. 707 (1950)), which hold that the coastal States do not own the adjacent submerged ocean lands and that the power to develop the mineral resources in such lands is vested in the United States and not in the respective States.

In 1946, the Congress passed a joint resolution (H. J. Res. 225, 79th Cong.) which would have quitclaimed to the respective coastal States the rights of the United States in the lands underlying the 3-mile belt of the ocean. The measure was vetoed by the President, and the veto was sustained. Since that time proponents of State control have continued to urge upon the Congress the enactment of such legislation. On the other hand, the executive branch of the Government has repeatedly requested the Congress to enact legislation to provide for the development and management of offshore oil lands under the authority of the Federal Government. Until appropriate legislation has been enacted by the Congress there can be no new development of petroleum resources in offshore areas; as a result of the Supreme Court's decisions, State leases of such lands are invalid, and no Federal leases may be issued until authority therefor has been granted by the Congress. To date, no measure providing for either Federal or State control has been finally enacted into law.

Of the many proposals thus far presented to the Congress those warranting particular mention are the following (for convenience the bills will be classified as either administration or quitclaim measures):

Administration measures

In the Seventy-fifth Congress, the Nye resolution (S. J. Res. 208), asserting the claim of the United States to submerged lands within the 3-mile belt, passed the Senate on August 19, 1937 (CONGRESSIONAL RECORD, vol. 81, pt. 8, p. 9326), and was favorably reported by the House Judiciary Committee (H. Rept. 2378, CONGRESSIONAL RECORD, vol. 83, pt. 6, p. 7178), but was not acted upon by the House.

In the Seventy-sixth Congress, similar measures (S. J. Res. 83 and 92, and S. J. Res. 176 and 181) were introduced. Hearings were held by both the Senate Committee on Public Lands and the House Committee on the Judiciary in March 1939, but no further action was taken.

In the Eightieth Congress, a bill to provide for Federal management and leasing of offshore oil lands under the supervision of the Secretary of the Interior was introduced in both Houses of Congress (see S. 2165, introduced by Mr. BARKLEY, and H. R. 5890, introduced by Mr. CELLER), but no action of any kind was taken with respect to the bill. This proposed legislation was presented to the Congress on the joint recommendation of the Secretary of Defense, the Secretary of the Interior, and the Attorney General, as representing the proposal of the executive branch for the development and management of offshore oil lands. The bill would have authorized the issuance of Federal leases of offshore areas, including exchange leases for existing State leases, the conservation and development of the resources in such lands under regulations designed to serve the interests of national defense, and a sharing of the revenues derived from such lands with the adjacent coastal States.

In the Eighty-first Congress, the management bill recommended by the executive branch was again introduced (S. 923, by Mr. O'MAHONEY, and H. R. 354, by Mr. CELLER). On October 4–10, 1949, hearings were held by the Senate Committee on Interior and Insular Affairs on S. 923, and certain other bills, including quitclaim bills, introduced in the Senate, but no action was taken with respect to any of these measures. Late in the Eighty-first Congress an interim management bill (S. J. Res. 195), introduced by Senator O'MAHONEY, was the subject of hearings held by the Senate Committee on Interior and Insular Affairs, August 14–19, 1950.

In the Eighty-second Congress, the administration management bill has not been introduced. However, there is pending before both Houses of the Congress an interim management bill (S. J. Res. 20, by Mr. O'MAHONEY and Mr. ANDERSON, and H. J. Res. 274, by Mr. CELLER), which would provide authority for continued offshore oil and gas operations under Federal control until the Congress has had occasion to consider permanent legislation on the subject.

Quitclaim measures

In the Seventy-ninth Congress, House Joint Resolution 225, which proposed to surrender to the coastal States all right, title and interest of the United States in and to submerged lands within the three-mile belt, passed the House on September 20, 1945. It passed the Senate, with amendments, on July 2, 1946, and the House concurred in these amendments on July 27, 1946 (CONGRESSIONAL RECORD, vol. 92, pt. 8, p. 10316). The proposed legislation was vetoed by the President on August 1, 1946 (CONGRESSIONAL RECORD, vol. 92, pt. 8, p. 10660) and the veto was sustained by the House on August 2, 1946 (CONGRESSIONAL RECORD, vol. 92, pt. 8, p. 10745).

In the Eightieth Congress, joint hearings were held by the Committees on the Judiciary of the Senate and House of Representatives, from February 23 to March 18, 1948, on S. 1988 and similar House bills. All of these measures proposed, in substance, to quitclaim to the coastal States submerged ocean lands within their seaward boundaries. On April 21, 1948, H. R. 5992 (substantially the same as S. 1988) was reported favorably by the House Judiciary Committee and on April 30, 1948, the bill was passed by the House (CONGRESSIONAL RECORD, vol. 94, pt. 4, p. 5155). No action on H. R. 5992 was taken by the Senate, but on June 10, 1948, the Senate Committee on the Judiciary, by a vote of 7 to 6, favorably reported S. 1988, with certain amendments (CONGRESSIONAL RECORD, vol. 94, pt. 6, p. 7682). No further action was taken with respect to S. 1988.

In the Eighty-first Congress, numerous quitclaim measures were introduced in both Houses of Congress. On October 4–10, 1949, the Senate Committee on Interior and Insular Affairs held hearings on S. 155 and S. 1545, along with certain bills proposed by the executive branch. No further action was taken by the Senate. On August 24–29, 1949, a subcommittee of the House Committee on the Judiciary held hearings on H. R. 5991 and H. R. 5992, which were referred to as compromise measures, but which would have provided for State management and leasing of offshore lands, both within State boundaries and on the Continental Shelf beyond State boundaries, with a division of revenues between the Federal Government and the respective State governments. On May 17, 1950, H. R. 8137, a committee substitute for H. R. 5991, which provided for a quitclaim of all lands within the seaward boundaries of the coastal States, was reported favorably by the House Committee on the Judiciary (CONGRESSIONAL RECORD, vol. 96, pt. 6, p. 7188).

In the Eighty-second Congress, at least a dozen quitclaim measures have been introduced in the House of Representatives. One of these, H. R. 4484, introduced by Mr. WALTER and reported favorably by the Committee on the Judiciary on July 12, 1951, is substantially the same as H. R. 8137, Eighty-first Congress. In the Senate, S. 940, providing

for a transfer to the coastal States of all submerged ocean lands within their seaward boundaries, has been introduced under the sponsorship of 35 Senators.

II. STATUS OF COURT PROCEEDINGS

As above indicated, the legal rights of the United States in lands under the ocean, seaward of low-water mark and outside of inland waters, have been established in the three Supreme Court cases brought against California, Louisiana, and Texas.

The California case, decided June 23, 1947, is still before the Supreme Court for an adjudication of the boundary between the open waters of the Pacific Ocean and the inland waters of the State along certain segments of the California coast. The Court is presently awaiting briefs of the parties regarding the report of a special master appointed for the purpose of determining a procedure by which such an adjudication can be made.

The segments of the California coast under consideration by the Court include all offshore areas within which known petroleum deposits are situated. All of these areas are subject to a dispute as to whether they are in the open sea or in inland waters and, pending the resolution of this dispute by the ascertainment of the boundary, oil and gas operations previously authorized under State leases have been continued under a stipulation entered into by the parties to the litigation. Under this stipulation, operations are being conducted under State management, with certain powers of supervision and control being vested in the Secretary of the Interior, and with the revenues being impounded for ultimate disposition to the party determined to be entitled thereto. From June 23, 1947, to September 30, 1950, these revenues were held by the State of California. Since October 1, 1950, the moneys have been paid to the Secretary of the Interior for deposit in a special fund in the Treasury of the United States.

The Louisiana and Texas cases were decided June 5, 1950, and decrees were entered December 11, 1950 (340 U. S. 899; 340 U. S. 900). It presently appears that none of the Texas coast and a relatively small portion of the Louisiana coast will require an adjudication as to the boundary between Federal and State areas. Indeed, the offshore operations in the Gulf of Mexico are, for the most part, in areas which are clearly open sea, some of them being located almost 30 miles from shore.

On December 11, 1950, the Secretary of the Interior issued an order granting temporary permission to holders of State oil and gas leases in the Gulf of Mexico to continue existing operations being conducted under such leases, subject to regulation by the Secretary and the payment of revenues due under the leases to the United States. This order was issued under the authority of the executive branch to take such steps as may be necessary to protect the resources of the United States and to prevent the waste of or injury to such resources.

It should be kept in mind that neither the stipulation in the California litigation nor the Secretary's order covering operations in the Gulf of Mexico permits any new exploration or development of offshore oil deposits, except where such new development is required to prevent drainage of oil from lands of the United States by wells drilled in other lands. New exploration and new development must await the enactment of legislation authorizing such activity.

III. STATUS OF PROPOSALS BEFORE THE EIGHTY-SECOND CONGRESS

The most significant measures before the Eighty-second Congress are the quitclaim bills (S. 940 and H. R. 4484) and the interim management measures (S. J. Res. 20 and H. J. Res. 274). On May 1, 1951, the Senate Committee on Interior and Insular Affairs, while considering Senate Joint Resolution 20, voted on a motion by Senator CORDON to substitute the quitclaim bill, S. 940, for Senate Joint Resolution 20. The motion was defeated by a vote of 7-6. The final vote of the Senate committee on certain proposed amendments to Senate Joint Resolution 20 is yet to be taken.

Senate Joint Resolution 20 and House Joint Resolution 274 are designed to provide authority, on an interim basis, for a continuation of oil and gas operations and development of offshore submerged lands until such time as the Congress can enact permanent legislation on the subject. The proposal for such interim management legislation was first made by Senator O'MAHONEY when, on July 20, 1950, he introduced Senate Joint Resolution 195, Eighty-first Congress. In support of his proposal, Senator O'MAHONEY stressed the fact that the controversy which had existed between the States and the Federal Government since 1937, and which, he observed, may possibly continue for many more years, should not be permitted to prevent continued development and exploration of offshore oil lands while the Congress is debating the question as to the permanent disposition to be made of the matter. Senator O'MAHONEY also emphasized the great need for increased production of petroleum created by the Korean crisis and the national defense program.

The proposed interim legislation was not sponsored by the executive branch, although its representatives concurred in the view that some legislation to authorize continued offshore production during the current emergency is greatly needed. At the hearings on the measure, held by the Senate Committee on Interior and Insular Affairs, August 14-19, 1950, representatives of both the Department of the Interior and the Department of Justice appeared and suggested to the committee that the measure, if enacted, should be amended in certain respects. During these hearings it was also revealed that the proposed interim legislation has the strong support of the oil industry.

Senate Joint Resolution 20 and House Joint Resolution 274, the interim measures before the Eighty-second Congress, are modifications of Senate Joint Resolution 195. The changes which have been made reflect the suggestions of the executive branch as well as certain amendments recommended by the oil industry. As introduced, Senate Joint Resolution 20 and House Joint Resolution 274 have the approval of the Department of the Interior and the Department of Justice, and the Senate Committee on Interior and Insular Affairs was so advised during hearings held on the measure February 19-24, 1951. In addition, the Secretary of Defense has advised the committee that the Department of Defense concurs in the views expressed by the Department of the Interior. At the February hearings, the committee also heard representatives of the oil industry urge the enactment of Senate Joint Resolution 20.

Further hearings were held by the Senate committee, in executive session, on March 28, 1951, at which time representatives of the executive branch were given an opportunity to express opposition to S. 940, the quitclaim bill, which, it had been indicated, proponents of State control intended to offer as a substitute for Senate Joint Resolution 20. As above stated, a motion for such substitution was defeated in the committee on May 1.

IV. PROVISIONS OF THE PROPOSED INTERIM LEGISLATION

A summary of the provisions of Senate Joint Resolution 20 and House Joint Resolution 274 is as follows:

1. State leases of offshore lands, which meet certain requirements, as determined by the Secretary of the Interior, would be continued in effect (sec. 1 (b)).

2. These requirements would include the following (sec. 1 (a)):

(a) Issuance of the State lease prior to December 21, 1948 (the date suit was filed in the Louisiana and Texas cases) and maintenance thereof in force and effect on June 5, 1950 (the date of the Supreme Court's decisions in those cases).

(b) Payment to the Secretary of all rents, royalties and other sums payable subsequent to June 5, 1950, which have not already been paid under the lease. Such moneys would be deposited by the Secretary in a special fund in the Treasury.

(c) Absence of fraud in the obtaining of the lease.

(d) Original issuance of the lease on the basis of competitive bidding, if issued after June 23, 1947.

(e) Provision for a minimum royalty of 12½ percent.

(f) Execution of a surety bond to protect the interests of the United States.

3. The Secretary of the Interior would exercise the powers of supervision and control vested in the lessor under the State leases (sec. 1 (c)).

4. The Secretary of the Interior would be authorized, with the approval of the Attorney General, to certify that the United States claims no proprietary interest in lands under inland navigable waters which may be covered by State leases (sec. 2).

5. In the event of a controversy between the United States and a State as to whether or not certain submerged lands are situated beneath navigable inland waters, the Secretary would be authorized, with concurrence of the Attorney General, to negotiate and enter into an agreement respecting the continuation of operations in such lands, and the impounding of revenues therefrom, pending the settlement of adjudication of the controversy (sec. 3). Existing stipulations and temporary authorizations for continued operations would be confirmed.

6. The Secretary of the Interior would be authorized, pending the enactment of further legislation on the subject, to issue, on a basis of competitive bidding, new oil and gas leases of offshore lands not covered by existing State leases, but, for a period of 5 years such new leases covering lands within the seaward boundaries of a coastal State could be issued only with the consent of such State (sec. 4).

7. All revenues derived from operations conducted under the proposed legislation, whether from continued State leases or from new leases, would be subject to the following disposition: 37½ percent of the moneys received from operations within the seaward boundary of a State would be paid to such State; all other moneys so received would be held in a special account in the Treasury pending the enactment of legislation concerning the disposition thereof (sec. 5).

8. The Secretary of the Interior would be authorized to issue regulations deemed to be necessary or advisable in the performance of the functions entrusted to him (sec. 6).

9. The President would be authorized to withdraw from disposition any unleased offshore lands and reserve them for the use of the United States in the interests of national security (sec. 7 (a)).

10. During a state of war or national emergency, the Secretary of the Interior, upon the recommendation of the Secretary of Defense, would be authorized to suspend operations under or terminate any lease of offshore lands, provision being made for the the United States would not be affected (sec. 7 (c)).

11. Any rights in offshore lands which may have been acquired under any other law of the United States would not be affected (sec. 8).

Mr. GRAHAM. Mr. Chairman, I yield such time as he may desire to the distinguished gentleman from Louisiana.

Mr. LARCADE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LARCADE. Mr. Chairman, I represent one of the largest oil-producing districts in the State of Louisiana, and our State is the third largest oil-producing State in the United States, and aside from this fact, I am a strong believer in and supporter of States' rights, and I will defend States' rights to the last ditch. Therefore, Mr. Chairman, I am supporting to the full limit of my capacity, H. R. 4480, to confirm and establish the title of States to lands beneath navigable waters within State boundaries, and natural resources within such lands and waters, and to provide for use and control of said lands and resources.

Since the Supreme Court's decision on June 23, 1947, in the case of the United States against California, the subject and the decision covering the matter has been of great concern to the people of Louisiana and their State officials, and I share and wish to express the amazement and resentment of the people and the public officials of the State of Louisiana over this decision and the new ideology of government it would establish by enabling the Federal Government to confiscate the tidelands and submerged lands within the boundaries of our State or any State in the Union.

The State of Louisiana is not the only State affected by the decision of the Supreme Court in this matter. Practically every other State in the Union is affected by this decision, and in order to preserve to my State and all other States title to tidelands and lands beneath the navigable waters within their boundaries, I strongly urge my colleagues to vote for the enactment of H. R. 4484. Mr. Chairman, I would go further and say that I urge the defeat of any legislation which would divest the States, parishes, counties, or cities of title to and ownership of their lands and natural resources, without compensation, and vest same in the Federal Government or any agency thereof in any capacity.

It is the first United States decision holding that any private or governmental agency has the right to take property and resources beneath the soil without lease or fee ownership or without compensation to the true owner.

It is also the first decision in America holding that the Federal Government's responsibility to protect the shores can give it rights heretofore identified with the ownership of shores.

Since the Declaration of Independence, both State and Federal Governments had recognized that the ownership vested in the States of all submerged lands within their respective boundaries. Throughout these years legal background was established, and precedent—bulwarked by 244 Federal and State court decisions, 49 United States Attorney General opinions, 32 Department of the Interior opinions, and 52 Supreme Court decisions—became so firmly established that State ownership of these lands became recognized as invulnerable to successful attack.

Under these circumstances, Louisiana felt certain and secure in our title to our submerged land and all public lands, for revenues amounting to approximately $60,000,000 has been dedicated and appropriated largely for school purposes. The loss of this continued revenue would seriously affect the economy and tax structure of our State.

All of the tidelands States, since their entry into the Union, have had and exercised their proprietary rights in these submerged lands.

While the Supreme Court denies proprietary rights in these lands to California, it is significant that the Court failed to find that the Federal Government owned the property.

It stated:

> The crucial question on the merits is not merely who owns the bare legal title to the land under the marginal seas. The United States here asserts rights in two capacities transcending those of a mere property owner.

These rights asserted by the Supreme Court are, first, the right and responsibility of the Federal Government to conduct the national defense of this country, and, second, the right and responsibility of the Federal Government to conduct the relations of the United States with other nations.

In this decision the Supreme Court has announced Federal powers which the Congress has refused or failed to convey. Twice the Congress refused to grant specific authority for the Attorney General to sue California for these lands. The Eightieth Congress passed a resolution recognizing State ownership and quitclaiming to the States, only to have it vetoed by the President.

President Truman vetoed the legislation for the alleged reason that the question of ownership was then before the Supreme Court to decide. Now that the Supreme Court's decision has evaded and transcended the question of legal ownership, it is now logical and proper for the President to vouchsafe to the Congress the consideration and determination of the question of ownership.

The Supreme Court's decision and the purport and effect of the so-called administration and Cabinet bills to effectuate it proclaims a new ideology of government in America. This decision and the bills referred to establish a national policy of the Federal Government having paramount rights and dominion over oil, one of the vital natural resources. It would establish a policy and a precedent of nationalization of vital resources. It would further unbalance the Federal-States' powers and relationships which were well balanced and defined by the Constitution of the United States. If we are to maintain our form of government in the United States, we cannot afford to take this step toward nationalization and further centralization of power in our Federal Government.

The power and duty of the Congress is crystal clear in its decision of this question. This will not be the first time that the Congress will have found it necessary to nullify decisions of the Supreme Court which result in legislation rather than judicial interpretation and decision. Justice Reed, in dissenting from the Supreme Court decision in the California case, said:

> This ownership in California would not interfere in any way with the need or rights of the United States in war or peace. The power of the United States is plenary over these underseas lands precisely as it is over every river, farm, mine, and factory of the Nation. While no square ruling of this Court has determined the ownership of these lands, to me the tone of the decision dealing with similar problems indicates that without discussion State ownership has been assumed.

Some of the more than 54 decisions handed down by the United States Supreme Court in the past 100 years and more have finally held as follows:

In the case of *Martin* v. *Waddell* (16 Peters 410), the United States Supreme Court, in 1842, held:

> For when the Revolution took place, the people of each State became themselves sovereign, and in that character held the absolute right to all their navigable waters and the soils under them for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

Again, in 1845, the United States Supreme Court held in the case of *Pollard* v. *Hagan* (3 How. 223):

> When Alabama was admitted into the Union on an equal footing with the original States, the succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States, for the temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remains to the United States, according to the terms of the agreement, but the public lands; and if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative because the United States has no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, except in the cases in which it is expressly granted.
>
> The right of Alabama and every other new State to exercise all the powers of government which belong to and may be exercised by the original States of the Union must be admitted, and remain unquestioned, except so far as they are temporarily deprived of control over the public lands. (Such waste and unappropriated lands ceded to the United States under the old Congress of September 6, 1780, to aid in paying the public debt incurred by the War of the Revolution, providing that "whenever the United States shall have fully executed these trusts, the municipal sovereignty of the new States will be complete, throughout their respective borders, and they, and the original States, will be upon an equal footing in all respects whatever.")

The above case was affirmed in 1850 in *Goodtitle* v. *Kibbe* (9 How. 478).

In *McCready* v. *Virginia* (94 U. S. 391, in 1876), the United States Supreme Court again decided:

> The principle has long been settled in this Court that each State owns the beds of all tidewaters within its jurisdiction, unless

they have been granted away. * * * And, in like manner, the States own the tidewaters themselves and the fish in them so far as they are capable of ownership while running. For this purpose the State represents its people and the ownership is that of the people in their united sovereignty. * * * The right which the people of the State thus acquired comes not from their citizenship, alone, but from their citizenship and property combined. It is in fact a property right and not a mere privilege or immunity of citizenship.

Citing the elder cases of *Pollard* v. *Hagan* (3 How. 212); *Smith* v. *Maryland* (18 How. 74); *Mumford* v. *Waddell* (6 Wall. 436); *Weber* v. *Harbor Comrs.* (18 Wall. 66).

In the Abby Dodge case decided in 1919, reported in 223 United States 166, the United States Supreme Court held that the State of Florida owned the soil and the sponge beds in the water bottoms of the Gulf of Mexico within the boundary of the State of Florida.

It is unnecessary to cite from the numerous decisions of the United States Supreme Court sustaining the same principle of ownership of submerged lands within their borders by the various States of the Union. These are covered fully in a memorandum filed by the attorney general of Louisiana and various others.

But here let me cite only some of the United States Supreme Court decisions relative to the ownership of the State of California by virtue of its inherent sovereignty, as granted and recognized by the act of Congress admitting California as a State into the Union, which at this late date the Secretary of the Interior would deny, and the recent decision of October 1946 confounds with the Federal Government's paramount power and dominion.

In 1873 the United States Supreme Court again held in the case of *Weber* v. *Harbor Comrs.* (18 Wall. 57):

Upon the admission of California into the Union upon equal footing with the orignal States absolute property in, and domination and sovereignty over, all soil under the tidewaters within her limits passed to the State, and with the consequent right to dispose of the title to any part of said soils in such manner as she might deem proper, subject only to the paramount right of navigation over the waters, so far as such navigation might be required by the necessities of commerce with foreign nations or among the several States, the regulation of which was vested in the General Government.

In 1867, in *Memford* v. *Wardwell* (6 Wall. 423, 436), the United States Supreme Court again held that when California was admitted into the Union in 1850, the act of Congress admitting her declares that she is so admitted on an equal footing in all respects, with the original States and that—

The settled rule of law in this Court is, that the shores of navigable waters and the soils under the same in the Original States were not granted by the Constitution to the United States, but were reserved to the several States and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the original States possess within their respective borders.

When the Revolution took place the people of each State became themselves sovereign and in that character held the absolute right to their navigable waters and the soils under them, subject only to the rights since surrendered by the Constitution.

Necessary conclusion is that the ownership of the lot in question (flat in San Francisco Bay), when the State was admitted into the Union, became vested in the State as the absolute owners, subject only to the paramount right of navigation.

And, as recently as in 1935, the United States Supreme Court again held in *Borax, Ltd.* v. *Los Angeles* (296 U. S. 10), that tidelands in California passed to the State upon her admission to the Union, said that the Federal Government had no right to convey tideland which had vested in the State by virtue of her admission.

In that case the city of Los Angeles brought suit to quiet title to lands claimed to be tidelands owned by it under a legislative grant by the State of California; while the Borax Co. claimed under a patent of the United States in December 1881 which, in the words of the Court "purported to convey land on the Pacific Ocean."

The Court through Chief Justice Hughes quoted from the above-cited case of McCready against Virginia, and held that the lands in question were tidelands.

The Federal Government had no right to convey tidelands which had vested in the State by virtue of her admission.

Specifically, the term "public lands" did not include tidelands.

In this connection the United States Supreme Court again held:

The soils under tidewaters within the Original States were reserved to them, respectively, and the States since admitted to the Union have the same sovereignty and jurisdiction in relations to such lands within their borders as the Original States possessed (p. 15).

And, that these lands being tidelands, "title passed to California at the time of her admission to the Union in 1850."

That the Federal Government had no power to convey tidelands which had thus vested in a State—citing Pollard against Hagan, Goodtitle against Kibbe above.

It has been stated that all courts of the land consistently have followed the decisions of the United States Supreme Court, establishing a well-settled jurisprudence in this country, that the States and their grantees own the submerged lands within their borders.

By contrast the United States Supreme Court in October 1946, pretended that the State of California had invaded the title or paramount right asserted by the United States to an area of tideland within that State's boundary, and that California had converted to its own use oil which was extracted from these tidelands, which had ever before been recognized as its own property.

"This alone," said the Supreme Court, "would sufficiently establish the kind of concrete, actual conflict of which we have jurisdiction under article III."

That smacks of the fabled wolf that ate up the helpless little lamb.

The United States Supreme Court had repeatedly recognized and judicially stated the right and title of the coastal States of the Union, including California, to the tidelands within their boundaries or jurisdiction.

In 1876, in McCready against Virginia, above, the United States Supreme Court adjudicated with almost solemn and poetic dignity upon the united sovereignty of the people of the States, and held that the principle was long settled in this Court, that each State owns the beds of all tidewaters within its jurisdiction, and owned the tidewaters themselves and the fish in them so far as they are capable of ownership, and that for this purpose the State represents its people, and that such ownership is that of the people in their united sovereignty and in fact is a property right and not a mere privilege or immunity of citizenship.

What a far cry is that decree of the highest Court of our land of the free, from that of the highest Court of the same land of regimented nationalization, which now solemnly holds that where that sovereign right of ownership in the people of a State, which it now refers to as the "bare legal title" to the lands under the marginal sea is questioned by this Federal Government, the right of power and dominion of the United States transcends those of a mere property owner.

Thus for the first time the United States Supreme Court has adopted and put into effect the totalitarian doctrine of the supremacy of the state over the people, or that the people have no property or right whenever the Federal Government wishes to appropriate, because of its power and dominion.

The Supreme Court ignored all its prior jurisprudence on the subject of tidal ownership by the individual State for its sovereign people, and its repeated decisions since 1842 that the Original Thirteen States absolutely owned all their navigable waters and the soils under them for the common use of the sovereign people of each State, subject only to the rights surrendered by the Constitution to the Federal Government—navigation, interstate and foreign commerce, and national defense—and that all States since admitted into the Union succeeded to the same ownership and rights of sovereignty.

However, the Supreme Court did, with seeming compunction, admit the right and power of Congress to legislate on the matter of recognizing the century-old fact of tidal ownership in the States for their sovereign people, or ratify and confirm their totalitarian decree, either by positive action or inaction.

Further, to cap the climax, Mr. Ickes, former Secretary of the Interior, who agitated this Federal land grab, declared officially that he recognized the settled law that title to the soil within the 3-mile limit is in the State and cannot be appropriated except by the authority of the State. In his letter dated December 22, 1933, to Mr. Proctor, of Long Beach, Calif., rejecting his application for a lease under the Federal Leasing Act of 1920, Mr. Ickes stated:

It has been distinctly settled that * * * the title to the shore and lands under water in front of lands so granted inures to the State within which they are situated. * * * Such title to the shore and lands under water is regarded as incident to the sovereignty of the State * * *.

The foregoing is a statement of the settled law, and therefore no right can be granted to you either under the Leasing Act of February 25, 1920 (41 Stat. 437), 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.

The record shows that on Wednesday, October 5, 1949, the Solicitor General appeared and testified for and on behalf of the Department of Justice and the Secretary of the Interior appeared and testified in person on this subject.

Whereas the Secretary of the Interior based his entire testimony and claim for Government control of the tidelands and resources of all the coastal States of the Union on the ground that it was necessary for national defense, he did not elaborate to show in what manner Federal control could produce the petroleum necessary for national defense in times of emergency any better than has been done in the past under State ownership and development through private enterprise.

On the other hand, the same Secretary of the Interior, Mr. Krug, testified on the same subject on March 3, 1948, at the joint hearings before the Committees on the Judiciary—see page 741 of the report—that the States and the oil industries "had done a miraculous job" and he thought "they would continue to do a miraculous job." Therefore, the Secretary of the Interior has no substance to his claim for national control of the oil resources in the submerged coastal lands adjoining the coastal States of the Union.

The Solicitor General testified on Wednesday, October 5, 1949, that the claim of the United States was based on the premise that the United States had title to the submerged coastal lands, that the United States Supreme Court had so held in the California case, and that "if the United States did not have title, they were not entitled to it."

The treaty of 1783 relinquished tidelands to the Original States.

Evidence has been submitted to this committee by District Attorney L. H. Perez for the State of Louisiana, that not only by virtue of the Declaration of Independence and the Revolution, but by the treaty made with Great Britain after the successful Revolution of the Original States, the British Crown specifically "relinquished" all claims to "proprietary and territorial rights" of the several Thirteen Original States and "every part thereof."

The same treaty fixed the boundaries of the Original States extending into the Atlantic Ocean, and conprehending all islands within 20 leagues of any part of the shores of the United States.

This treaty is a most important instrument which apparently has slept in the archives of the Department of State these many years without reference, especially in the issue raised by the Department of the Interior for national control of the States' submerged coastal lands and their resources.

It further appears from the record of the Constitutional Convention of 1787, which wrote the United States Constitution, that the founding fathers were very, very careful in having it provide in article 6, that all treaties made under the authority of the United States shall be the supreme law of the land.

The record of the convention published by authority of the Sixty-ninth Congress, first session, House Document 398, page 618, bears out the fact that when that provision was adopted in the Constitution, James Madison made certain that the provision "all treaties made" was intended to obviate all doubt concerning the force of treaties preexisting.

Naturally, the one treaty which was foremost in importance to the Original States was the treaty of independence with the British Crown in 1783, after their successful Revolution.

Therefore, we find that the provision in the treaty of 1783 by which the British Crown relinquished to each of the Original States all the proprietary and territorial rights of the Crown, and fixed the boundaries of the States in the Atlantic Ocean extending 20 leagues of any part of the shores of the United States was made the supreme law of the land.

We are all sworn by our oaths of office to support the Constitution of the United States and all treaties made, as well.

Our obligation, therefore, in the oaths of office compels us to respect and support that provision of the treaty of 1783 by which the British Crown relinquished to the Original States all proprietary and territorial rights formerly held by the Crown.

ORIGINAL STATES' TITLE TO TIDELANDS UPHELD BY SUPREME COURT

While I am not a lawyer, I know from decisions of the United States Supreme Court that since 1842 in the case of *Martin* v. *Waddell* (reported in 16 Peters (41 U. S.) 367), the United States Supreme Court held that when the Revolution took place each State became themselves sovereign and in that connection hold the absolute right to all their navigable waters and the soils under them for their own use, subject only to the rights since surrendered by the Constitution to the General Government.

Further, that the United States Supreme Court held in 1867 in *Memford* v. *Wardwell* (6 Wall. 423, 436), that it is a settled rule of law in this country that the shores of navigable waters and the soils under the same in the Original States were not granted by the Constitution to the United States but were reserved to the several States, and that any States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the Original States possessed within their respective borders.

STATES LATER ADMITTED HAVE SAME TITLE

We know, too, that the Court held to the same effect in the case of Alabama in 1845 in the case of *Pollard* v. *Hagan* (44 U. S. 3 How. 212), that a patent issued by the United States, under an act of Congress, to submerged lands in the State of Alabama was invalid because to Alabama belonged the navigable waters and soils under them, subject only to the rights surrendered by the Constitution to the United States.

These include, of course, such as the right to control over commerce, interstate and foreign, navigation, which are regulatory powers, and other specially delegated powers as provided in the United States Constitution in the sphere of which delegated powers the United States has paramount domination and control.

UNITED STATES HAS NO TITLE TO TIDELANDS

Because of all the controversy over the California case, and the claims made for the United States as a result of the decision in that case, it is necessary to point out that when the Court handed down its opinion in that case, it directed the parties to submit a form of decree for consideration by the Court.

The Attorney General and Solicitor General for the United States submitted a form of decree to be handed down by the Court, which read in part as follows:

"That the United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights of proprietorship in, and full dominion and power over, the land, 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, etc."

Now proprietorship, or proprietary, means "One who has the exclusive title to a thing; one who possesses or holds the title to a thing in his own right."

But the Supreme Court definitely rejected the suggestion of title being in the United States by striking out from the decree the words "of proprietorship," and the Court definitely ruled against the claim of the United States to fee simple title in the submerged coastal lands of California.

The Court held that the United States had paramount rights and full dominion and power over the lands, minerals, and other things seaward of California's coast and outside its inland waters.

But permanent power, full dominion and control of the Federal Government in its delegated powers under the Constitution is too well recognized to question or to make so much over at this time. It simply means "regulatory" powers of navigation, interstate and foreign commerce, over the waters, the same as over the land area of the United States, and in that sphere the United States is supreme and has "paramount power." However, this does not include or imply that the United States has a right to confiscate property. It only means that the United States had governmental regulatory power.

Certainly, the title of the States to their submerged coastal lands dated back to the Declaration of Independence, the treaty of 1783 with the British Crown, and the provision in the United States Constitution which makes that treaty the supreme law of the land, and thereby recognizes the right to the title of the Original States to all their submerged lands, waters, and resources within their boundaries as provided for in that treaty. Just as certain it has been consistently held, time and time again, over a hundred years by the United States Supreme Court, that all States since admitted are

on an equal footing with the Original States and have the same property and rights in all their submerged coastal lands and waters and resources.

Therefore, it is plain that the United States has no title to the submerged lands and resources of the coastal States, that all States have title to these submerged coastal lands as well as their inland waters and resources. There is no justification for further pressing Senate bills S. 923 and S. 2153, as stated by the Solicitor General "if the United States doesn't have title, they are not entitled to it."

On the other hand, Senate bill 1545 confirms the property rights of the States to their submerged lands and resources.

I submit that Congress for the United States should relinquish all claims to proprietary and territorial rights which belong to the States, including all their submerged coastal lands and inland waters and the resources thereof, just as the British Crown relinquished them to the Original States by the treaty of 1783, which we are all sworn to uphold by provision of the Constitution.

Mr. Chairman, I would like to read in the record a statement made before the Senate Interior and Insular Affairs Committee at a recent hearing on the tidelands question by a learned and distinguished jurist from Louisiana, the Honorable Frank Looney, of Shreveport, La., who said:

The Congress is the department to which has been given the power to make rules and regulations concerning the disposal of the territory of the United States.

It follows that the marginal belt is subject only to Congress if it be part of the territory of the United States.

The territory of the United States may consist in fast land and in submerged land.

The ultimate purpose of territory is to be incorporated in a State. Otherwise each maritime State would not be in effect a riparian State but beyond low water would be hedged in by a belt. Any invasion from the sea beyond would necessarily be an invasion of United States territory and the provision of the Constitution as to repelling invasion would be uncalled for.

To dispose of property it must be exclusively vested in the disposal, hence its limits should be clearly defined.

There is no power given to the United States to assume control of any State property, not even to protect the State itself, unless the Government is invited by State authority.

To define the limit of State and United States territory if contiguous requires a boundary suit.

The mere declaratory statement that 3 miles of open sea is within the control of the United States does not establish the location of this belt.

The Government strenuously denied that the suits against Louisiana and Texas were or could be considered boundary suits.

The mere claim to property, which in fact may not be subject to ownership by the United States, does not give the right to go upon it. The United States itself brought suit against Texas to establish the boundary of the Indian Territory. The Constitution itself proves that no claim of State or United States should be prejudiced by this Constitution, and Story in his work on the Constitution says that was suggested by the sentence in Articles of Confederation, article 9, that "no State should be deprived of property for the benefit of the United States."

To pass this act before State external boundaries on the sea were lawfully fixed would produce endless confusion that could only be ended by local proceedings formerly eschewed, namely, boundary units.

The Government of the United States has today the authority to enact legislation which would end this confusion without interfering with any State's rights.

In *Skiriotes* v. *Florida* (313 U. S., p. 79) the court recognized the dual authority of the State and United States over their respective citizens, saying "the sovereign authority of the State over the conduct of its own citizens upon the high seas is analogous to the sovereign authority of the United States over its citizens in like circumstances. Since there can be no dispute that the United States may prohibit as a matter of defense, any marine exploration, for a reasonable distance from its shore, by foreign governments, their citizens or subjects; it has the right to regulate such operations on the high seas by its own citizens and can, through imposing licenses or royalties on citizen exploration, exercise that paramount authority which it has."

The State of Texas was admitted to the Union on an equal footing with other States. The territorial limits of the Original States have been conceded to be those fixed by the charters of those States and their claims of boundary at the date of the Declaration of Independence.

Texas had defined her limits of 3 leagues in the Gulf of Mexico—at that time the doctrine of the cases of *Harcourt* v. *Galliard* and *R. I.* v. *Massachusetts*, that the external boundaries of the United States is the external boundaries of the States was not disputed.

At that date, even in the eyes of the United States Supreme Court, as expressed in the California case, the claim of an independent State to a marginal belt was admitted, as it had been the law since 1794, when England entered into the treaty with the United States.

It follows that Texas as an independent republic possessed that right. This is confirmed by the Treaty of Guadalupe Hidalgo after Texas was admitted. Louisiana admitted in 1803, in full sovereignty, was equally secure in that right.

Supreme Court decisions in the early years of the nineteenth century clearly establish this. *Rose* v. *Himely* and *Hudson* v. *Gustier*, held a municipal law made by France governing San Domingo, then its colony, claiming 2 leagues was valid.

In *The Ann* (3 Wh. 435)—that a similar Spanish regulation was within the law.

And Justice Story in the leading case of *The Ann* (F. C. 397) cited publicists who had been dead long before 1776 and used the language "all the writers on public law agree that every nation has exclusive jurisdiction to the distance of a cannon shot or marine league over the waters adjacent to its shores. He cited Bynkershock, who was dead a generation before 1776, and Azuni, a contemporary.

And though the Supreme Court in the California case cites Azuni in note 10 as sustaining its decision that no 3-mile limit exhausted when the Constitution was written, the text of Azuni proves that while he too cited Bynkershock, he raises the marginal belt to 2 leagues.

Justice Story cited *Church* v. *Hubbart* in *The Ann*, and in the Church case C. J. Marshall wrote "The authority of a nation in its own territory is absolute and exclusive. The seizure of a vessel within the range of its cannon shot by a foreign force is an invasion of that territory and is a hostile act which is its duty to repel."

Unfortunately these decisions were not considered in the California, Texas, and Louisiana cases.

Mr. Chairman, the National Association of Attorneys General submerged lands committee has issued a statement giving the true reasons why congressional action confirming State ownership of submerged lands is favored, which I read as follows:

STATEMENT OF THE REASONS FOR SUPPORT OF H. R. 4484 BY WALTER

1. Each of the 48 States owns and possesses valuable submerged lands within its boundaries, the revenues from which are devoted to education and other important functions of State government.

2. The title of each of the 48 States to its submerged lands, whether inland or coastal, has been held under a century-old rule of law that this property is owned by the individual States rather than by the Federal Government.

3. This long-recognized rule of law, applicable to the waters and submerged lands of every State, has been destroyed and State titles clouded by the Supreme Court's tidelands decisions. The way has been opened for foreign nations to claim resources within our territorial waters.

4. Legislation is necessary for each of the 48 States in order to restore and confirm their ownership of navigable waters and submerged lands within their respective boundaries.

5. H. R. 4484, by WALTER, of Pennsylvania, restoring the law of State ownership of this property, applies not only to the 28 coastal and Great Lakes States but to each of the 48 States.

6. A quitclaim to the States is no gift. Equity and justice demand restoration of the property which the States have held and developed in good faith, reliance upon 53 previous decisions of the Supreme Court of the United States.

7. Nationalization of this property would result in less development of resources. The States and their local units of government are more closely concerned and better equipped to manage and develop the property, and State ownership has not interfered and would not interfere with the Federal powers of national defense, navigation, etc.

8. H. R. 4484, by WALTER, confirms State ownership of only those lands lying within original State boundaries. Nine-tenths of the Continental Shelf lies outside of original State boundaries and is vested by this bill in the Federal Government.

9. Congress, which has final power to act in this controversy, has been ignored and circumvented by executive officials in the attempted seizure of this property from the States.

10. The principles of the tidelands decisions, if not erased from the law of the land by act of Congress, could lead to nationalization of private lands as well as State lands without compensation.

11. The only oil lobby involved in this legislation is opposing State ownership in order to obtain cheap Federal leases. The idea of devoting revenues from these lands to Federal aid to education was originated by this lobby for use against State ownership legislation.

12. Each of the 48 States owns and possesses valuable submerged lands within its boundaries, the revenues from which are devoted to education and other important functions of State government.

Every State in our Nation has lands beneath navigable waters which produce valuable resources and revenues. A list of the States, showing the amount of acreage claimed by each, is printed on the opposite page. A map showing the relative areas is appended as the last page in this brief.

As shown in House and Senate committee hearings during the past 3 years, every State receives valuable revenues from these lands.

Oil or oil lease revenues are now being received from submerged lands not only by Texas, Louisiana, and California, but also by Florida, Mississippi, Alabama, South Carolina, Maryland, Washington, Oregon, and the inland States of Oklahoma, Arkansas, Kansas, Kentucky, Pennsylvania, Utah, West Virginia, and the Great Lakes States of Indiana and Michigan.

Oil is not the only resource being produced by the States from their submerged lands. Nature's law of compensation has cared equally well for those States whose rivers, lakes, and marginal seas have not yet been tapped for petroleum. Maine has its rich kelp beds on which leases have been made within its 3-mile marginal belt for production of iodine. Arizona, Kentucky, and Missouri sell sand and gravel from their river and lake beds; Colorado and Idaho lease their lands for gold production; Connecticut, Delaware, Maryland, and Rhode Island sell leases and permits for oyster, clam, and shell fish cultivation. Iowa, Pennsylvania, and West Virginia produce coal from their river beds, and Minnesota and Wisconsin have rich deposits of iron ore under the Great Lakes which lie partially within their boundaries. New York has millions invested on filled lands and within the marginal sea at Coney Island and on Long Island, and the same is true at Atlantic City in New Jersey and at Miami and other Florida resorts.

All of the States have one or more valuable resources within or beneath their submerged lands from which they are now receiving revenues for their schools or other public funds. All States are also jealous of their water and water rights in navigable streams, this being perhaps the most valuable resource of all, and it is one that the Department of Interior longs to control.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. ENGLE].

Mr. ENGLE. Mr. Chairman, the world oil crisis supplies a compelling reason for the passage of the pending measure by pointing up the necessity for going forward with increased petroleum exploration and production. If we lag in our petroleum production and development, we may some day be subjected to severe gasoline and oil rationing with all the attendant impediments to our military operations and civilian economy. It is, therefore, obvious that the present uncertain situation, arising from the so-called tidelands decisions of the Supreme Court, must now be corrected. The confusion that presently exists among the States and their oil lessees is a direct result of the holding in the tidelands cases that the States do not own the marginal seas within their boundaries. Quite naturally oil operators are afraid to enter into negotiations for new oil leases or continue operations under existing ones since they have no assurance that their leases would not later be held invalid. By speedily conveying to the States their coastal waters, new exploration and drilling operations can move ahead and thus contribute to vitally needed oil reserves.

Leaving aside the question of our economy's petroleum requirements, there are cogent legal and moral reasons why this bill should be passed. In effect the Supreme Court decisions overruled more than 100 years of previous legal authority, which had uniformly held that the States owned the submerged lands lying beneath the navigable waters within their boundaries, as defined by the States' various constitutions at the time of their admissions into the Union. On the strength of this unanimous authority the littoral States went ahead in good faith and encouraged and regulated the development of the natural resources found in and under the seas within their boundaries. During all these decades no doubt was ever expressed as to the fact that the States owned these areas just as completely and just as surely as they did inland State properties. Thus the Supreme Court, in denying State ownership, was taking property without compensation in violation of all established principles of law. The Court finds justification for this taking on the theory that the petroleum deposits involved may be of importance to our national defense or may become the subject of international dispute. Does this mean iron ore deposits in Minnesota or oil shale in Wyoming may properly be appropriated without compensation by the Federal Government simply because they may at some time affect Federal requirements, or the family of nations may lay claim to them? The principle is implicit in the Supreme Court decisions, and so long as it remains alive it hangs as a dark shadow over all property, public or private, whether territorial waters or the plains of the Middle West.

Perhaps the most sinister aspect of the Court decisions arises from the fact that while the Court held that the States did not own the marginal seas, it was not conversely held that the Federal Government did. In other words, if ownership is in neither the States nor the United States, the 3-mile belt is a part of the high seas, and foreign nations may have just as much right to its use for purposes of navigation, military operations, and exploitation of natural resources as has the United States. The Court emphasizes the possibility of this result by stating that—

> The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.

The Court further suggests this result when it says:

> Our question is whether the State or the Federal Government has the * * * right and power to determine * * * when, how, and by what agencies, foreign or domestic (and I emphasize "foreign"), the oil and other resources of the soil of the marginal sea *, * * may be exploited.

This alien and dangerous doctrine must be repudiated completely. If it is not, who knows when some foreign power may be carrying on naval maneuvers within the shadow of the Golden Gate or the Statue of Liberty, or asserting claim to oil beneath waters a mile off the coast of Texas, historically and legally a part of the State of Texas, but by the Supreme Court decision a part of the open sea, subject to international law and the family of nations?

Though I represent an entirely inland congressional district, I feel compelled to speak out in strong protest against the perpetuation of these novel legal principles which sanction the taking of property without compensation and, in effect, make the 3-mile belt a part of the open sea.

The States in the past have demonstrated their ability to regulate the development of oil reserves underlying the marginal sea. Their leases have been made on extremely favorable terms, and have returned a much larger royalty than would leases made under the Federal Mineral Leasing Act. The royalties so derived have aided greatly the educational, road-building, park, beach, and other public purposes to which they have been put, and have served, at least indirectly, to relieve the Federal Government from financial burdens it might otherwise have assumed.

The pending measure further augments our petroleum potential by providing that the Federal Government may lease areas on the Continental Shelf outside of State boundaries for exploration and development. Petroleum geologists have discovered oil structures of vast proportions, exceeding greatly those within State boundaries, in the Continental Shelf, indicating the importance of going ahead with operations in that area, as this bill permits.

An overwhelming vote in support of this measure will accomplish the following:

First. Repudiate the dangerous doctrine announced by the Supreme Court in allowing the taking of property without compensation on the sole basis of Federal needs. So long as this principle is allowed to stand unchallenged by the Congress, it will leave the door ajar to a constantly expanding encroachment by the Federal Government on the rights of our citizens.

Second. Pave the way for new exploration and development of petroleum reserves vitally needed by our economy and for military operations.

Third. Restore to the States their ownership of territorial waters within their boundaries, thus affirming more than 100 years of previous Supreme Court authority, dating almost from the time of the birth of this Nation.

Fourth. Repudiate forever the novel Supreme Court doctrine which holds in effect that the 3-mile belt belongs to the family of nations and give notice to the world that we will not tolerate interference from foreign nations in the development of our natural resources found above and beneath the surface of the Continental Shelf.

Mr. GRAHAM. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, I wish the Members of the House would take a good look at this map which I am showing on the easel before you. It is a map of the southern half of the State of California. The remarks which I make are as equally applicable to the northern half of the State as they are to the southern except for the fact that the present controversy centers in the southern part of the State. You will note that this is a United States Government map made by the Department of the Interior. You will note that this is the portion of California from Point Concepcion to San Diego. You will note that there are certain islands that lie offshore, some of them 40 miles off-

shore. You will note that there is marked on this map the Santa Barbara Channel, the San Pedro Channel, the Gulf of Catalina, and other designations of channels and gulfs.

The rights in controversy which the Supreme Court is now trying to turn over to the Federal Government do not lie in these islands; it lies in a belt that extends 3 miles offshore around the immediate shore line, the perimeter of the main land mass.

Mr. Chairman, I ask you if the jurisdiction of the United States and of the State of California, if you please, extends only 3 miles off the perimeter of the mainland mass? To whom belong these islands out here? I ask you that in all sincerity. To whom belong those islands? This map prepared by the Department of the Interior indicates that these islands, in this location to which I am pointing, are a part of Santa Barbara County, Calif. It indicates that Catalina Island, which many of you no doubt have visited, is a part of Los Angeles County as is San Clemente Island; and here another island or two are indicated on this map as parts of Ventura County, Calif., and all are part, therefore, of the State of California. We have judicial districts and school districts that extend to those islands as well as election districts of Members of Congress, including the distinguished gentleman from California [Mr. KING] and the distinguished gentleman from California [Mr. BRAMBLETT].

Mr. HOLIFIELD. And the gentleman from California [Mr. HAVENNER] has an island in his district.

Mr. HINSHAW. The gentleman from California [Mr. HAVENNER], in the San Francisco area, has one precinct in the Farallon Islands, which lie many miles off the coast from San Francisco and the Golden Gate.

I now show you a photostatic reproduction of a map filed in the General Land Office in the Department of the Interior. That map was prepared by the United States Surveyor General in 1866. It is a survey of the island of Catalina which is the island I was showing you here, lying offshore some 15 or 20 miles. The survey extended the meridians and the base lines that extend from the shore line of the main perimeter to cover Catalina Island and then subdivided that island into sections.

Following that many a grant of land which had been in possession of Mexican citizens before the Mexican War, was pursuant to the terms of the Treaty of Guadalupe Hidalgo confirmed by the Congress to the gentlemen who had held it before that war.

Do you see what the dilemma is so far as our State is concerned? Where ends the jurisdiction, the sovereignty and dominion, of the State of California, then where comes the dominion of the United States, if there be any in addition to or overriding the dominion of our State? If the jurisdiction of the United States does, as the Supreme Court says, extend through a 3-mile belt along the main shore of the mainland of California, then to whom belong these islands? Are they a part of the United States? Are they a part of the State of California? Are they a part of the counties in which, if you please, these section lines extend? That subject has been submitted to a special master appointed by the Supreme Court of the United States, a master who must decide what that queer decision of the Supreme Court of the United States really means.

Let me read to you the decree, and you can then see the dilemma it has created. It reads:

> 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.

That is the decree of the Supreme Court.

I ask you, Where is the coast of California? Where is the low-water mark that they are talking about? Does that lie offshore of these respective islands that are a part of the State of California or is the coast line inshore, as some people would claim? If it lies inshore then to whom belong the islands? Do they still belong to Mexico? We do not believe so, and Mexico has never laid claim to those islands.

Mr. Chairman, I hope you understand that this decree of the Supreme Court has thrown every constitutional right that we have in our State into a cocked hat. What would the Court do in the State of Massachusetts, for instance, about Nantucket Island, which lies some 25 miles offshore? Is Nantucket Island a part of the State of Massachusetts? If so, then is it discontinuous with the State of Massachusetts? Where is the coast line of Massachusetts? Is it inside Nantucket Island or is it outside Nantucket Island? Those are some of the questions that have been raised by this decision and decree of the Supreme Court of the United States.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Does this bill in any manner answer the problem that the gentleman has just been presenting?

Mr. HINSHAW. Oh, indeed it does.

Mr. ROGERS of Colorado. Let me refer to section 2 (a) on page 2 where it says:

> All lands within the boundaries of each of the respective States which were covered by waters navigable under the laws of the United States at the time such State became a member of the Union, and all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each such State.

Mr. HINSHAW. Yes.

Mr. ROGERS of Colorado. Explain that.

Mr. HINSHAW. Yes. By enactment of the State Legislature of California clarifying our boundaries, by the Treaty of Guadalupe Hidalgo, by the constitution of the State of California, by the Act of Admission of the State of California into the Union, and by the definitions in this bill. All of this part of California, including these islands, has been considered California for the almost 100 years that our State has been a member of the United States of America and this bill preserves that precedent condition. We do not understand that the United States Government has the constitutional right to take property from our State without due process. In fact, quite to the contrary. We understand quite certainly that no State may be deprived of territory for the benefit of the United States without the State's consent. In fact we are shocked at the many violations of the rights of our State which this Supreme Court decree and opinion subject us to.

There is no question in my mind that if this bill is passed it will clear up the question of jurisdiction and dominion of my State over not only the so-called 3-mile belt of submerged lands, but the ownership to these islands which lie offshore, and many other things now under a cloud by virtue of that decision.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, the phrase "original boundaries" is the phrase that takes care of that.

Mr. HINSHAW. Yes; in part.

Mr. HAND. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from New Jersey.

Mr. HAND. An interesting situation, not as important perhaps, arises in my State quite along the line that the gentleman is now suggesting. Disregarding for a moment other very important interests of the State of New Jersey, this unique problem arises. In Atlantic City there are structures extending into the ocean, but there is one structure known as the Steel Pier, well known to many, at the end of which there is a private residence. That structure extends well beyond the low-water mark. Does the gentleman consider that the United States has paramount dominion and control over that structure?

Mr. HINSHAW. Indeed it may so claim under this decision, and that is true not only in your State, but it is true of a great many more States of this Union that have islands lying offshore beyond 3 miles, off the main shore or the main perimeter of their States, and let no one be fooled by any other consideration.

Mr. Chairman, I have much more to say, and I shall be happy to answer and challenge some of these questions proposed by opponents of this legislation, with some of their own allegations, if you please, when we come to reading the bill for amendment. There are more sides than two; there at at least a dozen to be considered.

Mr. Chairman, I include herewith communications from the Governor of California, Hon. Earl Warren; from the attorney general of California, Hon. Edmund G. Brown; and from the California

State Lands Commission by its executive officer, Col. Rufus W. Putnam, in support of the pending measure, as follows:

SACRAMENTO, CALIF., *July 26, 1951.*

Hon. CARL HINSHAW,
House of Representatives,
Washington, D. C.:

In accordance with our telephone conversation, this is to reaffirm my personal opinion and the official position of California State government in favor of the principle of the Walter bill confirming the title of the States to their tidelands as recognized by the Supreme Court and administrative agencies of the Government for almost a century and a half.

Sincerely,

EARL WARREN, *Governor.*

STATE LANDS COMMISSION,
July 2, 1951.

Hon. CARL HINSHAW,
Congressman for Twentieth District,
House of Representatives,
Washington, D. C.

DEAR MR. HINSHAW: I am sure as a result of our several conferences that you are aware of the close cooperation between the office of the attorney general of the State of California and the State lands commission and its staff in all matters pertaining to the tide and submerged land legislation and litigation. However, I thought it might strengthen this understanding if I were to advise you officially in this manner of action taken by the State lands commission at its meeting of January 18, 1951. On that date the following resolution was passed:

"Upon motion duly made and unanimously carried, a resolution was adopted in which the commission approved the recommendation of the assistant attorney general and directed the staff of the commission to aid and support the attorney general of the State to the end that acceptable quitclaim legislation be enacted by the Eighty-second Congress."

Since that time there have been several other similar official actions by the commission in support of the attorney general's activities in this matter.

I am personally advised by Mr. Everett W. Mattoon that H. R. 4484 has been favorably acted upon by the House Judiciary Committee, and is now awaiting action by the entire House of Representatives.

I trust that the efforts of all of us from California and from our friendly States throughout the country will result in some legislation which will at least be a step in the right direction.

Sincerely yours,

RUFUS W. PUTNAM,
Executive Officer.

STATE OF CALIFORNIA,
DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
San Francisco, July 6, 1951.

Hon. CARL HINSHAW,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN: It is my understanding that H. R. 4484, known as the Walter bill, will soon come up for a vote before the House. It was voted out favorably by the House Judiciary Committee last week.

This bill meets with my complete approval and I earnestly urge that you not only vote for it but support it in every way that you can, also. As Californians and as men who have worked on this problem longer than I, you need no further word from me on this subject.

Sincerely,

EDMUND G. BROWN,
Attorney General.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Chairman, as a member of the Committee on the Judiciary of the House I participated on three occasions in hearings on the so-called tidelands bill. H. R. 4484 is the result of a number of years of study and research by the distinguished committee of which I am a member. Everyone, I believe, concedes that Congress must legislate upon this matter and that in the absence of congressional action on this subject interminable litigation will be carried on in State and Federal courts.

In that connection I want to call your attention to a part of the decision of Mr. Justice Frankfurter, and this is extremely important, in which he states:

> It is relevant to know 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.

So, that question was not decided by the decision of the Supreme Court, leaving the entire matter up in the air, with the result that ultimately we are going to be compelled to legislate in this field. As a matter of fact, during the course of the hearings the Attorney General of the United States and the Secretary of the Interior, for whatever his word is worth, and it is worth nothing to me, both stated that while they preferred interim legislation, ultimately the Congress was going to be called upon to act. Aside from the fundamental principles of Anglo-Saxon jurisprudence involved in this controversy, I have a selfish interest on behalf of the rights of my great State of Pennsylvania.

Mr. Justice Reed, in his dissent in the California case, stated:

> The power of the United States is plenary over these undersea lands precisely the same as it is over every river, farm, mine, and factory in the Nation.

Mr. Justice Frankfurter, in his dissent in the same case, stated:

> The needs of defense and foreign affairs alone cannot transfer ownership of an ocean bed from a State to the Federal Government any more than they could transfer iron ore under uplands from State to Federal ownership. National responsibility is no greater in respect to the marginal sea than it is toward every other particle of American territory.

In other words, these two great Justices have said that if the Federal Government in its claim of paramount power and dominion can deprive the coastal States of the marginal belt within their described boundaries, then under the same authority and by the same right the Federal Government has claim to the submerged lands within all the States of the Union.

We have heard protestations today that the Federal Government will never claim any rights such as these justices have said it could claim, but I respectfully call your attention to an article I just clipped from the New York Times under date of July 24, 1951, in which it is stated:

> Some of the so-called tidelands have been leased, but Mr. Chapman—

Secretary of the Interior, if you do not know—

> said Louisiana had no authority to do this because some of the lands in the Breton Sound and South Timbalier areas actually belonged to the United States rather than to Louisiana.

I submit that the Supreme Court never said that the United States owned the lands that Mr. Chapman says in this statement they do own.

I must apologize for this map, because it is a very poor one, but let me call your attention to this area the Secretary of the Interior says the United States owns. It is almost entirely bounded by land. It is a large bay extending into the State, the outer edge of which is adjacent to the ocean. If that is not conclusive proof of what some bureaucrat feels the power of the United States is, then we just do not know what it is all about.

While the Supreme Court decisions in the so-called tidelands cases have been variously interpreted, a vast majority of the good lawyers of this land agree that these decisions cast a definite cloud, and to my mind a dark cloud, upon title to vast areas of inland waters within the boundaries of the States.

In that connection, I call your attention to the bill which the chairman of the Committee on the Judiciary introduced at the request of the Attorney General and the Secretary of the Interior. In that bill is spelled out a quitclaim by the United States if the United States sees fit to quitclaim any title it might have. Let me read this language to you:

> In the event of a controversy between the United States and a State as to whether or not lands are submerged lands beneath navigable inland waters, the Secretary is authorized, notwithstanding the provisions of subsections (a) and (c) of section 1 of this joint resolution, and with the concurrence of the Attorney General of the United States, to negotiate and enter into agreements with the State, its political subdivision or grantee or a lessee thereof, respecting operations under existing mineral leases and payment and impounding of rents, royalties, and other sums payable thereunder, or with the State, its political subdivision or grantee, respecting the issuance or nonissuance of new mineral leases pending the settlement or adjudication of the controversy.

In Pennsylvania, this means a cloud upon our title to 12,947 acres in the Tidal Basin in Philadelphia. It means a cloud upon our title to 470,400 acres beneath Lake Erie. It means a cloud upon our title to 184,320 acres of inland waters, rivers, and lakes. The rivers draining from the anthracite coal region of my State annually yield from 500,000 to 1,500,000 tons of coal.

Mrs. Vashti Burr, deputy attorney general for Pennsylvania, speaking as the representative of Gov. James H. Duff and former Attorney General T. McKenn Chidsey, testifying for a State-ownership bill before the Senate and House Committees on the Judiciary, said:

> Carried to its logical conclusion, in accordance with the doctrine in *United States v. California*, the exercise of the power of national defense can be extended to the appropriation or control not only of the gas, oil, and coal in Pennsylvania's more than

758,000 acres of submerged lands, but also of all or any part of the vast coal reserve, estimated in 1947 to be nearly 69,000,000,000 tons. For example, the Federal authorities might consider it essential, for the national defense, to order the conservation or taking of the 15,782,000,000 tons of anthracite coal, almost exclusively found in Pennsylvania, without compensation therefor.

Pennsylvania, its political subdivisions, and persons who have expended enormous sums of money in full reliance upon the recognized rule of State ownership of its submerged lands are threatened with a grave injustice by a decision from which it may be inferred that Pennsylvania does not own its submerged lands and the resources therein.

The Government in its external relations is vitally concerned with the Great Lakes, harbors, and other enclosed waters, navigable waters, especially those which are part of international boundaries. It can be forcefully argued that as to some of those the Government's interests are greater than in the marginal coastal lands, particularly those in the Gulf of Mexico. The logic of the tidelands cases would enable the Government to take without compensation sand under the Great Lakes, or revenue-producing State properties in bays and harbors.

Listen to what the Marquette Law Review says:

The effect of the (California) decision is to cloud the title to lands within the 3-mile belt all along the United States coast lines, and that titles to docks, piers, wharves, warehouses and the like that have been built on property purchased or leased from the States located on tidelands within the 3-mile belt might be confiscated. This California decision, if applied generally, could also invalidate or cloud the titles to improvements located on navigable waters all along the Great Lakes area.

In the oral argument in the California case, Justice Black's questions indicated that the theory might be expanded to take inland property without compensation. Justice Black said:

Well, I don't know that it has been held that oil goes with the soil. Suppose they discovered something 4 miles under the surface of the earth. Do you mean that the old property concept would have to apply to that even though it was something the Government desperately needed?

Similar quotations to those just given could be here extended almost without limitation. Our fears as to the Federal Government's claims of paramount power and dominion over property heretofore thought to be owned by the States are further enhanced by a recent suit filed in the State of California, against users of water from the Santa Margarita Basin. The same Justice Department attorneys who handled the so-called tidelands cases now seek to assert paramount power and dominion over all the water in the Santa Margarita Basin and to deprive 10,000 small property owners upstream from Camp Pendleton of their vested rights and interests in this water. If the pleadings of the Department of Justice in the Santa Margarita case should be granted, then a small home owner above Camp Pendleton in the Santa Margarita Water Basin, under the theory of paramount power and dominion, could be prevented from drilling even a water well. It is high time that this Congress put to rest these claims and assertions of power, and that we reassure the citizens and the States of this Union in their long-established property rights.

Mr. Chairman, there is one other point to which I wish to address myself briefly. Certain irresponsible propagandists have sought to discredit this bill by saying the oil lobby had something to do with it. No oil man, or representative for oil men, has ever talked to me about this bill. The only lobbying by oil interests in this connection has been against this bill, not for it. Bona fide oil companies holding leases in the marginal sea and in the continental shelf, were long ago promised ratification of their leases by Federal officials if, as and when the Federal Government acquired possession of the property. These bona fide, legitimate lessees, have been interested in any legislation to settle this controversy. They have been lobbying, so I am told, for the so-called interim bill, a bill which settles their claims, but settles nothing else. Then, there is a second group of so-called oil lobbyists. These are the claims jumpers, the Federal lease applicants who hope to obtain valuable property for a song. Numerous fly-by-night oil associations have been organized, and have filed numerous applications with the Interior Department, under the Federal Minerals Leasing Act, hoping to get a windfall, and great riches, out of their applications in the event this Congress should deliver these areas to the Federal Government. These speculators have been the active lobbyists against this bill. These claims jumpers, so to speak, have used clever methods in an effort to influence the Congress in behalf of the claims of the Federal Government.

But, Mr. Chairman, in closing I would like to say that during the discussion of the rule a Member stated that it is significant that the same Member introduce this bill who introduced a bill which declared a moratorium from the decision of the Supreme Court in an insurance case. I make no apology because the great chairman of the Committee on the Judiciary, Hon. Hatton Sumners, asked me to introduce the bill on the insurance situation and I make no apology today because I introduced the bill now under consideration. That bill was introduced at the request of the attorneys general of the United States, 47 of whom are for this bill, as well as are the Governors of 40 States.

Mr. Chairman, this bill gives to the Federal Government far more than anyone ever thought the Federal Government had, or should have, prior to 1935. It gives to the States the areas within their described boundaries areas which they peacefully possessed until the recent Supreme Court decisions.

In that connection I would like to read to you part of a decision of the dissent in the Texas case in which Justice Frankfurter stated:

The Court now decides that when Texas entered the Union she lost what she had, and the United States acquired it.

How that shift came to pass remains for me a puzzle.

This bill settles, as fairly and equitably as possible, all of the controversial issues in the tidelands matter. This bill is sound in both law and equity, and I hope can be enacted into law before the adjournment of this Congress.

Mr. REED of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Maine [Mr. FELLOWS].

Mr. FELLOWS. Mr. Chairman, we have heard some fine speeches today. I think one of the finest I ever heard was the speech delivered by the gentleman from Texas [Mr. GOSSETT], who is retiring from Congress. So I know you will not mind if I speak of him for just a moment or two.

In this decision of ED GOSSETT's to leave Congress, my sense of loss to this country cannot be measured by any expression of my personal regret, keen though it be, because I value beyond words the privilege of his friendship.

ED GOSSETT is a "stout fellow"— a sturdy soul—and lovable, withal.

We would not attempt to analyze or explain the pyramids, but we may marvel at their steadfastness. So with ED GOSSETT. His habits of thought and action have formed a character self respecting and therefore respected, for he does and says only what his lively conscience approves. Fawning and flattery are foreign to his philosophy, and the temporary elevation which goes to worthless adventurers, shameless demagogues and sycophants greedy for gold or political preferment would never tempt ED GOSSETT. He meets responsibility fairly and unpleasant duties bravely. No one can fill the exact spot in our esteem and in our hearts held by this true gentleman from Texas, but the honesty, patriotism and statesmanship he represents would soon remedy the political degeneracy of these times and restore public confidence in the future of our Government.

May God bless and keep him.

With reference to this legislation, I find that the Government today owns 455,146,726 acres, between one-fourth and one-fifth of the country in which we live. Somebody has said that there is no disposition on the part of our Government to go any further.

I quote from the testimony of William H. Veeder, of the Department of Justice, before a subcommittee of the Senate Committee on the Judiciary recently:

No agency knows the maximum quantity of rights that it is going to have to claim at this time.

He had reference to a Federal suit now pending in California.

Maybe you have read the opinions to which reference has been made. I doubt if you have read very carefully the dissenting opinions, and I think perhaps a man can explain the majority better if he looks at the dissent, because we have some able men, Justice Frankfurter and Justice Reed. I turn to page 58 of the report, and I want to show you what Justice Reed said:

If the original States owned the bed of the sea, adjacent to their coasts, to the 3-mile limit, then I think California has the same title or ownership to the lands adjacent to her coast. The original States were sovereignties in their own right, possessed of

so much of the land underneath the adjacent seas as was generally recognized to be under their jurisdiction. The scope of their jurisdiction and the boundaries of their lands were coterminous. Any part of that territory which had not passed from their ownership by existing valid grants were and remained public lands of the respective States. California, as is customary, was admitted into the Union on an equal footing with the original States in all respects whatever (9 Stat. 452). By section 3 of the act of admission, the public lands within its borders were reserved for disposition by the United States.

The authorities cited in the Court's opinion lead me to the conclusion that the original States owned the lands under the seas to the 3-mile limit. There were, of course, as is shown by the citations, variations in the claims of sovereignty, jurisdiction, or ownership among the nations of the world. As early as 1793, Jefferson as Secretary of State in a communication to the British Minister said that the territorial protection of the United States would be extended three geographical miles and added:

"This distance can admit of no opposition, as it is recognized by treaties between some of the powers with whom we are connected in commerce and navigation, and is as little, or less, than is claimed by any of them on their own coasts."

If the original States did claim, as I think they did, sovereignty and ownership to the 3-mile limit, California has the same rights in the lands bordering its littoral.

Now let me read Justice Frankfurter, because much has been said about oil. It is said that oil has had something to do with it. Listen to what Justice Frankfurter said:

The fact that these oil deposits in the open sea may be vital to the national security, and important elements in the conduct of our foreign affairs, is no more relevant than is the existence of uranium deposits, wherever they may be in determining questions of trespass to the land of which they form a part. This is not a situation, where an exercise of national power is actively and presently interfered with. In such a case, the inherent power of a Federal court of equity may be invoked to prevent or remove the obstruction (*in re Debs* (158 U. S. 564); *Sanitary District* v. *United States* (266 U. S. 405)). Neither the bill, nor the opinion sustaining it, suggests that there is interference by California or the alleged trespassers with any authority which the Government presently seeks to exercise. It is beside the point to say that if wars come, they must be fought by the Nation. Nor is it relevant that the very oil about which the State and Nation here contend might well become the subject of international dispute and settlement. It is common knowledge that uranium has become the subject of international dispute with a view to settlement.

Then he goes on to say:

To declare that the Government has "national dominion" is merely a way of saying that vis-à-vis all other nations the Government is the sovereign. If that is what the Court's decree means, it needs no pronouncement by this Court to confer or declare such sovereignty. If it means more than that, it implies that the Government has some proprietary interest. That has not been remotely established except by sliding from absence of ownership by California to ownership by the United States.

Does not that help explain the majority opinion?

I go now to page 62. Here is Mr. Justice Frankfurter in the Louisiana case. Interesting:

Time has not made the reasoning of *United States* v. *California* (332 U. S. 19) more persuasive, but the issue there decided is no longer open for me. It is relevant, however, to note that in rejecting California's claim of ownership in the offshore oil the Court carefully abstained from recognizing such claim of ownership by the United States. This was emphasized when the Court struck out the proprietary claim of the United States from the terms of the decree proposed by the United States in the California case.

I must leave it to those who deem the reasoning of that decision right to define its scope and apply it, particularly to the historically very different situation of Texas. As is made clear in the opinion of Mr. Justice Reed, the submerged lands now in controversy were part of the domain of Texas when she was on her own. The Court now decides that when Texas entered the Union she lost what she had and the United States acquired it. How that shift came to pass remains for me a puzzle.

And they ask me to read the majority opinion and tell you what it is.

I would just as soon own no house at all as to own one the title of which is in litigation all the time.

I favor H. R. 4484, not because of the oil but because there is an important principle involved—a principle that strikes deeper than any oil wells. It has to do with the future life of our dual system of government and the honor and integrity of our constitutional system.

Mr. CELLER. Mr. Chairman, I yield 18 minutes to the gentleman from Texas [Mr. WILSON].

Mr. WILSON of Texas. Mr. Chairman, the steady stream of propaganda which has in the last few years been going out to all parts of the country through newspapers, over the radio and by other means of communication, mainly originating here in Washington among some of the executive agencies of the Federal Government, has in many ways clouded the issues involved in this so-called tidelands controversy.

Since the inception of this democracy when by the inclusion of words "all powers not herein delegated to the Federal Government shall remain in the States," the various States of the Union have owned their inland and marginal sea belts.

Since the Pollard case decided in 1844, 52 other Supreme Court cases have reaffirmed the fact that the States not only owned tidelands and oil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not. Aside from the 53 Supreme Court decisions, including the Pollard case, there have been 244 State and Federal court decisions during the past 100 years as shown by Shepard's United States Citations. Thus we see that for over 100 years it has been the settled law of this land that the several States own all the soil beneath their inland waters, as well as the marginal sea in their described boundaries.

Chief Justice Taney, Mr. Justice Field, Mr. Justice Holmes, Mr. Justice Brandeis, Chief Justice Taft, Chief Justice Hughes, and 46 of the 54 other Supreme Court Justices concurred in the various opinions of the Supreme Court between 1842 and 1947 in holding that the several States were the owners of their inland waters, as well as all marginal sea belts within their described boundaries.

Despite this long line of decisions, in the California case the Supreme Court sought to limit the long-recognized rule to a "qualified" ownership of land under inland waters and no ownership at all of land under coastal waters within State boundaries. This is an obvious error in the California decision. There is no English or American decision indicating that the sovereign right theory of ownership is only an inland water rule. On the contrary, all court decisions on the point indicate and say that the rule of State ownership applies to all lands which are, first, beneath navigable waters; and, second, within State boundaries. In fact, it is a navigable water rule which grew from the sovereign ownership of the adjoining navigable sea bed and was extended to inland navigable waters as "arms of the sea." This accounts for the fact that all previous members of the Supreme Court have written the rule broad enough to cover "all navigable waters whether inland or not." There is no dispute that the tidewater areas within the marginal sea are navigable both in law and in fact, and that all such areas covered by this legislation are within the lawful boundaries of the respective States.

In the above mentioned Pollard decision (*Pollard* v. *Hagan*, 3 How. 212, 229) Mr. Justice McKinley expressly said that "the territorial boundaries of Alabama have extended all her sovereign powers into the sea"—page 230—and stated the broad question of the case as being whether Alabama is entitled to the shores of the navigable waters, and the soil under them, within her limits"—page 225. Holding that Alabama's sovereign municipal power was the same on the sea as on the shore within her boundaries, the Court said:

First. The shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States respectively. Second. The new States have the same rights, sovereignty, and jurisdiction over this subject as the original States (3 How. at 230).

Note the emphasis and the controlling points for State ownership of all lands beneath all navigable waters within State boundaries in the following excerpts from other learned justices:

Chief Justice Taney, in 1842, in the first case establishing the rule, said:

For when the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them.

Mr. Justice Clifford in 1867 said:

Settled rule of law in this Court is, that the shores of navigable waters and the soils under the same in the original States were not granted by the Constitution to the United States, but were reserved to the several States, and that the new States since

admitted have the same rights, sovereignty and jurisdiction in that behalf as the original States possess within their respective borders. When the Revolution took place, the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them.

Mr. Justice Field in 1873, for a unanimous Court that included Chief Justice Chase, said that—

All soils under the tidewaters within her limits passed to the State.

Mr. Justice Bradley in 1876 said:

In our view of the subject the correct principles were laid down in *Martin* v. *Waddell* (16 Pet. 367), *Pollard's Lessee* v. *Hagan* (3 How. 312), and *Goodtitle* v. *Kibbe* (9 How. 471). These cases related to tidewaters, it is true; that they enunciated principles which are equally applicable to all navigable waters * * * it (the bed and shore of such waters) properly belongs to the State by their inherent sovereignty.

Chief Justice Waite in 1876 said that—

Each State owns the beds of all tidewaters within its jurisdiction.

Mr. Justice Gray in 1894 said:

The new States admitted into the Union since the adoption of the Constitution have the same rights as the original States in the tidewaters, and in the lands under them, within their respective jurisdictions.

Chief Justice White said in 1912:

Each State owns the beds of all tidewaters within its jurisdiction.

Chief Justice Taft in 1926 said that—

All the proprietary rights of the Crown and Parliament in, and all their dominion over, lands under tidewater vested in the several States.

Chief Justice Hughes said in 1935:

The soils under tidewaters within the original States were reserved to them respectively, and the States since admitted to the Union have the same sovereignty and jurisdiction in relation to such lands within their borders as the original States possessed.

Probably the strongest case directly on State ownership of land under the marginal sea is *Illinois Central R. R. Co.* v. *Illinois* (146 U. S. 387 (1892)), in which title to the bed of Lake Michigan was in issue. Holding that the Great Lakes are open seas and should be governed by the same property rule as applies to tidewaters on the coastal seas, the Supreme Court said:

It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tidewaters, within the limits of the several States, belong to the respective States within which they are found * * * subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States. * * *

The same doctrine is in this country held to be applicable to lands covered by fresh water in the Great Lakes over which is conducted an extended commerce with different States and foreign nations. These Lakes possess all the general characteristics of open seas, except in the freshness of their waters, and in the absence of the ebb and flow of the tide. In other respects they are inland seas, and there is no reason or principle for the assertion of dominion and sovereignty over and ownership by the State of lands covered by tidewaters that is not equally applicable to its ownership of and dominion and sovereignty over lands covered by the fresh waters of these Lakes. * * *

We hold, therefore, that the same doctrine as to dominion and sovereignty over and ownership of lands under the navigable waters of the Great Lakes applies, which obtains at the common law as to the dominion and sovereignty over and ownership of lands under tidewaters on the borders of the sea (146 U. S. at 435–437).

In his book entitled "The Key to Peace," Clarence Manion, dean of the College of Law, Notre Dame University, had this to say about the centralization of power:

If big and all-powerful government was the secret of general popular welfare, Europe would have always been the land of milk and honey, while the history of the United States would be a story of general misery, poverty, and destitution. The facts are the other way round. Europe's record proves that big and all-powerful government, whether its sanction be royal, democratic, or revolutionary, produces general warfare instead of general welfare and promotes penury and pestilence rather than progress and prosperity.

COMPROMISE SUICIDAL

The all-time record discloses that wheresoever government gets bigger and bigger and more and more powerful it moves at the same time and at the same speed toward the hellish goal of Adolf Hitler, namely, the "nothingness and insignificance" of the individual human being. Modern English history shows that democracy is no inherent and absolute defense against the pernicious increase of governmental strength.

It is not how the government gets its power but the amount of power it gets that determines the fate of each and every individual John Doe who lives under its jurisdiction. The God-given nature of the said John Doe lays upon all human government a drastic and vital set of limitations. In the United States these limitations are written into constitutions which all of our governments must observe.

In a public speech recently made in Dallas, Tex., to the Texas State Bar Association, Mr. Manion also said:

Socialism and now communism have been eating at our Government for 25 years.

Many misguided so-called liberals and intellectuals have been trying to substitute government for God for a quarter century.

The Federal Government's tidelands grab is just one segment of the wide front over which the fire of communism is advancing.

Isn't it hypocritical to object to materialism in Russia or England if we yield to it here in the United States?

Many of those who would change this rule of long standing would have you believe that H. R. 4484 applies only to Texas, California, and Louisiana. This is not true. This bill quiets the title to all inland as well as marginal sea belts within the described boundaries of all of the coastal States, as well as the Great Lakes States and also the inland States.

The most flagrantly untrue statement which has been passed around for the truth is that this bill seeks to give away Federal property to the States. This is pure propaganda because as the facts have shown it has been the settled law of this land that the States have been and should be the owners in fee simple of all this property at all times since this union of States was formed.

Under the settled law of the land the States should have a valid title to this property by prescription since they have owned and claimed it openly and notoriously for over a century.

As between individuals a court of equity would settle this title question promptly in favor of the person who had possession of the property in good faith for so long a time.

As most of you know, we have a very recent case involving the *United States Government* v. *the State of Wyoming* (331 U. S. 440). In that case we find almost an identical situation wherein a Supreme Court decision took from the State of Wyoming a section of school land which that State had claimed in good faith for 57 years. Oil valued at more than $3,000,000 had been discovered and Congress, upon presentation of a bill, quitclaimed this section of land to Wyoming in spite of the Supreme Court's decision and, too, in spite of the argument of the Department of the Interior and the Department of Justice.

Every outstanding legal authority that I know anything about in the United States has proclaimed that the doctrine enunciated in the California, Louisiana, and Texas cases is unfair, confiscatory and has no basis in law.

There is no question but that in time of emergency or in time of war that the Federal Government has not only the right of eminent domain but has paramount political power over all navigable waters in this Nation for interstate and foreign commerce and national defense purposes. No State that I know of has ever denied this nor would any State deny it because national defense and the defense of the several States is synonymous. Every State recognizes that its ownership of the lands beneath navigable waters is subject to and must not interfere with the paramount governmental powers of the National Government. But all these political powers for specific purposes should not in law and cannot in reason change the original ownership of these lands from the States to the Federal Government.

I hope most of the membership of the House read the pamphlet which was sent to every Member a few days ago entitled "Every State Has Submerged Lands," showing that the 28 coastal and Great Lakes States have many millions of acres of land in the marginal seas which surround their coast lines and in the Great Lakes areas and that every State in the Union, whether an inland State or a coastal State or bordering on the Great Lakes, produces some mineral or food which in turn inures to that State's treasury or to its school system in money gained from the sale of these products.

Does anyone believe that if these Supreme Court decisions are permitted to stand that the kelp beds, oyster beds, sand and gravel beds, iron ore, the fishing industry or anything else is safe from Federal encroachment? I am sure that no Member is naive enough to believe that if the Federal Government is successful in taking these lands

because they need the oil, that the next step would be to bring suit against all the other States for the money they had collected from various leases and industries conducted by the States and by various cities within the States.

The evil effects of permitting this miscarriage of justice to stand, based solely on the proposition that the Government needs the money or the oil and disregarding all other facts, is the most dangerous trend toward socialism and nationalization of private property yet countenanced.

At the time Texas came into the Union by contract approved by the Congress of the United States, President Tyler said:

> We could not with honor take the lands without assuming the full payment of all encumbrances upon them.

Quoting further:

> Of course I would maintain the Texan title to the extent which she claims it to be.

To say that a specific agreement permitting Texas to keep its public domain and be required to pay its debts, is to be overruled by the general term of equal footing, is to disregard all of our law of contracts and all the rules of equity and common sense. The sharp practices of the Solicitor General, as well as the Attorney General, and upheld by the Supreme Court, in rushing the case through without hearing the facts and circumstances should, for all time, be a source of embarrassment and shame to every American. If adhered to in the future, it will jeopardize every legislative act of the elected representatives of the people. This decision will set a precedent in the future for the taking of not only the remaining property rights of the coastal States and the Great Lakes States, but the property rights of inland States as well. While we deplore the taking of private property by other nations of Communist faiths without compensation to the individual or the state, we permit the same here based on identical reasoning—that the central government needs the property. This is a fallacious doctrine because the Federal Government has the right of eminent domain over all property in time of need. I do not hesitate to say that this decision is dishonest and amounts to open and notorious theft of private property. I have just read an article by Dean Roscoe Pound, of Harvard Law School, who, in no uncertain terms, denounces this decision as unfair and not founded upon reason or law. James William Moore, eminent professor of law at Yale University, also says:

> The United States Government expropriated the Texas tidelands by judicial fiat.

His article is as strong as possible and explodes the governmental theory and unfair tactics in a clear and convincing manner.

For the Supreme Court to indulge in chicanery in order to take property without hearing and based on a strained theory not agreed to by the States, is repugnant to the average man. This denies the very theory upon which our great democracy was built and has endured. Justice for all and special privilege to none, cannot, in the mind of the intelligent citizen, he changed to read: "None but the Socialists and those who wish to nationalize private property."

In his dissent, Justice Reed said in the California case:

> 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 underseas lands precisely as it is over every river, farm, mine and factory in the Nation.

Justice Minton also agreed to this theory, Justice Frankfurter, in his dissent, said in part:

> The Court now decides that when Texas entered the Union she lost what she had and the United States acquired it. How that shift came to pass remains, for me, a puzzle.

This astounding decision by less than a majority of the Court, only 4 of 9 Justices, overturns 53 former decisions of the Supreme Court itself, most of which decisions were rendered by that high Court when politics had a much less persuasive effect than at the present time.

The private letters and papers of President Tyler bore out to the letter the contention of Texas as does also the State papers of Texas. But, strange to say, Justice Douglas, joined by three other Justices, did not want nor require enlightenment on the subject, because, of course, it might change their fixed opinion on the subject and overturn their prearranged desire to take that for the Federal Government which could not be sustained by the facts nor the law. History does not record a more bold attempt to destroy our constitutional system of divided responsibility of the executive, legislative, and judicial functions, except in totalitarian states.

We have reached the point in our history when we as Congressmen must accept the responsibility of statesmanship and call a spade a spade and, with effective means, we must call a halt to these inconsistencies and demand a return to common justice and reason for the persecuted but unorganized majority.

It is plain to see by reading the majority opinion of the Supreme Court, that it not only covers the three States involved in these three suits, but all States of this Union, when Justice Douglas said:

> 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 responsibility.

How anyone in the coastal States or the inland States, for that matter, could rest easy in the ownership of inland water—be they lakes, rivers, or even creeks—is more than I can see.

I urge each of you to vote to uphold the settled law of the land, as well as the Constitution of this great country, by overruling these three unfair Supreme Court decisions by voting for this bill.

Mr. REED of Illinois. Mr. Chairman, I yield such time as he may require to the gentleman from California [Mr. SCUDDER].

Mr. SCUDDER. Mr. Chairman, I rise today in support of H. R. 4484, the Submerged Lands Act. I believe that the enactment of this legislation will rectify a mistake made by judicial action. If there was ever a time when we should put a stop to Federal encroachment on the rights and property of the sovereign States of our country, it is now.

For many years I have been in close contact with this problem. As a member of the State legislature in 1939, we enacted legislation providing for a high State royalty on one of the richest oil fields in the State of California. The Huntington Beach Oil Field lies below a good portion of the mainland of the State of California and extends on out beneath the waters adjacent thereto. Offset drilling was being practiced by many companies and the oil being taken from the submerged pool with no royalty accruing to the State of California nor to the Federal Government. We took legislative action and established a principle that slant drilling into the pool beneath the tidal waters was State-owned and through legal action established that right. We then went about to establish a proper royalty which should accrue to the State. In this we developed the highest royalty I believe that is exacted of drillers anywhere in the United States, which is 32 percent. We also provided for the distribution of the royalty so collected.

From these royalties each year there is taken $150,000, which is earmarked for educational facilities and advancement for veterans of our World Wars. Of the remaining balance, 30 percent goes into the general fund of the State and naturally finds its way into educational and other State purposes. The remaining 70 percent is used for the purchasing of beaches and park sites for recreational purposes and for their maintenance. These beaches and parks are facilities from which not only the citizens of the State of California but of the entire country benefit.

We have used this money to purchase coast-line properties and established many coast-line beaches. Can you imagine traveling to the Pacific coast and traversing our highways and not being permitted to go down to the ocean shore? These moneys which we receive are used for this general purpose.

When the Supreme Court ruling was put into effect, moneys collected for such royalties were forced to be impounded. At the present time, some $35,000,000 are impounded and we are losing the right to benefit therefrom. The false and misleading propaganda being put out by the opponents of this legislation is not founded on good faith. The amount of royalties taken from the three States involved would be so insignificant when spread throughout the entire country as to be of no practical benefit, but for the purposes to which they are now put they render a great service.

I can assure you that the statements made that this is an oil company grab

are false and not made in good faith because the oil companies would be in a better position to secure cheaper royalties if the ownership were in the Federal Government.

Permit me to give you some figures on royalties collected by California as compared with the Federal Government.

From 1921 through 1950, the yearly average was 19.13 percent. During the year 1950, California collected royalties at the rate of 24.99 percent from the income of oil companies who entered into agreements to produce from tidelands deposits By comparison, the Federal Government collects royalties from such sources as this on an average rate of 11 percent. The latest figures I have are for 1947, when the Government's rate of royalty collections was 11.38 percent. That same year, the State of California collected royalties from tidelands production at the rate of 24.91 percent.

I believe that the moneys which have been impounded are unfair and this bill will release these moneys for useful purposes. I am a great believer in States' rights and feel that the Federal Government should not inflict its rule or jurisdiction except where States involved are not in a position to do so.

I believe we should reduce the Federal Government's power over States wherever possible. It was never the intention of our Government to exercise such controls and it was only because of a prejudicial decision that this has been brought about. We should once and for all establish the right of States to operate freely and for the benefit of the citizenry. The principle involved in the decision which this bill seeks to correct affects the sovereign interest of every State in the Union and I hope and trust that it has the unanimous approval of the Congress and that if the President, as he has in the past, vetoes this bill, we may be able to override the veto and reestablish States' rights in our country.

Mr. GOSSETT. Mr. Chairman, I ask unanimous consent that all Members may have permission to extend their own remarks at any point in the RECORD on general debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THOMPSON of Texas. Mr. Chairman, my approach to the tidelands legislation is that of a layman. I am not a lawyer and in the case of this far-reaching problem, it is necessary for me to do as I do in my private business, namely: to consult with my attorneys. This, I propose to do at the proper time during the reading of the bill for amendments unless I am able to secure a portion of the very limited amount of time which is available during the current debate.

If I understand it correctly, the underlying claim of the Government to the submerged lands previously owned by the States stems from the Government's desire to control the minerals which are under these submerged lands. This, in turn, stems from the need for those minerals in time of emergency for the defense effort.

The Government contends that it has paramount rights over all natural resources which may be needed for the defense of the country. However, nothing is said in the statement of the Government's position as to why these lands should be confiscated in normal times.

Of course, there is little argument that in time of war or national emergency every resource and every effort should be at the disposal of the Federal Government. However, it is a very different matter in normal times and one of the most startling factors of the Government's position in the case of the submerged lands is the obvious plan to move in under the cloak of national defense and then to remain in control for the balance of time.

My layman's thinking now leads me beyond the present case. If this precedent prevails and if the Government thereby establishes a right not only to move in on State or privately owned properties in the guise of national defense and then to remain in control of these properties for all time to come, just where would such a process end?

I expect to ask my lawyers—some of the able counselors who are Members of the House of Representatives—just where this very dangerous and revolutionary legal chain might end. If it does in fact establish the Federal Government's right over all properties which might be needed for national defense, then it would seem to my lay mind that the Government has taken for itself socialistic powers heretofore dreamed of only by those who frankly believe in the socialistic form of government. They are well known here in the House of Representatives, and they will all be lined up in opposition to this legislation. Of course, I would not, for a moment, imply that all who oppose the bill have socialistic tendencies. I merely say that all of socialistic tendencies are opposed to the bill.

I expect to ask my lawyers a further question which pertains to the rights of a person or a group of persons to a piece of property to which they have used and occupied without adverse claim for a long period of time. I recall what is known as the statute of limitation. If my understanding is correct, a man can move in on a piece of property which is not otherwise used. He can fence it, pay taxes on it, and, as the saying goes, he can squat on it. After a certain length of time he has, under the law, established a title to it, and this title is perfectly good and thoroughly recognized. I shall ask my lawyers to tell me why the States at the very least do not have perfectly good title under some sort of squatters' rights. Certainly they have used and occupied the submerged lands for a long time—some of them since the Nation was first formed.

When I am soliciting advice of my attorneys, I expect also to ask a distinguished attorney who spoke against passage of the rule some questions concerning his expressions about Government rights to all of our oil deposits. If I understood him correctly, he said that oil in this connection was like coal. If he feels that the rights to these two minerals belong to the Federal Government, I wonder if he would go so far as to say that they should be nationalized. Certainly the present Government tendency is very definitely in that direction. If, however, he feels that the Government should not take over oil and coal but rather that these minerals should remain in private hands as they now are, then I am wondering why he wants the control of them to be in Federal hands rather than in the several States.

In closing these few observations, I want to reemphasize something that has been said by other colleagues of mine on the subject—the oil companies were blamed earlier in the day for being sponsors of this legislation. This statement is, I believe, entirely unfounded. Not one single oil man or his representatives—lobbyists, if you like—have mentioned the subject to me. Expressions which have reached me come from a very broad cross-section of my constituents. Perhaps the most interested are those who are responsible for our public education in Texas, which is one of the principal beneficiaries from leases between the State and the oil companies.

The peculiar right which Texans believe to be theirs by virtue of the agreement entered into between the United States and Texas when our independent Republic joined the Union is being touched on by others and I shall not inject that with my own remarks.

I hope that the committee will listen carefully to all of the argument and will act toward the States involved in the legislation in accordance with the Golden Rule.

Mr. BENTSEN. Mr. Chairman, legal, political, and practical reasons are overwhelmingly in support of the conclusion that the submerged tidelands are, and should remain, the property of the States. History and precedent support this position.

From the early days through the period of the articles of confederation to and including the constitution, it has been the colonies, later the States, which have been the land-owning units. In the beginning the Federal Government owned no land. Such land as it has acquired has been largely by purchase or by grants by the States to assist the Federal Government in carrying out its functions as prescribed by the Constitution.

For over 100 years the States have been in possession of and claiming and have been using these lands within these boundaries in good faith.

There have been 53 previous Supreme Court decisions which have said just as clearly that the States own all lands beneath all navigable waters within their boundaries as this present Supreme Court has spoken to the contrary. It was not a gift in any sense of the word to allow the States to keep that which they have and rightfully own and which the Federal Government never had and never thought of claiming until recent years.

For over 100 years the Federal Government had no interest in these submerged lands. It was only after the

States and private enterprise have discovered and developed the petroleum, contained in this area, that the Federal Government displayed any interest in them whatever. Before 1937 no one questioned the supremacy of the States' sovereignty in the marginal seas within their territorial water. The institution of the Federal suit against California in 1945 was the first positive action and indication that the Federal Government planned such a grab.

The legal theory of State ownership is based on decisions famous in our jurisprudence upon the fact that the Constitution granted no ownership of submerged lands to the Federal Government, and they were therefore reserved to the States by the tenth amendment.

As evidence of the States' exercise of the highest rights of ownership are the nearly 200 grants of portions of submerged lands outside of the inland waters of the States to the Federal Government, many to the defense agencies and to the Fish and Wildlife Service. The War and Navy Departments have recognized the primacy of the States' rights in requesting such grants. Many Attorneys General of the United States have over a 100-year period tacitly admitted to such ownership by approving the various grants by the States to the executive agencies.

The States have for many years exclusively, regulated fisheries outside of the international waters. The Federal Government has many times recognized this as valid.

The States have for many years granted permission or leases for the removal of sand, gravel, shells, sponges, and so forth, from these waters. They have done the same for the erection of piers, docks, jetties, and other shore structures, as well as for the erection of breakwaters, and the filling in and reclamation of land. These actions have had the express approval of the Federal Government so long as they did not interfere with the regulation of interstate and foreign commerce and navigation which are conceded to be strictly Federal functions. The States have for a long period of years levied and collected taxes on activities and properties within this area. The States have regulated and policed the area without protest by the Federal Government. The Congress, through its committees, has expressed the belief that the States have exercised every sovereign right incident to the utilization of submerged lands.

The Congress of the United States has recognized the sovereign rights of the States to the submerged lands by numerous acts. On the occasion of the admission of California to the Union in 1850 Congress stated specifically that California's borders extended "3 miles out to sea." In approving the Florida State constitution in 1868 Congress stated that its borders extended three marine leagues to sea. In 1845 Congress recognized the boundaries of Texas to extend three marine leagues into the Gulf of Mexico. The Constitution of the State of Washington, approved by Congress in 1889, specifically asserted its ownership to the beds of all navigable waters within the territorial waters, which were started to extend one marine league out to sea.

Even the Supreme Court in rendering the decision in the case of the United States against California recognized some merit in the case for the States in stating that the above actions are consistent with the belief on the part of "some Government officials" at the time that California owned all, or at least a part of the 3-mile belt.

It seems to me, however, that such a principle, recognized so universally by all concerned for so many years should be recognized and confirmed by the Congress as a rule of equity and property law.

The States, in all good faith, and without contradiction by any Federal agency, have exercised all of the rights of sovereignty for a long period of years. In addition, since many States have based a portion of their tax structure on the ownership of these lands, it seems a matter of simple justice to confirm title of the States to the submerged lands. The economic and governmental success of the individual State is as important as the economic and governmental success of the superstructure of the Federal Government, for as the links of a chain are weakened so is the strength of the entire chain destroyed.

In this day of decreasing State revenues where the Federal Government has taken over many of the available sources of tax revenue, the income from these submerged lands is vital to the States' economy. Its loss would greatly weaken governmental functions to which these revenues have been dedicated for over 100 years.

The statement made in the California case that the Federal Government is the only Government capable of exercising power and dominion over any part of the sea beyond its shore is not valid. As I have stated before, the States have for many years been policing and administering this area of the marginal sea successfully. The persons affected, the Federal agencies themselves, including the Department of the Interior, and the courts gave full credence and recognition to the rights of the States to the submerged lands. In this connection it is worth noting that the Department of the Interior ruled 21 times during the regime of Harold L. Ickes, that the States are the owners of the submerged lands within their respective boundaries. From 1933 to 1937, the Secretary of the Interior conceded that the States owned the tidelands. What could have happened since then to have changed an accepted fact?

A typical example of the oil lobbyists who are fighting the claims and ownership of the States in these tidelands is that of Mr. I. A. Smoot, of Salt Lake City, Utah. Mr. Smoot is an applicant for a Federal lease on 800 acres of land off the coast of Long Beach, Calif., which he hopes to get for $200 under the 25 cents per acre Federal Leasing Act in effect when he filed. It is now worth a million dollars according to the California land commissioner. This is the kind of illegal bonanza that would accrue to oil operators unless Congress acts to reassert the ownership of the States to the tidelands.

The only oil lobbyists who have contacted me on this issue have favored the Federal proposal.

The Supreme Court decision in 1947 in the case of the United States against California, and in 1950 the decisions in the cases against Louisiana and Texas have caused dissatisfaction, confusion, and protest. They reverse what all had long understood to be the law. They have created an estate never before heard of, and have posed another in a long series of threats to our American constitutional system of dual sovereignty. Together they constitute another step toward nationalization of the Nation's natural resources if it is conceded that Federal rights of ownership are to be founded on the vital need of oil for the national defense.

The principal basis for the Government's claim to the submerged lands has been the vital need for oil for the national defense and the removal of the marginal seas from the international domain. There is justification as to the vital need for oil, but how can you justify a claim to ownership of land because of that? If the basis of need is to become a criteria for taking that which rightfully belongs to another, then if the need should appear, the United States Government could just as well take the rich kelp beds of Maine on which leases have been made within its 3-mile marginal belt for the production of iodine. Arizona, Kentucky, and Missouri could just as easily lose their sand and gravel from their river and lake beds; Colorado and Ohio under this justification could lose their gold production under navigable streams; Connecticut, Maryland, Delaware, and Rhode Island stand subject to losing oyster, clam, and shellfish franks. Certainly the country is in dire need of coal, but under the reasoning of the Court, Iowa, Pennsylvania, and West Virginia can have taken from them the coal produced from their river beds as would Minnesota and Wisconsin lose their rich deposits of iron ore under the Great Lakes which lie partially within their boundaries. New York has millions invested on pier lands within the marginal sea at Coney Island and along Long Island, and the same is true at Atlantic City in New Jersey and at Miami and other Florida resorts. And yet if the Nation decides it needs this land, under the reasoning of the Court they could be taken.

The value of oil for the national defense is in its availability. Under the States' auspices, oil from this marginal sea was rapidly being made available. It is hard to see how the case would be altered by a change of ownership. The Federal Government is not yet in the oil business although there are some who would like to see them nationalize it along with other industries. As to the removal of the marginal sea from the international domain, there is room for an honest difference of opinion. I do believe, however, that we in Texas took care of that when we established our independence in 1836. At that time we extended our boundaries three marine leagues into the Gulf of Mexico. Our

independence was recognized by most of the major countries of the world, including the United States. Until the Republic of Texas became the State of Texas in 1845, I find no record of any contest of that statement of ownership. The resolution of the United States Congress by which the Republic of Texas became a State, on confirmation by the State legislature, confirmed the boundaries as outlined by Texas. It is my belief that title to the submerged lands beneath the marginal seas to the extent of three marine leagues into the Gulf of Mexico were removed from the international domain and remain in the State of Texas.

If the justification for this high-handed action by the Federal Government is the crying need for oil for defense it is a poor one. Past experience has illustrated beyond the shadow of a doubt that development and production of petroleum resources in the marginal seas was proceeding efficiently and on an increasing scale under the procedures outlined by the States. Experience has conclusively demonstrated that development and production of public land mineral leases under Federal auspices has been relatively much slower and less efficient. Since the recent Court decisions, development of the oil resources in the submerged lands is at a standstill. Little new activity is being carried on, and much has been suspended. Revenues from leases by the States have largely ceased, and the schools and other States' activities in the three States so far affected have suffered, and at the very time when their needs are the greatest. These revenues will have to be made up somehow, and unless there is some relief the poor taxpayer will have to dig yet more deeply into his already tax-ridden wallet.

The present state of suspended activity is dangerous. To delay development is to ignore the present emergency. The Nation needs all of its sources of oil. You cannot blame the oil people for not going ahead when they do not know whether their leases will be valid or not. Prospecting and drilling in the tidelands is a costly matter, and many claims have been filed with the Federal Government which conflict with or overlap existing State-issued leases. The present situation is one of utter chaos. From it will inevitably develop a great volume of lengthy and costly litigation. This is a revolting prospect, and at the same time a needless one if we can but go back to basic issues. This the Congress can do by approving the quitclaim legislation which is now before it. By approving this proposed legislation the Congress will confirm the title of the States to the submerged lands, and once again the vital flow of petroleum, in orderly and efficient fashion, will pour forth.

Let us not lose sight of the fact that Texas, California, and Louisiana are but the first three States, which, in turn, as the bureaucrats decide, will lose the rights they have so long exercised. Even though, during testimony, the Federal Government has assured us that they are not interested in the resources beneath the inland waters, who can rest easy with the example immediately before their eyes of the assertation of an interest in, and demand for the possession of rights in the tidelands themselves after 150 years of disinterest? Federal officials notoriously give little credence to statements and commitments of those who preceded them in office. We may be sure that if we let this invasion of States' rights, the taking over of the tidelands, go by default, without a struggle, that it will not be long before the same pretext will be used again to claim the resources beneath the inland waters. By a simple extension of these claims and insistence upon the vital needs of the national defense, the Federal Government could easily assert claims to all natural resources wherever found. That there is a real feeling that the Federal claim may be extended to inland waters is evident. It is shown by the repeated assurances of some of the Federal officials in the hearings and by the fact of the introduction of a bill in the Senate to quitclaim Federal claims beneath inland waters. This would indicate that the Supreme Court decisions have placed a cloud over the title to the inland waters and the resources that may be contained beneath them. There undoubtedly are vast resources of minerals just as important to the national defense to be found there, and subject to the same claim on the same basis as that to the resources beneath the marginal seas. Is not this the issue in the present Federal grab being attempted in California for water rights in the San Margarita River Basin?

The tenth amendment to the Constitution states:

> The powers not delegated to the United States by the Constitution, or prohibited by it to the States, are reserved to the States, respectively, or to the people.

There is nothing in the Constitution which states that the tidelands are the property of the United States Government. It does say that the Federal Government shall regulate commerce and navigation and provide for the common defense—that is not questioned. Development of one or many of the natural resources found in a particular place is not of itself a sound basis upon which to rest a claim to property. I find no other reason behind all of the lengthy phraseology in the Government's briefs in the three Supreme Court cases.

This movement by the Federal Government is a part of its attempt to control all natural resources. The Government is already in a fair way to own or control the Nation's hydroelectric power resources and its water resources. It is attempting to do the same with natural gas. Federal bureaucracy has at various times seized and operated the Nation's coal mines and railways. The latter two by the declaration of a national emergency. But we seem to have a lot of emergencies. Life to the Federal Government is one crisis after another. Some day it may just fail to return the coal mines or the railways to their owners. The Federal Government has even tentatively advanced the idea that it might go into the steel business. Nothing yet has come of that, but who can say what may happen at some later date?

History, common justice, and common sense are all on the side of the position of the States of Texas, California, and Louisiana. A little more so, if I may say so, in the case of Texas.

The State of Texas in agreeing to the joint resolution of March 1, 1845, agreed to cede to the United States certain "public edifices, fortifications, barracks, ports, and harbors, navy, and navy yards" pertaining to the public defense belonging to the Republic of Texas. The Federal Government makes much of this in support of its claim to the marginal sea. However, it must be plain to all who read this provision, that it is nothing more than the transfer of the instruments and facilities for the active prosecution of a Federal responsibility assumed by the admission of Texas to the Union. This transfer was made necessary by the fact that the Constitution expressly forbids the maintenance by the States of an army and navy in times of peace.

I have said that it is only common justice and common sense that ownership of the submerged lands and the resources beneath them belongs to the States. During the course of the hearings on the various congressional bills bearing on the subject, the overwhelming evidence has been in that direction. Appearing before the several committees in the person of their representatives have been such qualified organizations as the National Association of Attorneys General, the Governors Conference, Council of State Governments, National Association of State Land Officials, American Bar Association, National Conference of Mayors, National Reclamation Association, American Association of Port Authorities, and many others. They all testified in favor of confirming the title of the States to the submerged lands. Appearing in opposition were only a few individuals, most of whom stood to benefit directly from Federal ownership, and representatives of executive agencies or Federal oil-lease owners. It is doubtful if there is any one domestic issue today on which State officials are more in accord than the ultimate return of title in the submerged lands to the States. As further evidence there is before the Senate a bill to accomplish this purpose which is sponsored by 35 Senators from 24 different States, littoral and inland.

The Congress has twice been asked to confirm the Federal position, in 1938 and 1939, and twice has not done so. On the contrary, Congress in 1946 voted to confirm the title to the States. Unfortunately this act was vetoed by the President. Again in 1948 the House of Representatives voted to do so, but the Senate did not act.

The Federal departments, concerned themselves, have maintained that the Congress must decide the issue. Even they admit in their contentions that Federal ownership to be asserted is only a dormant right, that it would be novel, never having been asserted before. The President and the Cabinet in insisting on the imposition of the

so-called rights of the Federal Government are ignoring the will of the majority of Congress which expresses the will of the people.

Many investments and commitments have been made, based on the premise that the States own the submerged lands. All of these commitments have been made and accepted by all concerned because of the many affirmative acts of ownership by the States carried on over a long period of years. Why not avoid all of the current confusion by removing, beyond question, once and for all time, the shadow cast on the title to the lands in question? This is just a matter of plain common sense.

Mr. THORNBERRY. Mr. Chairman, one aspect of the importance of the submerged lands controversy to the people of my State seems to me to need additional emphasis. That is its vital importance to the system of public education in Texas.

One of the fundamental complaints which the people of Texas made when they revolted from Mexico and declared their independence was that the Mexican Government had "failed to establish any public system of education although possessed of almost boundless resources—the public domain—and although it is an axiom in public science that unless a people are educated it is idle to expect the continuance of civil liberty or the capacity of self-government." The Constitution of the Republic wrote this "axiom in political science" into a provision for a general system of public education.

The founders of the Texas Republic were thoroughly imbued with the idea of the necessity for such a system. Sam Houston, twice President of the Republic, said:

> The benefits of education * * * are essential to the preservation of a free government.

And Mirabeau B. Lamar, second President of the Republic, said:

> A cultivated mind is the guardian genius of democracy. * * * It is the only dictator that free men acknowledge and the only security that free men desire.

That same President Lamar sent a message to the Texas Congress in 1838 urging the dedication of public lands of the State for the purpose of education. In making this recommendation he said:

> A suitable appropriation of land to the purpose of a general education can be made at this time without inconvenience to the Government or the people; but defer it till the public domain shall have passed from our hands, and the uneducated youth of Texas will constitute the living monument of our neglect.

During the 100 years since then the people of Texas have followed President Lamar's advice. Over 4,000,000 acres of land have been appropriated to the school systems of the respective counties. The legislature of Texas created a perpetual State public school fund to which eventually a total of 45,000,000 acres of land was conveyed. As early as 1919 the legislature granted authority to the school land board, as administrator of these lands, to lease for the benefit of the public school fund all submerged lands in rivers, harbors, bays, and under the Gulf of Mexico, and by 1939 all revenues from all the remaining unsold lands within the boundaries of the State including the 3,000,000 acres of tidelands in the Gulf of Mexico had been dedicated to the public school fund. Today Texas has a permanent school fund of approximately $151,000,000 and an average annual income from that fund of $10,000,000. This fund is the backbone of the public school financial program in our State. The development of natural resources of this property for the benefit of public education in the State of Texas has begun, but their full development is necessary in order to assure a continuation of the advancement of public education to the expanding scholastic population in the State of Texas.

The loss of any portion of the lands and the natural resources they contain represents a loss to the future of education in Texas. The loss of 3,000,000 acres of submerged Gulf lands potentially rich in oil and many other natural resources is a catastrophic blow to the foundation of our State school system. Far greater than that, however, is the threat of loss not only of Gulfward land but of the loss of the entire endowment in public lands through extended application of the principle upon which the school fund has been deprived of its seaward submerged lands.

This present loss, which will become permanent if Congress does not act to restore the State's title to its submerged lands as provided by the Walter bill, H. R. 4484, comes at a time when there is the most urgent need in Texas to increase and improve the equipment and facilities of our schools; to expand our overburdened teaching force by inducing many more highly qualified young men and women to take up teaching as a profession; and wherever possible to grant wage increases to induce our hard-working teachers already on the job to remain.

Is it any wonder, then, that the citizens of Texas, including parents and teachers, who have long been interested in the preservation of the public school fund of the State of Texas should be alarmed at the loss both present and potential to the fund and the very present danger it raises to the future of our State school system?

Why do these teachers of my State feel that the decision of the Supreme Court in United States against Texas should be nullified by the Walter bill?

That Supreme Court decision by a minority of the members of the Court deprived the State of Texas of lands which for 100 years had been incorporated within the boundaries of Texas.

These lands had been brought within the boundaries of Texas by act of the Congress of the Republic of Texas on December 19, 1836. Texas, as a recognizedly independent nation, defended them with her navy for 8 years. Under international law the lands belonged to the republic.

The annexation of Texas to the United States was first attempted by treaty between the two nations in 1844, but the Senate of the United States refused to ratify that treaty. By the terms of that proposed treaty Texas would have ceded all her public lands, mines, and minerals to the United States. But the treaty approach failed.

A year later annexation was effected by a joint resolution of the United States Congress proposing terms to Texas, a joint resolution in the Texas congress accepting the terms, and a final joint resolution of the United States Congress confirming the fact that Texas had accepted the offered terms and by that acceptance had become a State of the Union.

When the original joint resolution was introduced in Congress of the United States it contained a cession of "mines and minerals" by Texas to the United States, but this provision was struck out of the final draft and was thus not a part of the offer of annexation terms of Texas. Moreover, as abundant historical evidence shows, Texas was allowed to keep all "vacant and unappropriated lands lying within her limits" for the purpose of paying the debts of the Republic, which the United States did not want to assume. It was on these terms that Texas became a State. The lands thus left to Texas as a part of the bargain with the United States and which were not later sold to private individuals have become the heritage of the school children of Texas through the public school fund. They have been treated as a heritage for over 100 years by officials of the United States and Texas alike and so considered by all competent lawyers who have studied the question.

The legal basis of the title of Texas to these lands is easily understood even by non-lawyers. Texas was an independent Republic owning certain unsold lands. Included were submerged lands. Texas as a nation made a contract with another nation—the United States—to join it. As a part of that bargain Texas was to keep its vacant and unappropriated lands, it was not asked to cede its mines and minerals and it certainly did not cede any lands not expressly mentioned in the agreement of ennexation. The United States accepted this agreement and carried it out for over 100 years. Now when Texas is powerless to back out of the agreement and when its rights must be determined by the courts of the United States, the Supreme Court of the United States, refusing to look at any evidence of what the contracting parties intended at the time, has rewritten the agreement so as to take away 3,000,000 acres of the land which belonged to the Republic.

The reasoning of the Supreme Court in reading its decision—4 to 3—is even more shocking than the immediate loss of 3,000,000 acres of school-fund land itself. The Court reasons that, assuming ownership of the offshore submerged lands by the Republic of Texas, Texas must now be held to have relinquished them to the United States when it joined the Union because "property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign."

The teachers in our schools, as the teachers in every other school in the land, have always understood that our Federal Government was a government of limited powers formed to do for the States what they could not do for themselves in the fields of national defense, the conduct of foreign relations, and the control of commerce and navigation. Under the tenth amendment we understood that those powers not granted to the Federal Government by the Constitution were reserved to the States. A careful study of our history has led our teachers as well as our lawyers to believe that the fundamental property owning units were the States, not the Federal Government; that the Federal Government acquired land only for the purpose of carrying out its functions; and that compensation was due the State or the individual whose land was so taken. The States under our system of law held title to the land and conveyed it to individuals. This pattern had been followed in all of the original States and, as to submerged lands, was followed in all those States which had been subsequently admitted. The Federal Government, our teachers had taught, was possessed of national powers. These national powers were exercised for national purposes and only for national purposes which were unequivocably declared and specified. The underlying ownership of the soil remained either in the State or in the individual to whom the State had conveyed.

This concept has become so ingrained in our thinking that the arbitrary confiscation of private and of State property for governmental purposes in other lands has shocked our consciences. Nationalization of private property in Soviet Russia has caused the United States to refuse to recognize the Soviet Union from 1918 to 1933. Subsequent decrees of nationalization in England, France, and other continental countries in Mexico, in South America, and, most recently, in Iran have not failed to draw cries of protest from the American people.

It is not difficult for the citizens of my State to see that if Federal Government "needs" will justify the rewriting of a 100-year-old solemn agreement between nations so as to change the ownership of 3,000,000 acres of land, that same doctrine will also justify the taking of other lands belonging to the school children of Texas, irrespective of whether the lands are submerged or not.

The "old concepts of property law" which the Court has pushed aside are the very foundation stones of the rights of Texas school children to every other part of the State school lands. If these concepts cannot be relied upon, their title is insecure. If their title is insecure, the future support of the entire State school system is in doubt.

It is this genuine concern for the future financial support of our public schools that make me strongly support the Walter bill, now before the House.

This bill will restore to all of the States of the Union the submerged lands within State boundaries as declared at the time they entered the Union. It will erase the effect of the decision of the Supreme Court in United States against Texas and restore their 100-year heritage to the school children of Texas.

It has been suggested by some that Texas' school children should be willing to share the income from their submerged lands with the children of all the other States. The impracticability of this suggestion is realized when you consider that if the $7,000,000 which the State school fund has already received in the form of bonuses and rentals from its off-shore submerged lands were instead divided among the 48 States, only the sum of $145,823, a mere drop in the bucket, would be left for each State. Moreover, it would be grossly unfair to Texas school children to require them to divide the income from their natural wealth for the benefit of the school children of all the States of the Union, without at the same time requiring each of the other States to divide their income from natural resources among all the States of the Union for the benefit of the public schools. Such a proposal has been advanced in this Congress, but its unfairness to my State under the circumstances is apparent.

The school teachers of my State and those interested in the public school fund are not here fighting for the oil companies, as has been unfairly alleged by the advocates of Federal seizure and ownership. The oil companies, under assurances already received from the present Federal officials, will get their leases irrespective of who the Congress permits to own these submerged lands. If the Supreme Court's minority opinion is allowed to stand, only the school children of Texas will be the losers.

I plead with the Members of this Congress to consider the welfare of the present and future school children of Texas and to pass the Walter bill.

Mr. ROGERS of Texas. Mr. Chairman, the tidelands issue has been treated at great length by almost every conceivable phase of our economy. Not because there was a dispute between the Federal Government on the one side and Texas, California, and other States on the other side as to the ownership of the natural resources beneath those lands, but because the American people as individuals realize that the questionable reasoning of the Supreme Court could, by application in other fields, create a tremendous impact on the basic principles upon which our Government was founded and could well mean the beginning of the end of the States' rights, freedoms, and true representations that we have all so dearly cherished. The decisions of the Supreme Court in the California, the Texas and the Louisiana cases have contributed more toward clouding the faith of the American people in the judicial system than any other three decisions in the history of this country. As a lawyer I will perhaps be subjected to criticism for making this statement, but such criticism cannot detract one iota from the truth of the statement made. And if the fundamental principles upon which this Government was founded and the abiding faith that has always been present in the mind of every American are to be restored, we cannot blind ourselves to the true feelings of the people nor undertake to justify such decisions by the use of ambiguous terms and unclear thinking. The Supreme Court has, in an effort to justify the end sought, undertaken to employ one principle of law and apply it in each of the cases without regard to the facts present and without so much as doing lip service to agreements that we of Texas have always considered binding on both parties. In fact, our understanding in this respect has caused us to fulfill all of the obligations to which we were subjected at the time we entered the Union. And by the same token we have the right to expect the Union into which we entered to honor and fulfill its obligations and the terms of the agreement in the same manner.

There has been much said concerning this particular point both in the courts and out. The question has been fully briefed by the able lawyers representing the various States involved and the subject has been treated at length by the attorneys for the United States Government. For me to go into those matters and reiterate the decisions, the evidence, and the arguments would be mere repetition. Therefore I will confine my remarks to the one basic point concerning the Texas decision with which every landowner will be faced unless Congress recognizes the fallacy of the Supreme Court's decision and rectifies the wrongs thereby brought about. When Texas entered the Union it retained all of its public lands, which included the 10½-mile strip now in dispute and to which the reference "tidelands" has been employed. In retaining these public lands Texas was also required to pay its own national public debt. These terms were considered at the time of the entrance of Texas into the Union as obligations on the State. In fact, the Federal Government felt at the time that the public lands were worth far less than the amount of the public debt of Texas at that time. Texas accepted these provisions and entered into the Union in good faith. It subsequently paid its public debt and assumed the ownership of its public lands. It sold and traded in these public lands and issued patents as the original source of title to the lands. Since the tidelands was a part of the public domain it fell within the same category as public domain owned by the State in the most extreme sections of the great Panhandle plains country of Texas which lies over 700 miles from the seacoast. The people of Texas who originally purchased public domain from the State met the requirements laid down by the State and accepted as evidence of title patents issued by the State.

Much of these lands have subsequently passed into hands of many purchasers who have relied upon the patent from the State of Texas as the original source of title. In fact, I own a small piece of property that lies approximately 750 miles from the Gulf of Mexico. This land I purchased and relied upon the title above referred to. If the decision of the Supreme Court in the Texas case is the law of this land and the tidelands are the property of the United States of America, regardless of the terms of the

contract between Texas and the United States, then those of us who have dealt in good faith and have purchased land in the State of Texas regardless of where it lies are no more secure in the ownership of our homes than is a citizen of the Soviet Union whose property belongs to the State and in which he has only the right of a permissive user. The only claim that the landowner in Texas has as to his own home, if the reasoning in the tidelands case is correct, is title derived by adverse possession under the statute of limitations or the claim of ownership under the doctrine of estoppel. Since the statute of limitations does not run against the sovereignty such a plea by a home owner would be of no effect. This would reduce him to the one claim or defense of estoppel. If his title is to rest on the doctrine of estoppel then he is driven to the point where he must say, in order to protect his home, that he admits that the Federal Government owns his land but because the Federal Government has so conducted itself that it stands in a position of bad faith and therefore should not be permitted to assert its bare legal title. No man in the United States of America would have ever contemplated or foreseen that this country could have ever reached the point where a plain, honest citizen having as a primary interest the raising of a Christian and patriotic family would be driven into a corner where he would be required for self preservation of himself and his family to make such an admission. The tidelands decisions are a black mark on the pages of American history and can only be erased by an honest and straightforward act on the part of the Congress of the United States.

Mr. McDONOUGH. Mr. Chairman, today California is a focal point in the controversy over the issue of State's rights in which the Federal Government has laid claim upon the tidelands which extend along the coast of California for 1,200 miles.

The tenth amendment to the Constitution provided that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Under this provision for more than a century in California and other States of the Nation, the rights of the States and their people to the ownership and full enjoyment of all lands beneath navigable waters within their boundaries were recognized by the Federal Government.

By such lands beneath navigable waters is meant the land under every navigable river, stream, and lake throughout the Nation, as well as the waters of all bays, ports, harbors, and channels along their ocean coast lines, out to the limits of the State boundaries. This includes, as well, all natural resources within this area.

The boundary of the State of California, as provided in the State constitution, extends 3 miles into the Pacific Ocean and includes all islands along and adjacent to its coast. Sole ownership of this area by the State has always been recognized by the Federal Government and all of its departments and agencies until a little over a decade ago. As late as September 22, 1933, in answer to a letter addressed to him by an applicant for a leasing permit from the Federal Government, Secretary of the Interior Harold L. Ickes gave the following written reply to the applicant:

> Title to the soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State.

About 3 years later, however, Secretary of the Interior Ickes changed his mind and decided to seek to establish ownership and control in the United States over these lands. Efforts were made unsuccessfully to have the Congress declare these lands the property of the Federal Government.

When Congress failed to declare the tidelands the property of the Federal Government, proceedings were instituted in the Supreme Court, and a decision rendered which declined to hold that the United States was the owner of the tidelands, but stated that California was not the owner of these lands.

The title to the tidelands in California and in the other States has remained in controversy to the present with the subsequent confusion.

In California our great harbors are clouded by the Supreme Court decision. Our world-renowed public beaches and shoreline recreational developments are at a standstill until the State's ownership of tidelands is reaffirmed. One city alone, Long Beach, finds many of its important community projects paralyzed until this matter is cleared up.

Thousands of homes and pieces of land owned by thousands of persons are up in the air while the issue of whether or not the Federal Government is to be empowered to take at will, and without compensation, such lands as it needs or wants is still to be decided.

To illustrate what this means to real estate in California, the California tidelands in dispute include the land under San Francisco's ferry building and the land under San Diego's civic center and municipal airport. Half of Los Angeles Harbor and much of Long Beach Harbor are of uncertain status.

In the claims of the Federal Government for title to the tidelands, much has been made of the oil deposits under the tideland area in California and the need for Federal control for the preservation of natural resources. The facts, however, show that oil deposits are actually found under 15 miles of California's coast line, and half of the estimated oil supply in those pools has already been extracted.

The State of California is the guardian of all the rich natural resources so important to our national economy and security, and shares equal concern with the Federal Government for the development and protection of these resources.

The 1,200-mile coast-line tidelands area of California is one of the State's greatest natural resources. Hundreds of millions of dollars have been spent by the State and its citizens on harbors, fisheries, pleasure resorts, and other uses essential to the orderly development of the State. The cities and counties of California have additional plans for the use of the tidelands. But if the tidelands question is not settled these plans are retarded, and if title should be awarded to the Federal Government, the people of California would be subordinated to the Federal Government in these matters.

I believe that equity calls for the confirmation of the title to these lands to the State, and I have introduced H. R. 1364 which would confirm and establish the titles of the States to lands and resources in and beneath navigable waters within State boundaries and to provide for the use and control of said lands and resources.

This bill along with other bills introduced relating to this subject were recently considered by the House Judiciary Committee which has reported out a bill similar to that which I introduced, H. R. 4484. This bill will shortly be considered by the House and it is my hope that favorable action will be taken by the Congress.

In the report of the committee on H. R. 4484, it states that all agree that only the Congress can resolve the longstanding controversy between the States of the Union and the departments of the Federal Government over the ownership and control of submerged lands. The longer this controversy continues, the more vexatious and confused it becomes. Interminable litigation has arisen between the States and the Federal Government, and others. Muchneeded improvements on these lands and the development of strategic natural resources within them has been seriously retarded.

The purposes of H. R. 4484 as reported by the Judiciary Committee are to define tidelands areas, to confirm and establish the rights and claims of the 48 States, asserted and exercised by them throughout our country's history, to the lands beneath navigable waters within State boundaries and the resources within such lands and waters, and to provide for the leasing by the Secretary of the Interior of the areas of the Continental Shelf lying outside of the State boundaries.

With the passage of H. R. 4484, the right of the State of California to the tidelands area would be established and end the controversy which has been blocking development of the tidelands since 1938.

Mr. KILDAY. Mr. Chairman, it is in the vital interest of every State in the Union that this bill be passed. Every State has submerged lands. There has been an earnest effort on the part of the opponents of this legislation, and every advocate of a strong centralized government opposes it, to spread the impression that the bill is for the benefit of only California, Texas, and Louisiana. They are equally diligent in spreading the report that only a few oil men are in favor of this legislation. Actually, this legislation is of importance to every citizen in every State of the Union. It happens that thus far the administration has seen fit to proceed against oil only; and it happens that California, Texas, and

Louisiana have thus far produced oil in the so-called tidelands. No one can foretell in the tidelands of what other States oil may be discovered, neither can we foretell against what other products or commodities the administration in power may decide to proceed. It is essential to all of the States that the title to submerged lands, whether they be rivers, lakes, or tidelands, be quieted and quieted now. This bill will do so.

In my own State of Texas the people have a particular interest in the tidelands. I know many of you are tired of hearing Texans say we are different. In the quetsion of public lands we are definitely different. The Federal Government has never owned any land in Texas except that which has been donated to it or it has purchased. Texas is the only State in the Union which has always owned its public lands. That situation arose from the method by which we entered the Union.

Texas was a Republic and confirmed in her ownership of her public lands which included the lands, or tidelands, to which the Federal Government now lays claim. When it was proposed that Texas enter the Union, the proposal contained a provision under which the Federal Government would acquire the public lands of Texas, and would assume its public debt. The Federal Government rejected that proposal. Texas was later admitted to the Union under an agreement that it would keep its public lands and pay its public debt. The Texas obligations under that agreement were met and we paid our public debt. From the time of our entry into the Union in 1845 until the days of Harold Ickes, about 1935, no court and no Government official ever questioned our full ownership of these lands.

The decision of a minority of the Supreme Court has not cnly clouded the title to these lands, but has left their status in great confusion and uncertainty. This bill will eliminate that unhealthy condition. That Congress has the right so to do is conceded by all and is in accordance even with the decision of the Supreme Court.

This bill should be adopted.

Mr. POULSON. Mr. Chairman, there has been about as much demagoging and misstatement of facts on this tidelands bill as in any debate we have witnessed to date. Our esteemed colleague the gentleman from Texas [Mr. GOSSETT], who will soon be resigning from Congress to accept a position which designates his legal ability, gave us a very fine introduction and factual presentation of the problems involved. I am not going to go into the details again.

I just want to state that the real issue is that of States' rights versus Federal domination. We all know that the oil companies will pay royalties whether the State or the Federal Government owns the land. There are some groups who have filed claims on this land, thinking that if the Federal Government should obtain the title, they would be able to get these properties away from those who really produced the oil. That is about the only selfish interest that anyone could have in the bill and, of course, that would be on the side of those opposing this legislation.

Now the gentleman from Montana [Mr. MANSFIELD] is going to offer an amendment which certainly should be defeated because it would be a backhanded approach to legislation on Federal aid to education which cannot pass this House, at least its advocates have been unable to even get it out of the committee. Furthermore, that is not the issue, and I do not believe in earmarking any funds for specific purposes, as that is poor legislation.

I am submitting a letter written by Dr. Arthur G. Coons, president of Occidental College, to Dr. Arthur S. Adams, president of the American Council on Education, on the subject matter contained in the Mansfield amendment. Dr. Coons, incidentally, is one of the leading educators of the West and has served on several commissions, including the Japanese Reparations Commission to which he was appointed by President Truman. I am also submitting a copy of my reply to Dr. Coons' letter, as I think it is very pertinent to the subject.

All the gentleman from Montana [Mr. MANSFIELD] is doing in his amendment is to offer bait for the purpose of helping the Federal Government to get its tentacles around some of the basic rights of the States.

OCCIDENTAL COLLEGE,
Los Angeles, Calif., July 11, 1951.

The Honorable NORRIS POULSON,
Congress of the United States,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN POULSON: I am sending a carbon copy of a letter I have written to Dr. Arthur S. Adams, president of the American Council on Education, relative to the amendment to Senate Joint Resolution 70, subsection of section S, introduced by Senator LISTER HILL.

Very truly yours,
ARTHUR G. COONS,
President.

OCCIDENTAL COLLEGE,
Los Angeles, Calif., July 11, 1951.

Dr. ARTHUR S. ADAMS,
President, American Council on Education, Washington, D. C.

MY DEAR DR. ADAMS: Upon the merits of Federal versus State ownership of the tidelands oil royalties there may be reasonable difference of opinion among presidents and institutions. Upon whether or not there should be Federal aid to education at one level or another or at all levels there may be difference of opinion; and if Federal aid what form it should take.

It seems to me very unfortunate to link a given and major source of Federal revenue primarily to education or to any special present or proposed object of Federal expenditures. Furthermore, although conceivably highly motivated, Senator HILL's proposal may have the indirect effect of gathering political strength behind the Federal tidelands royalties ownership when that issue should be debated and decided on its merits. I say all this mindful of the financial problems of the independent colleges which might receive some minor portion (hardly a major portion considering all the claimants) and therefore in some measure against the interests of this institution.

Very truly yours,
ARTHUR G. COONS,
President.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 17, 1951.

Dr. ARTHUR G. COONS,
President, Occidental College,
Los Angeles, Calif.

DEAR DOCTOR: I read with interest your letter to Dr. Adams of the American Council on Education. You certainly have enunciated a principle which far transcends the immediate gains to be derived from such legislation as is contained in Senate Joint Resolution 70.

I think the argument advanced by Senator HILL is similar to that advanced by the advocates of a national lottery who claim that we can get plenty of easy tax money that way. Once we adopted the principle involved in Senate Joint Resolution 70, we would be establishing a precedent which might lead to very disastrous legislation.

Sincerely yours,
NORRIS POULSON,
Member of Congress.

Mr. BURLESON. Mr. Chairman, the National Association of Attorneys General recently published a brief relating to this measure, H. R. 4484. On page 3 of that statement are succinctly set forth 11 reasons why the bill should be supported.

We can talk on this legislation for days, but nothing more forceful can be presented than this information which comes from the Submerged Lands Committee of the National Association of Attorneys General of the 48 States.

It is my understanding that every Member of Congress has been furnished a copy of this document, entitled "Every State Has Submerged Lands," and if you have not done so, I hope you will read it. If you do not have it available and you will let me know, I certainly shall be glad to furnish you a copy immediately.

Mr. Chairman, it is regrettable that there has been so much misunderstanding and misleading propaganda on this very vital question. It seems to me to be enough that the Federal Government, by its direct action and supported by the Supreme Court, has invaded States' rights and has taken that which does not in reason conceivably belong to it. It is the next thing to nationalization, and we only have to look at several places in this world to see what nationalization of property by the Government has meant.

Although I am interested in the other States which have similar rights, you know, of course, that by treaty with the Republic of Texas, when it came into the Union, its tidelands were specifically reserved. The action of the Federal Government is not only a violation of States' rights, not only a form of nationalization of industry, not only a moral and legal violation upon a State in this Union, but it is a gross violation of contractual relations. It is not my intent to sound a melodramatic note, but if we look at those governments which have chosen the path of socialism and in effect confiscated private property, it should be a warning to those of us who abhor this system and believe not only in States' rights, but in freedom of enterprise, which I do not believe possible under Federal control. It is unnecessary to go into the theories involved

between that which has heretofore been accepted as a just and proper system and that of Federal ownership. There are many other good and sufficient reasons why the Federal Government should not confiscate from the State its rightful ownership of these valuable properties, but to my way of thinking, it is the best reason why this Congress should determine once and for all that the State's right to its submerged lands is inviolable and place a law upon the statute books which the Supreme Court will have no difficulty interpreting.

Mr. Chairman, I hope the House of Representatives will continue the solid theory of government that individual enterprise, with a minimum amount of Government interference, maximum production, and local self-government at the city, county, and State level, are foundation stones upon which our Nation's economy and our own system of government is laid. The Federal Government in its attempt to confiscate the submerged oil lands along the coasts of Texas, Louisiana, and California, has disallowed these fundamental concepts. As an author of a bill on this subject, a considerable portion of which is included in the measure now before us, I appeal to the membership to give overwhelming support to this bill, and if it is passed overwhelmingly, I hope the President may take notice of it and not exert his veto. My colleague from Texas [Mr. GOSSETT], has ably outlined for you the history of this effort on the part of many of us here in the Congress to remove once and for all this inequity which has been imposed upon the States. He and others have mentioned the passage of similar legislation, only to be vetoed by the President, and a failure of the Congress to muster the two-thirds majority necessary to override his veto. I hope, of course, this is not the case in this effort, and if a strong vote is given, both in this and the other body, it may give the President reason not to veto the measure when it is placed before him.

Mr. REED of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. BAKEWELL].

Mr. BAKEWELL. Mr. Chairman, I find myself in the position of being the only Republican member of the Judiciary Committee who signed the minority report on this bill.

I am opposed to this legislation because I think it is detrimental to the best interests of the United States Government, and, secondly, because I think the proposed legislation is patently unconstitutional. One need not belabor the point regarding the indispensability and utilization of oil, insofar as the defense and security of our country are concerned. I think it imperative that the United States Government maintain control and utilization of these vital and strategic oil deposits. I should think that the Iranian oil crisis today would make us stop and think before enacting this type of legislation.

With respect to the Iranian oil crisis, the Supreme Court, in its opinion in United States against Texas, was almost prophetic when they made this statement:

> The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.

It has been repeated over and over today that the purpose of this legislation is to confirm title to these properties under the marginal sea in the respective States. How, though, can the Congress of the United States enact legislation to confirm title in the States when the title is not in the States? The Supreme Court has so ruled in the Texas case—and I quote again:

> When Texas came into the Union, she ceased to be an independent 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.

In other words, the Supreme Court of the United States has determined that the title to this property is in the United States. So how can you enact legislation to confirm that title in the individual States?

Mr. HINSHAW. Would the gentleman like an answer to that?

Mr. BAKEWELL. Yes, I yield.

Mr. HINSHAW. I take it that under article IV the Congress has the power to dispose of or make any rules and regulations respecting the territory or other properties belonging to the United States. If this property does belong to the United States, then this legislation is in order to restore it to the States.

Mr. BAKEWELL. I agree thoroughly that the Congress has the power to transfer title to lands and to convey properties. However, I do not think that is the issue in this legislation. We are not merely transferring property. We are not executing a deed to some property, or transferring something. What we are endeavoring to do by this legislation is to release, to yield, or to dispose not merely of acreage or a few gallons of oil; we are endeavoring to dispose of, yield, and transfer part and parcel of our national sovereignty. That is the issue here. It is not a question of divesting the Government of some acreage. It is a question of whether or not the Congress has the authority to divest, or dispose of some national sovereignty. In that regard, I would like to quote again from the opinion of the Supreme Court in the Texas case. With respect to national sovereignty, the opinion says:

> Dominion over navigable waters and property in the soil under them are so identified with the sovereign power of government that a presumption against their separation from sovereignty must be indulged.

And again from the same opinion:

> This is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty.

The question is: Can the Congress of the United States dispose of any of the sovereignty of this Government? The Government and its representatives in Congress are confined by the limitations of the Constitution to just such powers as are specifically delegated to us. Nowhere in the Constitution of the United States is authority given to the Congress to yield, transfer, or dispose of any of our national sovereignty. National sovereignty in this country resides in the people, and only the people may dispose of it. The opinions of the Supreme Court are replete with statements that what is involved here is national sovereignty—and the Congress cannot dispose of national sovereignty.

It is, therefore, my opinion that this legislation is palpably unconstitutional. If it is ever finally enacted into law and is considered by the Supreme Court, I feel certain that the Court will declare the law unconstitutional. Then we will have compounded this confusion and none of the problems will have been solved.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. BAKEWELL. I yield to the gentleman from California.

Mr. HINSHAW. Article 10 of the Bill of Rights says that the powers not delegated to the United States by this Constitution or prohibited to it by the States are reserved to the States respectively and the people. There is nothing in the Constitution anywhere or any of its predecessor documents that gives the right of sovereignty and dominion over these lands to the Federal Government. For 150 years these rights of the States have not been challenged.

Mr. BAKEWELL. The gentleman is perfectly correct that the powers not given to the Congress of the United States are reserved to the States and to the people respectively. The United States is the only government in the world today in which ultimate sovereignty resides absolutely with the people; so there can be no disposition or yielding of any national sovereignty through any other means than through the people themselves.

Mr. WILSON of Texas. Mr. Chairman, I yield 6 minutes to the gentleman from North Carolina [Mr. BRYSON].

Mr. BRYSON. Mr. Chairman, I strongly urge the Members to give favorable consideration to this bill so that it can become law before the end of this session.

The issue is simple, the need for the remedial legislation is imperative, and the enactment of this bill will accomplish a just determination of an unfortunate controversy, in keeping with our long-standing and honorable traditions. It seems to me that we are bound in conscience to provide this legislation settling once and for all the moral and legal rights of the States to the lands beneath the navigable waters within their established boundaries.

That is of paramount importance to every one of the 48 States. It is not less so to the people of my own State of South Carolina. The enactment of H. R. 4484 will reaffirm that State's title to almost three quarters of a million acres of submerged lands—450,000 acres under its inland waters and 265,000 acres under its marginal sea. Its coastline ex-

tends for almost 200 miles and abounds in fish to such a degree that it is one of the few States in which there is no closed season on fishing. Funds collected for fishing rights and licenses from those engaged in commercial fishing within the marginal sea have constituted an excellent source of revenue to the State. In addition, it has collected many thousands of dollars annually from amusement piers, which extend out into the ocean beyond the low-water mark.

There are a number of mineral products, including stone, sand, and gravel, raw clay and clay products, and iron ore in the submerged lands and—perhaps ultimately to be the most important—in recent years oil and gas leases have been entered into.

The situation involved here is not a case of a State coming to the Federal Government with its hat in its hand begging for something to which it is not morally and legally entitled. This is not a State-aid program. If a court, on the grounds of expediency, suddenly determined that your front yard to which you had title for many years did not belong to you but to your State, action by your State legislature in restoring it to you could not be considered in the light of alms giving. The restoration of property, of which you have been unjustly deprived, is a matter of pure justice and the sooner done the better for the conscience and good name of the sovereign.

Let there be no mistake about it. This bill entails nothing more than such justice to the States, acknowledging their title to these lands and their right to the revenues therefrom. These are revenues which very properly belong to the States.

The Supreme Court has ruled in the case of *Toomer* v. *Witsell* (334 U. S. 385) that the power of the State of South Carolina to regulate fishing in the marginal sea area within its boundaries may be exercised only in the absence of a conflicting Federal claim. This decision was based upon the holding in the California and Texas cases despite 53 previous decisions by the same court on the basis of which the States had been operating for over 100 years.

The asserting of a paramount right on the part of the Federal Government, based upon a claim of expediency because of national defense, is something which the Congress should not tolerate any longer.

The State of South Carolina has recently made great strides in the matter of public education with a program involving the expenditure of great sums of money. Its action in this respect is being acclaimed more and more and has been a credit to its people.

Some Federal authorities now urge—as a sop to those seeking Federal funds for education—that the Federal revenues which would come in from Federal ownership of these lands be used as aids to the States in their public educational programs. Do not be misled. This bill makes no such provision. Even if it did it would be but poor justification or compensation for the judicial seizure of these lands

Mr. Chairman, in the interest of all our citizens we must pass this bill. If it is not enacted and the Supreme Court decisions are to control it might be impossible for the residents of the several States to go fishing in the marginal sea or in the inland navigable waters without first obtaining permission from the Federal Government. That is an intolerable condition.

For the sake of justice and equity, I urge the speedy enactment of this bill.

Mr. REED of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. JONAS].

Mr. JONAS. Mr. Chairman, the bill dealing with submerged lands presents a number of interesting problems. In fact, this bill is designed to wrest from the Government the power and authority to grab large submerged areas located beneath the ocean waters, navigable rivers, and inland seas. In plain terms what has come to pass is that the Government of the United States has by Court decree arrogated to itself the power to control the front yard of every State in the Union whose lands abut on the high seas, inland waters, or navigable rivers.

The bill before the House is intended to prevent Government encroachment upon the rights of the respective sovereign States by flat or decree. To eliminate this evil is the primary purpose of this bill.

I read the condensed committee report of what transpired before and after the Government took over. It will be noted that the authority of the Government to control submerged lands is not novel or of recent origin. Need for the present legislation is imperative because the Supreme Court of the United States in a number of recent decisions has decreed that title to submerged lands does not vest in the States but in the Government of the United States. Undoubtedly, many Members of the House are familiar with the litigation instituted by the Government and the ultimate findings of our Supreme Court. There is no question in my mind but that the Court definitely determined the question of title to submerged lands and thereby endeavored to establish who had lawful title and who should exercise dominion over all lands that come under this particular classification.

The specific instances in which the Court has recently spoken relate to areas located in California, Louisiana, and Texas. It may serve no useful purpose here to try to analyze the findings of the highest Court of the land but it may be pointed out with propriety that the decisions relating to title of submerged lands wholly within the United States or within the zone recognized for jurisdictional purposes on the high seas are by no means unanimous. There appears to be an honest difference of opinion among the Judges of the Court concerning this controversial question and furthermore it may not be remiss to add that the dissenting opinions are difficult to reconcile with the reasoning found in the majority opinion of the Court.

I urge that Congress pass legislation and in it incorporate language that definitely establishes title to submerged lands in the States. The doctrine of States' rights to lands wholly within the States and insofar as they apply to the matter under consideration has been almost universally recognized by our courts for more than a century. In my opinion the Supreme Court of the United States had to indulge in considerable flexibility to meet the challenge and overcome the language of previous decisions in which matters directly related to submerged lands or matters wholly incidental thereto were decided.

A careful analysis of the arguments in support of Government control over tidelands or lands under water all point the way to that familiar and frequently quoted expression—to wit, that of "national defense." Of course we should not do anything drastic that may or can prejudice our national defense but I contend that the soundness of this argument is entirely dissipated because the terms of the bill under consideration make ample provisions for taking steps in case of imminent danger or great emergencies whereby the Government can immediately acquire temporary control over any area that might impede or tend to obstruct or interfere with national defense. In that respect the bill is definitely clear and nothing in this legislation, if adopted, can, as I see it, prejudice the rights of the Government in any way, shape, or manner.

It appears to me that it is a dangerous precedent to call on the judicial department of our Government to supply legislation that Congress failed to enact. That is exactly what has transpired to date because the Government presently is acting under a mandate conferred upon it by judgment or decree of a court. Candidly speaking, courts have no business to write into their decisions language that tends to legislate. That task is the business of Congress. It is the duty of our judicial department to interpret the law and with that accomplished the authority of the judicial department ends.

In the California decision the decree entered in part recited "that the United States of America is now and has been at all times pertinent hereto possessed of paramount rights, in, and in full dominion and power over, the lands, minerals, and other things underlying the Pacific Ocean," and so forth.

In the majority opinion the following language appears from which I quote:

> The crucial question on the merits is not merely who owns the bare legal title to the lands under the marginal seas. The United States here asserts rights in two capacities transcending those of a mere property owner.

The Court then defines these two capacities as that of national defense and conducting foreign relations.

It could be presumed that nothing might have transpired that would have disturbed the orderly process that heretofore prevailed concerning title to submerged lands, but because of modern trends toward the Nation's desire to expand and progress, scientists predicted

that oil would be found under the waters of the sea. I cannot comprehend what defense can be interposed to the charge that the States have been in control of submerged areas and tidelands for a period covering more than a century. There is ample proof to support this general contention sustained not only by judicial findings but by the acts and conduct of the people in charge of the respective State governments. In fact, for years enabling acts were passed by numerous State legislatures which steps were incidental to developing and exploring tide and submerged lands with a view of tapping whatever minerals might be found thereunder. Pursuant to these legislative acts, written leases were executed and entered into between the States and private enterprises and literally millions of dollars were invested pursuant to these agreements. The Government stood idly by for years and if at any time the rule of laches could be invoked it would seem reasonable that this plea could be honestly and definitely interposed to the claim made by the Government at this late date. This persistence and urgency on behalf of the Government in the light of what has transpired in the past strikes me as being most obnoxious and in the main is indicative of the fact that centralized government is reaching out for power, regimentation, and government control on a gigantic scale.

While it is true that the Government of the United States has already demonstrated that it can and has taken over facilities, the operation of which is in direct conflict with private enterprise, nevertheless it has never overreached itself to the extent that it is attempting to do in the instant case. To defeat this legislation would mean the acquiescence of the States in delegating to the Government authority that may have the most far-reaching detrimental and evil repercussions. If the Government is to prevail in its contention I have no hesitancy in saying that we are finally and definitely on the march to that of Government control over about everything that we own, eat, wear, or hope to possess or have title to in the future, whether the product involved be tangible or intangible.

Undoubtedly, governmental agencies who are pursuing this course are aware of the fact that presently the cry of national defense has a great emotional appeal and therefore the real merits of the issue at stake readily lend themselves to a state of confusion and marked differences of opinion. What reflects the real will of the people is the record that has heretofore been written in Congress. That record reveals that in every instance where that body has acted upon legislation dealing with submerged lands in contravention of what the Government attempted to establish by court decree, has been resolved in favor of State rights. It is a dangerous precedent to permit the Government to resort to the courts for redress in instances of this character. All this bill proposes to do is to once and for all establish certain fixed rights which heretofore have been considered as inalienable. To do otherwise we might well set the standard whereby we are treading on dangerous grounds and opening wide the doors to dictatorial, autocratic, and aggressive powers allocated to the Government which obviously never were intended to be conferred upon it by the provisions of our Constitution.

Undoubtedly we will hear much about selfish and special interests attempting to take over valuable assets and tangibles for private gain. This argument is fallacious in two respects—the present bill makes ample provisions for regulating the exploitation of submerged lands and contains specific terms whereby these lands may be explored and what remuneration is to be paid in case the State has conditionally parted with control of any submerged properties.

Secondly, the Government does not appear to be overly confident of its own position when defending against the doctrine of equity and good conscience. If this presumption is not well founded, then why does the Government throw a sop to the people in the guise of "support for education"?

Reflect for a moment upon the subtle move and ponder well the dangerous repercussions that can flow therefrom. I am not urging that it is fundamentally wrong for the Government in proper instances to give consideration to an appeal for aid to education in areas where facilities are woefully lacking for that purpose. In the instant case, however, I object strenuously to allocating funds obtained by the Government from exploiting submerged lands to sources relating to education. I oppose this move because such a gesture undoubtedly will be a step in the direction of the Government taking a hand in controlling our schools, and thereby laying the foundation for ultimately dictating what to teach and what to think.

If the States are stripped of the rights with which they apparently were invested until the highest court in the land decreed otherwise, and we here in this House fail and refuse to pass remedial legislation which would restore to the States that which they apparently have lost, namely, title to property over which they have been exercising control and dominion for many years, there is not much doubt in my mind that we are setting a dangerous pattern which momentarily or in time to come may continue to plague us in every instance where the sovereign power of the States comes in direct conflict with that of the National Government.

Mr. WALTER. Mr. Chairman, I yield 12 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, we are called upon to decide whether to adopt permanent legislation along the lines of the Walter bill, H. R. 4484, which would restore the titles of the States to the so-called tidelands and settle the matter once and for all, or to adopt the so-called interim bill by Mr. CELLER—House Joint Resolution 274—which would settle nothing but rather would confuse the issues.

First let me stress that it is absolutely necessary for Congress to adopt some kind of legislation on this subject. This may not be understood but it is an absolute fact. That legislation is necessary is admitted by the Supreme Court; it is admitted by the Department of Justice; it is admitted by the Department of the Interior; it is admitted by everyone.

Why is it necessary for Congress to act? The reason is simple. We must act because of the unusual and novel and heretofore unknown doctrine announced by the Supreme Court in the tidelands cases. Everyone in this body who is a lawyer knows that in an action involving title to real property the plaintiff must rely and recover, if at all, upon the strength of his own title and not upon any alleged weakness of the title of his adversary. If the Supreme Court had followed this simple rule of property law, we would not be faced with the dilemma we find ourselves in; but it did not do so. The Supreme Court criticized the title of the States but it did not hold that the United States had title to the subsoil of the marginal seas, which has become popularly known as the tidelands and which, for convenience, I will refer to as the tidelands. The Supreme Court only went so far as to hold that for purposes of national defense and international relationships the Federal Government has paramount rights and control over this area and the oil thereunder.

This decision of the Supreme Court is contrary to all of the previous adjudications on the question of ownership of tidelands. An early statement of the law is contained in the case of *Pollard* v. *Hagen* (3 How. 212), decided in 1844, as follows:

> First. The shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States respectively.
>
> Second. The new States have the same rights, sovereignty, and jurisdiction over this subject as the original States.

The law as announced in the Pollard case was aproved subsequently by 50 decisions of the Supreme Court and by 244 decisions of State and Federal courts.

The majority opinion in the California tidelands case itself—332 United States Reports, page 19—admits that the rule announced in the Pollard case was good law, as follows:

> 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.

Now, if the Supreme Court in 50 decisions believed and reasserted that the States owned title to the tidelands, so of course did all the States, and all the people, and all the lawyers in the United States. Accordingly, the States enjoyed, possessed and owned the tidelands for over 100 years, until the strange doctrine announced by the Supreme Court in the California, Texas, and Louisiana tidelands cases.

So completely unknown to the Anglo-American concept of property law was the pronouncement of the Supreme Court that it caught everyone by surprise; and we woke up to find out that there is no law on the books to give effect to the decision. In other words, the decree is not self-operative, and although the Federal Government is said to have paramount rights and control over the tidelands, there is no law on the books to authorize any Federal department to lease this area or to explore for and extract the oil from the earth.

So, as I said, we must decide whether to enact permanent legislation on the subject or to pass a so-called interim bill. The Walter bill would do two things—first, it would in effect carry out the Supreme Court decision by reasserting that the Federal Government has paramount rights and control over the tidelands for all constitutional purposes, including commerce, navigation, flood control, national defense, and international relationships. Then it would restore the title of the States, just like it was before the tidelands decisions.

There are some who say that the Supreme Court has spoken and Congress should not disturb its decision. The answer to that argument is quite simple. The Supreme Court was established to interpret the law, but it has no jurisdiction over matters affecting policy and wisdom of the law. The Constitution specifically provides that Congress has jurisdiction over the matter of disposition of Federal property. And in the past Congress has not hesitated to step in when the Supreme Court announced decisions contrary to congressional policy. A few years ago, Congress reversed the Supreme Court decision in the famous insurance case; and in the last Congress we had a bill to modify Federal decisions on the so-called basing-point problem.

But happily, we have a very recent precedent squarely in point. There was a similar case in Wyoming at one time. The State of Wyoming held, possessed, and enjoyed a school section of land for some 40 years, and then in 1947 the Supreme Court, from a clear, blue sky, held that Wyoming did not own the land. Valuable resources were involved, just as in the pending situation. Congress did not hesitate to pass a quitclaim bill which restored to Wyoming the section of land for simple reasons of justice, fairness, and equity. That is all we seek by the Walter bill.

Now let us take a look at the Celler so-called interim bill. The proponents of the interim bill are very frank to admit that sooner or later we must have permanent legislation on the books. They point out, however, that the President possibly would veto the Walter bill and that, therefore, we should have interim legislation for a period of 5 years. This, to my mind, would be an abject abdication of our duty as Members of the legislative branch, and I cannot subscribe to that view. We cannot, we must not cut the legislative cloth to fit the executive pattern.

Moreover, the Celler interim proposal, far from settling, would confuse the issues. Here are a few of the glaring defects in the Celler bill that would lead to confusion, uncertainty, and chaos.

The Celler bill does not clearly define inland waters as counterdistinguished from the marginal sea. This is important to every coastal State along the Pacific Ocean, the Atlantic Ocean, the Gulf of Mexico, and the Great Lakes. For instance, we cannot pin down the Department of Justice to a definite position as to the status of the Great Lakes under the tidelands decisions. Still, the Celler bill would leave title to the Great Lakes, to their shores and filled-in lands and improvements thereon hanging up in the air for at least 5 years.

I say at least 5 years, because once a so-called temporary measure is enacted there is great likelihood that it will remain on the books permanently.

The proponents of the Celler bill argue that the United States does not have or claim title to the inland waters. Yet, section 2 of the bill provides that—

> The Secretary is authorized * * * with respect to * * * tidelands or submerged lands beneath navigable inland waters within the boundaries of such State to certify that the United States does not claim any interest in such lands or in the mineral deposits within them.

If the United States does not claim title to the inland waters, what is the reason for the quoted provisions of section 2? If the Department of Justice has no intention to harass the States and their subdivisions in their possession and ownership of inland waters, why should they have to go to the Secretary of the Interior for a certificate?

Again, although the Department of Justice outwardly admits that the United States has no title to inland waters, section 3 of the Celler bill provides that:

> In the event of a controversy between the United States and a State as to whether or not lands are submerged lands beneath navigable inland waters, the Secretary is authorized * * * to negotiate and enter into agreements with the State * * * respecting operations under existing mineral leases.

If the fact that the United States does not claim title to any inland waters is an open and shut proposition, what is the necessity for the provisions of section 3?

Section 2 provides that the Secretary is authorized to certify that the United States does not claim any interest in inland waters, and section 3 provides that the Secretary is authorized to negotiate with the States on the subject. But suppose the Secretary refuses to issue a certificate, or refuses to negotiate; then what? There is nothing in the bill to compel him to do so.

It is clear that title to not only the inland lakes, including the Great Lakes, but title as well to all inland waters would be clouded and affected by the Celler bill for a period of 5 years, and perhaps permanently. This is so because far from forthrightly disclaiming title to inland waters, the Celler bill strongly implies, if it does not clearly assert, a claim thereto on the part of the United States. Under the provisions of the bill, every time a State, a county, or a municipality would want to do something about inland waters, it would have to come to Washington to beg for a "certificate" or for an audience to "negotiate" with the Secretary of the Interior on the subject.

The Celler bill is a companion to Senate Joint Resolution 20, introduced in the other body by the senior Senators from Wyoming and New Mexico. Former Senator Wheeler proposed an amendment to section 8 of the bill at the hearings before the Interior Committee in the other body. This amendment is found at the bottom of page 13 of the Celler bill, reading as follows:

> No provision of this joint resolution nor any authority granted thereby shall have application or be construed to apply with respect to any particular area or areas of the submerged lands of the Continental Shelf which may be described in any application for an oil or gas prospecting permit which was on file with the Department of the Interior 90 days prior to August 21, 1935.

It is obvious that the quoted provision would have the effect of exempting from the provisions of the bill particular areas of the Continental Shelf contained in applications for leases filed with the Department of the Interior 90 days prior to August 21, 1935. According to the testimony of Mr. William W. Clary, appearing at page 327 of the Senate hearings on Senate Joint Resolution 20, the purpose of the amendment is stated to be as follows:

> What Mr. Wheeler's amendment will do, however, is to pin-point four leases operated by Signal and Southwest, and remove them entirely from the scope of Senate Joint Resolution 20. The result would be that all leases issued by any of the States would be confirmed except four leases issued to Signal Oil & Gas Co., and Southwest Exploration Co.

And at page 314, Mr. Clary testified:

> What Mr. Wheeler's clients are trying to do is to take from the Signal and Southwest fully developed oil leases today producing 35,000 barrels of oil a day. That is what he is trying to take over, and he talks about equity. They have a filing fee and traveling expenses to Washington. That is what their equities are.

As you probably know, former Senator Burt Wheeler is a lawyer for a group of individuals who filed applications under the Mineral Leasing Act for leases affecting submerged lands leased by the States on competitive bids to bona fide oil companies and independent operators. These companies and operators have spent millions of dollars to purchase the leases from the States, to make geophysical and geological examinations, to develop the areas, and to produce the oil. Along the coast of the Gulf of Mexico alone they spent over $250,000,000, and up to now have only recovered back $20,000,000 of their investment.

If the above-quoted provision of the Celler bill is adopted, and if thereby the procedure of the Federal Mineral Leasing Act is made to apply to these areas, the clients of Mr. Wheeler and others would wipe out most of the leases previously granted by the States to oil companies who bought them in good faith.

For instance, Mr. Perlman, Solicitor General of the United States, testified before the Committee on Interior and Insular Affairs in the other body in connection with the so-called interim bill—Senate Joint Resolution 20—offered by the senior Senators from Wyoming and New Mexico. This was on February 19, 1951. In the course of examination, the Mineral Leasing Act came up for discussion, and Mr. Mastin G. White, solicitor for the Department of the Interior, was called in to the discussion. At page 35 of the hearings the junior Senator from Louisiana, Senator LONG, asked the following question to which was replied as follows:

Senator LONG. To apply that to a specific situation, let us assume that someone upon a State invitation to bid had sent a seismograph crew into the tideland areas, particularly in the offshore areas, and had discovered a very excellent prospect, and he had asked for the opportunity to bid under a State law, and had bid, let us say, $20 per acre, assuming that he had found a worthy structure.

Now after he had acquired that structure and gone to the expense of seismographing and exploring it, but before he had produced oil from it or commenced actual drilling, it would still be possible for a person applying for Federal lease, if the Federal Leasing Act were held to apply, to displace this person by a bid of 50 cents an acre for a lease, where the person under the State lease had paid $20 an acre, would it not?

Answer. That is right. The Department would issue a lease, if the Mineral Leasing Act applied, to the qualified person who filed the first application, and no bonus payment of any sort would be required, and the rental payments would be in the sums which were mentioned a moment ago, 50 cents an acre for the first year.

In order to set up a smokescreen and to confuse the public and Members of Congress, propaganda has been spread to the effect that the Walter bill would constitute a giving away of Federal property to the States.

It is well for us to inquire into the source of this propaganda. Let me demonstrate to you that at least some if not most of the grinders of this propaganda mill are more concerned about their selfish and greedy interests than they are about the national welfare and the Anglo-American concept of property rights.

The story about recent manipulations of land scripts is very interesting.

In order to compensate a heroic deed during the Revolutionary War, the Father of our Country, George Washington, recommended the issuance and there was issued to a certain individual a script entitling the holder, his heirs and assigns to claim a tract of land in the public domain. After the War of 1812 and more prominently after the Civil War, practically similar scripts were issued to soldiers in lieu of a cash bonus.

As a title lawyer, I frequently ran across patents issued in Louisiana based on these scripts, especially those awarded after the Civil War. I thought and I supposed practically everyone in the United States was under the impression that these scripts had been exhausted. But to my great surprise after the tidelands agitation, a group of alert speculators went around the country and bought some of these scripts from the heirs and assigns of the original holders. I am informed that these scripts involve some 1,900 or more acres of land; that is they entitle the holders to lay claim to approximately that number of acres of the public domain.

After corralling the scripts, the speculators thereupon "split" them up and very ingeniously "filed" for about 20 acres of land around practically every producing oil well in the marginal sea along the coast of Louisiana. In other words, by virtue of this questionable procedure, the holders of these scripts are fixing to claim ownership of about 20 acres of land around each well. If they should succeed we would wake up to find out that the oil in this part of the Continental Shelf would belong neither to the States nor to the Federal Government but to the speculators.

You will see, therefore, how important it is to separate the sheep from the goats, the wheat from the chaff, and the truth from propaganda. And this makes it doubly important for us to adopt the Walter bill.

Some people were lulled into a sense of security by the statements of Mr. Perlman to the effect that the Federal Government did not claim inland waters and would not harass property owners, port authorities, and others.

But recently they were rudely surprised. The Federal Government has filed a lawsuit in California that confirms the worst suspicions of all of us. The plaintiff in this suit is, of course, the United States, and the defendants, some 16,000 in number, live and own property along the Santa Margarita River. The purpose of this suit is apparently to broaden the paramount doctrine of the tidelands decision of the Supreme Court in order to make it applicable to inland streams as well as the offshore waters. The Santa Margarita River is a long inland stream in California, and the Government has established Camp Pendleton along its banks. Now this same Government through its bureaucratic lawyers, is seeking to establish rights to the use of the waters of the Santa Margarita River, as against the rights of the riparian owners. What this suit adds up to is that the rights of the 16,000 defendants under their title papers count for nothing, and all the rights of the United States are paramount and superior to those of the defendants because of national defense. That is, the property rights, the most sacred inheritance of the Anglo-American law are all subordinate to the rights of the Federal Government. I think it demonstrates with crystal clarity the intent of the "planners" who would divest us of our tidelands, our river waters, and our whole concept of private ownership. It is time that Americans everywhere awaken to the dangers that lie before us.

The Celler bill would perpetuate and add to the confusion and turmoil and uncertainty and chaos which were heaped upon us as a result of the Supreme Court decisions in the tidelands case. The Walter bill would solve and end the troubles once and for all; we should therefore vote down the Celler bill and approve the Walter bill.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. WALTER. I wish to call the gentleman's attention in that connection to the fact that one Robert Curtis who is promoting the Shore Line Oil Co. in a letter to a prospective customer said that the law firm of Wheeler & Wheeler has a suit pending to compel the issuance of those permits. He goes on further and says that favorable action is expected by the new Secretary, Mr. Oscar Chapman, who has stated that he intends to reinstate the applications as soon as the Louisiana and Texas tidelands cases are decided.

Mr. REED of Illinois. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Miss THOMPSON].

Miss THOMPSON of Michigan. Mr. Chairman, as a member of the Judiciary Committee and a legal resident of the State of Michigan, I rise in support of H. R. 4484, known as the tidelands bill.

The great State of Michigan has a coastline of more than 2,000 miles; it has more coastline than any other State in the Union. We have no oil in our submerged lands. We develop our coastline for resort purposes, and the resort business has been one of the greatest industries in the great State of Michigan. We do not want the Federal Government to get its foot in this door.

The principal importance of this bill, of course, inures to the States of California and Texas. For more than 100 years they enjoyed the rights and privileges of their submerged lands. When the Federal Government discovered that these lands were valuable they immediately sought to get possession of them.

I hope that H. R. 4484 is passed by this House.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Montana [Mr. MANSFIELD].

Mr. MANSFIELD. Mr. Chairman, on the basis of decisions already made by the Supreme Court, I believe that title in the submerged lands has been vested in the United States and, unless quitclaim legislation such as this is enacted, will remain so.

The Supreme Court of the United States on June 23, 1947, rendered an opinion in the case of United States against California and on June 5, 1950, rendered opinions in the cases of United States against Louisiana and United States against Texas, holding that the United States has paramount rights in, and full dominion and power over, the submerged lands of the Continental Shelf adjacent to the shores of California, Louisiana, and Texas, and stated that the respective States do not own the submerged lands of the Continental Shelf within their boundaries.

At the present time the American system of primary, secondary, and higher education faces a financial crisis of severe magnitude because of the unusually large growth in the school-age population, because of the inadequate supply of teachers, and because of the

deteriorating and infirm physical plant of the American educational system.

In my opinion the children of the United States—not oil—are this Nation's most precious natural resource and their education has from the beginnings of this Republic been traditionally held most dear by all Americans.

OIL FOR EDUCATION

The amendment I will offer to H. R. 4468—House Joint Resolution 296—in brief, provides that the Secretary of the Interior shall issue the mineral leases covering the submerged lands, and shall require the payment of royalties on such leases. The royalties are to be earmarked in the Federal Treasury for the specific purpose of grants-in-aid of education to the 48 States.

This amendment is substantially the same as the "Oil for education" amendment to be offered in the Senate by Senator LISTER HILL, of Alabama, and 10 other Senators.

These royalties are to be used, not as a substitute for the regular annual grants for aid to education now being considered by the proper committees of the two Houses, but as a supplement to whatever aid Congress may eventually authorize. I ask that this be clearly understood. For one reason, the amount of these oil royalties will vary considerably from year to year. The amount of oil taken annually from the so-called tidelands will depend upon a complex variety of world-wide economic conditions, including the availability of supply from the Middle East, the need for conservation of oil for future defense purposes, and the market demand at home and abroad for the product. There is available no satisfactory method of forecasting the future.

Since the royalties, and therefore the amount of money, available for education will vary so considerably from year to year, and because the formula for making grants-in-aid from such funds will therefore be so complex, the sponsors of this measure in the House and Senate have thought it desirable to create a 12-man Commission which we have called a National Advisory Council on Grants-in-Aid of Education. The function of this council under the terms of this amendment is to study the national educational problem, to make estimates of the minimum and maximum limits of the amount of money that may be available, to recommend how best this money can be applied to the needs of education and to report to the Congress by February 1, 1953, a plan for its equitable allocation to the 48 States.

I cannot underscore too strongly the fact that we have conceived that this Council must be a nonpolitical, nonpartisan group selected from the experienced educators of the Nation. Unless these 12 are men of great experience and irreproachable character our plan will be doomed to frustration. To safeguard its nonpolitical nature we have provided that half of the members of the Council are to be members of the Democratic Party and half are to be selected from the Republican Party. Four are to be appointed by the Speaker of this House, four by the President of the Senate, and four by the President of the United States. Two of each four must be Democrats and the other two must be Republicans. This formula was used in the Eightieth Congress for the appointment of the Hoover Commission. I think my colleagues in this House will agree that during the 2 years of its existence no breath of suspicion of partisan purpose was ever directed against it or any of its 12 members.

It is not my purpose in offering this amendment to join in this complicated and technical controversy revolving around the ownership of these offshore lands. The Supreme Court of the United States has twice determined the question in unmistakable language. The high Court has ruled that this oil, which the Geological Survey has estimated to be worth at least $40,000,000,000 at present prices, belongs to all the people of all the States. In my view the issue of ownership is no longer in controversy.

It is, however, my desire to emphasize once more to the Members of this House the crucial financial crisis which our American educational system faces. I know that it is not precisely a secret to any of my colleagues. I do, however, believe the actual bare figures will bring a new sense of shock to them as they did to me despite our mutual awareness of the crisis.

Our children, yours and mine, and those of our constituents, are the most precious asset this Nation has. They are America's greatest single natural resource. Their independence of mind, their individuality, their ability to think for themselves and to speak and act for themselves are what we hold most dear. It is their heritage as it was ours. As often as we are confronted with today's specter of Communist totalitarianism just as often do we take comfort in the ability of our young Americans to take care of themselves. They have always had this ability in the past. It is in the American tradition. But they have had it mainly because of our great system of education, a system which today is deteriorating and is in serious danger of breaking down. We have been blessed in times of international danger with the engineers, the chemists, the inventors, the technicians, the mechanics, the scientists, the military leaders who have always been imaginative and ingenious enough to protect our people.

Are we today so sure that this supply of American talent will always be available to us in the future? Ten years, 20 years from now, what kind of education can our children thank us for? Let us take a look at the record.

In 1947 the elementary-school enrollment in public and private schools was 20,300,000 children. By 1957 it is estimated that this enrollment will be 29,500,000. In this 10-year period our school-age children will have increased 50 percent.

Although there has been considerable school construction in the 5 years since the war, the school buildings going up are merely replacing obsolete and unsafe school plants. They do not even begin to touch the problem created by the increased enrollments. It has been authoritatively estimated that it would cost around $11,000,000,000 over the next 10 years to construct the classrooms to meet the needs of our growing school population.

This neglect now puts us in a serious dilemma. First the depression and then World War II brought school construction to a standstill. At the same time building costs have doubled over the past 25 years. The longer we have waited the more we must pay.

Also, just as more and more of our children reach school age, so are more and more of our teachers leaving the schools. This is just as true today as it was during World War II. The labor supply is tightening and the teachers are leaving their low-paid jobs to go into defense work. During World War II 350,000 teachers left the profession. Most of them did not return. Why? The answer was given in one paragraph from the lead editorial in Collier's for July 28, 1951:

> The average pay for elementary teachers during the past school year was less than $40 a week in 10 States, according to NEA figures. Twenty-one States paid less than $50 a week, and 37 States less than $60 a week.

There are no replacements coming up. the 1951 National Teachers Supply and Demand Study reveals that this year only 32,000 qualified elementary school teachers will graduate. That is the national supply. What is the demand? In 1951, this year, we will need 60,000 teachers merely to replace those who retire; we will need 10,000 teachers to meet the demands of increased enrollments; we will need another 10,000 teachers merely to relieve overcrowding; and we need thousands more to replace unqualified temporary teachers.

In the postwar years a very little, not much, has been done to raise teachers' salaries. But the few raises have long ago been wiped out by our spiraling inflation. Teachers' pay has not kept pace with our people's pay. In 1949 they earned 99 percent more than in 1940, yet the average employed person earned 120 percent more.

School financing is a serious local problem. As the Federal Government takes more in taxes for purposes of defense there is less for our local tax systems, which have in the past taken care of our school problems. And that is one great additional virtue of this "oil for education" amendment. It puts no additional burden whatsoever on the back of the taxpayer, since whatever grants-in-aid are made to the 48 States will not come out of his pocket but out of oil royalties.

I have summarized as briefly as I can the financial crisis in the education of America's children. We must supplement the funds for education or in a few short years our own children will be inadequately educated. Our illiteracy rates will start rising again.

In 1949 we spent approximately $5,000,000,000 for the cost of public schools, private schools, parochial schools, colleges, and universities. In that same year we spent more than

$7,000,000,000 for foreign aid and $12,000,000,000 for defense. In my opinion, the dollars for foreign aid and national defense were money wisely spent. But we did not spent enough to educate our children at home. This amendment is a method for increasing our educational facilities without spending more tax money.

Tidelands oil has been a controversial issue for the past 10 years. It has been fought out on the political platforms, in the courts, and in the Congress. I suggest to all of you that here in this oil-for-education amendment you will find a reasonable, in fact, an idealistic, compromise for both sides. In accepting this compromise we will be contributing in the most direct way possible to the future of America.

House Joint Resolution 296

Joint resolution to provide that royalties received under certain mineral leases covering submerged lands of the Continental Shelf shall be set aside in the Treasury for use as grants-in-aid of education, and for other purposes

Whereas the Supreme Court of the United States on June 23, 1947, rendered an opinion in the case of *United States* v. *California* and on June 5, 1950, rendered opinions in the cases of *United States* v. *Louisiana* and *United States* v. *Texas*, holding that the United States has paramount rights in, and full dominion and power over, the submerged lands of the Continental Shelf adjacent to the shores of California, Louisiana, and Texas, and that the respective States do not own the submerged lands of the Continental Shelf within their boundaries; and

Whereas the American system of primary, secondary, and higher education faces a financial crisis of severe magnitude because of the unusually large growth in the school-age population, because of the inadequate supply of teachers, and because of the deteriorating and infirm physical plant of the American educational system; and

Whereas the children of the United States are this Nation's most precious natural resource and their education has from the beginnings of this Republic been traditionally held most dear by all Americans: Therefore be it

Resolved, etc., That the Secretary of the Interior, under such regulations and subject to such terms and conditions as he may prescribe, is authorized to issue mineral leases covering the submerged lands of the Continental Shelf. The Secretary shall require the payment under each such lease of a royalty of not less than 12½ percent of the amount or value of the production saved, removed, or sold under such lease.

SEC. 2. All moneys received by the Secretary of the Interior from leases issued pursuant to this resolution shall be held in a special account in the Treasury during the present national emergency, and until the Congress shall otherwise provide the moneys in such special account shall be used only for such urgent developments essential to the national defense and the national security as the Congress may determine. After the termination of such national emergency the moneys in such special account shall be used exclusively as grants-in-aid of primary, secondary, and higher education.

SEC. 3. There is hereby created a National Advisory Council on Grants-in-Aid of Education (hereinafter referred to as the "Council"), to be composed of 12 persons having experience in the fields of education and public administration, 4 to be appointed by the President of the Senate, 4 by the Speaker of the House, and 4 by the President of the United States. No more than two from each group of four appointees shall be members of the same political party. It shall be the function of the Council to formulate and transmit to the President of the United States, for submission to the Congress not later than February 1, 1953, a plan for the equitable allocation of the moneys available under section 2 for use as grants-in-aid of primary, secondary, and higher education.

SEC. 4. It shall be the duty of every State or political subdivision or grantee thereof having issued any mineral lease or grant covering submerged lands of the Continental Shelf to file with the Attorney General of the United States on or before December 31, 1951, a statement of the moneys or other things of value received by such State or political subdivision or grantee from or on account of each such lease or grant since January 1, 1940, and the Attorney General shall submit the statements so received to the Congress not later than February 1, 1952.

[From the St. Petersburg (Fla.) Times of June 23, 1951]

TIDELANDS OIL FOR BETTER SCHOOLS

Once again an attempt is being made by the three big oil States of California, Texas, and Louisiana to persuade Congress to upset the Supreme Court decision that oil beneath the waters of their shores is the property of the United States.

By log rolling tactics they succeeded in getting one such law passed, but President Truman vetoed it. The President has said he will veto any similar measure again, but it is possible that right now Congress might be in the mood to override him.

In an attempt to prevent this selfish grab, Senator LISTER HILL and 10 of his colleagues have come up with a plan that goes clear back to John Quincy Adams. It was Adams who first proposed the system of land-grant colleges, although it was not until President Lincoln's administration that it was adopted.

Senator HILL's proposal is threefold:

1. The States off whose coasts oil is produced would receive 37½ percent of the royalties and other revenues collected from the oil companies;

2. Until the present emergency ends, the remaining 62½ percent would be devoted to national defense;

3. When the funds are no longer needed for defense purposes, they would be used for Federal aid to education in all the States.

Although it was overlooked in the general confusion of the MacArthur hearings, Senator HILL made an eloquent speech when he proposed this solution. In part he said:

"Every sector of American education has its back to the wall. Our school buildings are overcrowded. The grammar schools in the next 4 years will receive the largest number of children in our history.

"Our postwar babies have come of age—school age. This tidal wave of 6-year-olds will soon inundate the rickety structure of primary education, tottering under its present load. Every State in the Union needs grammar-school teachers and grammar-school buildings.

"The same is true of our high schools.

"We must not lose this opportunity. There is enough to go around if we use our assets wisely. It will do this Nation little good in meeting its problems of tomorrow if the children of Louisiana and California are well educated—from oil—when their brothers and sisters from Alabama and Oregon are not equally educated, only because they were not lucky enough to be born adjacent to the oil that belongs to the United States."

Then the Senator emphasized something with which we in Florida are especially familiar; that is, that in this era of migration from State to State no particular State can be an insulated island, "concerned only with the education of the children who live within its borders at a given moment."

A great many of the citizens of California and Texas, he pointed out, were educated in other States. Thus California and Texas have been spared the expense of educating these residents—and at the same time are directly affected by the educational standards of other States.

Many of Florida's adults have been educated elsewhere, too. Therefore, although that cost Florida nothing, it is of concern to us if these new Floridians received a poor education elsewhere.

Conversely, each year Florida spends hundreds of thousands of dollars educating the children of out-of-State visitors. Therefore, our school standards should be of concern to their home States.

The United States Geological Survey estimates that there may be $40,000,000,000 worth of oil in the offshore deposits. Since Florida has the longest coast line of any State in the Union, it is conceivable that great riches may be discovered off our shores.

Nevertheless, we believe that most Floridians would agree that Senator HILL's proposition is a fair one. We hope the Senate gives it careful consideration.

[From the Washington (D. C.) Post of June 14, 1951]

OIL AND EDUCATION

Speaking for a distinguished group of his colleagues, Senator HILL has proposed an imaginative and appealing solution for the so-called tideland oil controversy. Congress has been deadlocked as to disposal of the valuable mineral resources lying submerged off the shores of California, Texas, and Louisiana ever since the Supreme Court declared authoritatively that paramount rights and dominion in this area were vested in the Federal Government and not in the States. Legislation designed to give this rich national heritage away to the littoral States has been vetoed by the President and presumably would be vetoed, if necessary, again. Bills approved by the administration and intended to provide for the orderly Federal management of the offshore deposits have remained pigeonholed in committee. Senators HILL, DOUGLAS, MORSE, BENTON, TOBEY, NEELY, SPARKMAN, KEFAUVER, CHAVEZ, HUMPHREY, and HENNINGS have come forward, therefore, with a new approach to the problem.

Their idea, in brief, is to dedicate the revenue anticipated from the submerged oil to the long-range education of the Nation's children—all its children—and to place it in a special account for that purpose in the Federal Treasury. Temporarily, while the national emergency continues, money derived from the oil would be used only for urgent national defense purposes. In order to make wise use of the oil revenue, the Senators propose the establishment of a national advisory council on grants-in-aid of education which will recommend a program for the allocation of the funds in support of the country's schools and universities. This allocation is not intended as a substitute for but rather as a supplement to any program of Federal aid to education to be paid for out of tax revenues. The Senators' plan would indorse a provision already agreed to by the administration giving 37½ percent of all the oil revenue to the individual States adjacent to the marginal sea area from which it was produced.

The plan seems to have the virtue of solving two major problems at once. It provides a reasonable way out of the tideland impasse. And it affords a practical means of meeting the serious national crisis in education. The submerged mineral resources constitute a tremendous capital assets—estimated by Senator HILL to be worth more than $40,000,000,000—the income from which could go far toward shoring up our collapsing public-school system. Ordinarily, of

course, the dedication of Federal revenue to special purposes is poor budgetary practice. But in this situation the need and the means seem almost providentially juxtaposed. There is, moreover, an admirable precedent for the devotion of a national resource to the advancement of education. The country's great system of land-grant colleges was created through grants of public lands under the Morrill Act of 1862. The Nation has benefited immeasurably from this wise use of a national asset.

Senator HILL's proposal has the great additional virtue of dramatizing for the whole American people the meaning and the potentialities of the disputed oil off the country's coasts. What the States' rights Congressmen have been attempting to give away to three States of the Union is a national inheritance of tremendous value—an inheritance capable of nourishing the intellectual growth of the entire Nation's youth. Education is a pressing problem, a national problem. It knows no State boundaries; it cannot be solved by local or even by sectional means. It is peculiarly fitting that it should be solved by the National Government and by means of a national asset in which all Americans are entitled to share. Senator HILL and his associates have issued a challenge to the vision and statesmanship of Congress.

[From the New York Times of June 19, 1951]

UNDERSEA OIL

With a determination that would be admirable were it exercised in a better cause, the States of California, Louisiana and Texas are doggedly pursuing that pot o' gold (liquid variety) that lies beneath their marginal seas. The goal is the oil to be found seaward of the low-water mark. It constitutes a tremendous natural resource that the Supreme Court has, in effect, repeatedly ruled does not belong to the coastal States but to the Nation as a whole. Time after time legislation has been introduced in Congress to donate these offshore oil areas (misnamed tidelands) to the States, and in 1946 such a bill was actually passed and had to be vetoed by the President. But the issue has never been allowed to die. Indeed, it cannot die until some new legislation is adopted either to permit the normal private exploitation of the offshore fields to go forward under general control of the Federal Government, which we think would be the proper action of Congress, or to turn the properties over to the States.

The appropriate committees of both Houses of Congress are now considering the issues. Only a few days ago a House subcommittee favorably reported—for the *n*th time—a quitclaim measure that is just what the coastal States want. When the Attorney General of California visited the President the same day to urge the merits of this idea—for the *n*th time—Mr. Truman is reported to have said that he would again have to veto any such bill. On the Senate side, the Interior Committee last month approved in principle a measure almost equally opposed by the administration, which would provide temporary State control over the disputed areas. One method of resolving the impasse was advanced recently by a bipartisan group of Senators. While leaving the oil wells under Federal ownership, it would earmark the huge revenues to be derived from offshore oil production for the support of American education. The idea clearly has considerable appeal, and, while it may be difficult to work out, it certainly deserves further exploration. Meanwhile it is imperative that the oil lands remain where they belong, in the hands not of a few individual States but of all the United States of America.

Mr. REED of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HILLINGS].

Mr. HILLINGS. Mr. Chairman, I rise in support of the Walter bill to restore the ownership and control of the submerged lands to the States. It is a particular pleasure for me to join in the statements made by my colleague, the gentleman from Maine [Mr. FELLOWS] and others on the floor of the House this afternoon who paid such high tribute to the gentleman from Texas [Mr. GOSSETT]. It has been a distinct honor for me as a new Member of Congress to serve on the Committee on the Judiciary, particularly so because I have had the benefit of the counsel and the inspiration that all of us on that committee enjoy from the gentleman from Texas [Mr. GOSSETT]. Like the other Members of the House, I, too, regret his leaving this body and wish his success in all future endeavors.

Most of the chief arguments have been very strongly advanced in the course of the debate this afternoon on this important legislation. The gentleman from Texas [Mr. GOSSETT], the gentleman from Pennsylvania [Mr. WALTER], the gentleman from Illinois [Mr. REED], and others supporting this bill have brought out, much better than I could, the strong reasons why this legislation should be approved. But I should like to confine my brief remarks in the course of this debate to an effort to clarify some of the facts that have been very grossly misrepresented by the newspaper and radio commentators and others who oppose this bill. There has been a tremendous amount of propaganda advanced during the past few weeks in opposition to this legislation, propaganda containing many misstatements.

Right at the outset, probably the most vicious piece of propaganda that has been used is the charge that all those who support this bill are in favor of the oil lobby and are opposed to the principle of education. So clever has been the propaganda device that we have already had legislation introduced in the Congress which would supposedly set up a Federal aid to education program if the Federal Government should own and control and take the royalties from the leases of the submerged lands throughout the country.

Actually, in my opinion, that legislation is the true oil company bill, for under House Joint Resolution 296, discussed a minute ago on the floor, the oil companies would pay a royalty of as little as 12½ percent for their leases, while under the present laws and regulations they pay anywhere from 25 to 35 percent in royalties to the States. Of course, much of that goes for education at the present time. Actually under House Joint Resolution 296, ostensibly a bill for education but which is truly the oil-company bill, the oil companies would only have to pay approximately 12½ percent to the Federal Government in royalties.

Mr. REED of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HILLINGS. I yield.

Mr. REED of Illinois. In connection with the propaganda concerning education, I received a telegram 2 days ago reading as follows:

> We oppose favoring a few States with tidelands oil benefits and consequently support House Joint Resolution 296.

It is signed by Irving F. Pearson, executive secretary, Illinois Education Association. I replied to him as follows:

> In other words, you consider it to be morally right for the Federal Government to confiscate and take unto itself property that it has acknowledged for over 100 years as belonging to each and all of the individual States simply because three of them produce valuable income for their owners. You would sit supinely by and await the next step which will be the seizure of the inland rivers and the vast area of your own State that lies under the waters of Lake Michigan.
>
> And all because one man, not connected with the Government, but speaking in behalf of a lawyer who represents oil companies desirous of obtaining Federal leases, has suggested that revenues received from such leases should be divided up among the States for aid to education.
>
> If, by chance, the action you propose, and the hopes you dream of should become a reality, you will wake up to find that the ownership of Lake Michigan and the inland waters of your own State of Illinois will have been sacrificed and the members of your own organization shackled forever by the tentacles of Federal control of education.
>
> I am not in favor of House Joint Resolution 296, which you advocate, but I shall support H. R. 4484 which confirms the title of all the States in lands beneath the navigable waters within their boundaries, and if this bill is passed and vetoed by President Truman, I shall vote to repass it over his veto.

Mr. HILLINGS. I thank the gentleman from Illinois. I heartily concur in his remarks. I think that points up again the fact, which cannot be emphasized too much because of the confusion resulting from this propaganda, that the real oil lobbyists are opposed to the Walter bill. They have a bill of their own and that is House Joint Resolution 296.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. HILLINGS. I yield.

Mr. HINSHAW. I think it ought to be pretty well understood by Members of the House who are not fools—and none of them are—that the oil companies do not care what the money is used for which they have to pay in royalties. But if they can get a reduction in the royalties which they now have to pay to the States, they are so much better off in their own pockets. This bill and others like it make that kind of provision in their interest.

Mr. HILLINGS. The gentleman is correct.

Mr. Chairman, it has also been charged in the course of the discussions on the Walter bill that this legislation to restore ownership in the submerged lands to the States is a gift to the States. It is no such thing; it is a bill to correct an injustice; it is a bill to restore ownership—ownership which was in each of the 48 States for over a hundred years prior to the case of United States against California, decided in 1947. That ownership was upheld and confirmed by some 53 previous decisions of the United States Supreme Court. It has also been charged that only three coastal States

are interested and involved in this legislation; and that if the Walter bill is approved only three States would benefit. Of course that is not true. It is part of the propaganda technique of divide and conquer. All 48 States have a very definite interest. All 48 States would be definitely benefited by the Walter bill because all 48 States in the Union have submerged lands. They do not necessarily all have to be on the coast. Some of the States have within their boundaries oil, kelp, coal, copper, fish, sand, gravel, and numerous other minerals—all of which they should be allowed to own and develop.

It has also been pointed out previously that in passing the Walter bill the Congress might be acting adversely to the decisions of the United States Supreme Court. But in the famous decision in United States against California the Supreme Court—and a careful reading of the decision will certainly bring this out—the Supreme Court actually requested some action by the Congress to clarify the crucial situation which exists and to clarify the question of ownership. In following that recommendation of the Supreme Court for congressional action we are living up to the recommendation made. It also should be remembered that the decision in the California case, which took away from the States and gave to the Federal Government the submerged lands, by a 4-to-3 decision, not even a majority of the members duly constituting the Supreme Court actually decided in favor of Federal ownership of the submerged lands.

There has been another argument advanced, and that is that no State has to worry about the Federal Government endeavoring to take away any of its inland waterways. The gentleman from Maine [Mr. FELLOWS] pointed out a case, which is underway in California, the so-called Fallbrook case, where the Federal Government is endeavoring to take over the ownership and control of the water in a river and the water rights underneath the river. It is doing it as the complaint filed by the Department of Justice declares under its theory and doctrine of paramount rights, the same theory that was followed by the Department of Justice in the tidelands cases.

Consequently this is certainly an extension of the power and authority the Federal Government claims it does not really want to assert toward inland waters, rivers, streams, and other natural resources within the States themselves. So the Federal Government could do the very thing the opponents of this bill say it does not want to do. The Federal Government has done it in the case of California. It can do it in any State in the Union. It would mean that any waterway of any State would certainly be subject to being seized, controlled, dominated, and owned by the Federal Government, following the theory of the tidelands case.

I hope that the Walter bill will be approved.

The CHAIRMAN. The time of the gentleman from California [Mr. HILLINGS] has expired.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from West Virginia [Mr. RAMSAY].

Mr. RAMSAY. Mr. Chairman, this is a bad bill, because, in the first place, it attempts to set aside decisions of the Supreme Court.

In the second place, insufficient discussion was had in the full Judiciary Committee. Young members of the committee complained they had no time to go into the issues involved. Finally, from a purely selfish standpoint, any Member from a State, other than the three most vitally effected—California, Louisiana, and Texas—who votes for the bill as reported to the House will be voting away rights of his own State in favor of those three States.

This bill places responsibility of ownership, control, and title of tidelands in individual States. These particular States want this ownership only because of the oil deposits beneath these lands. I doubt if they want the responsibility also, which goes with ownership and title—the responsibility to protect and the responsibility of negotiation. We know that oil arouses controversy. Right now the world is facing a crisis over oil in Iran.

In claiming title to lands extending out into the seas, these States are seeking, individually, title to land and mineral deposits to which a foreign government—Mexico perhaps—might also claim title.

Could the State of Texas, for instance, negotiate a treaty with Mexico; could it enforce its ownership, if Mexico moved to seize these lands? Would the State of Texas have any standing before an international tribunal set up to settle any such dispute arising? Obviously, the answer is no. Because, under our constitutional system, no State is equipped with powers that would enable it to protect and assert the dominion which this bill seeks for the separate oil-bearing States.

The Supreme Court took cognizance of this point in its three decisions on this whole question of ownership of tidelands.

Only three States are primarily concerned in this problem. Did the State of California, for instance, insist on its ownership of tidelands area when it accepted Federal funds and Federal supervision for the development of the great artificial harbor for Los Angeles?

Did the State of Texas insist it was the sole owner of tidelands when the Federal Government developed the great artificial harbor for Houston?

Has the State of Louisiana insisted on its right of ownership during the years when the Federal Government was developing the port of New Orleans; when it was building levees and so forth? Or when it was developing the intracoastal waterway?

It would seem to me that if this legislation is enacted into law, it would necessarily follow that the Federal Government would present a bill to each of these States, to cover the cost of all waterways and harbor development which has taken place in the areas covered.

The answer is an obvious negative. These States no more insisted on their rights of ownership under these circumstances, than did my own State of West Virginia insist on it right of ownership when the Army engineers developed the channels of the Ohio River, the Kanawha, and the Monongahela.

The Kanawha River lies entirely within West Virginia. The upper reaches of the Monongahela lie entirely within West Virginia. The western border of West Virginia, along which the Ohio flows, extends to the normal water level of the west bank of the river. So for many miles, this great waterway lies, legally, entirely within West Virginia.

This bill is presented as "States rights" legislation. This is an appealing argument, because everyone is for "States rights." It is like being against "sin."

Unfortunately, a vote for this bill is a vote against States rights, for it will give to three States property which the court declares has for years been the property of all the people in all 48 States. If I voted for this bill, I would be voting away property rights of the two million residents of West Virginia and of all the other millions of Americans not residing in California, Louisiana and Texas. I could not support this legislation, unless the people of West Virginia, by a referendum, had waived their rights to property, which according to the court for years has belonged, in part, to them.

Arguments by proponents of state control of marginal sea oil rights are hard to follow. Yet, they are exhausting every means available to deny the people as a whole, what the Supreme Court, three different times, has declared rightfully belongs to them.

At first, they tried to frighten the American people by the bogey of Federal invasion, although the Government's complaint and the opinion of the court, only applied to submerged land seaward of the ordinary low-water mark.

The gist of the complaints and arguments now being advanced, are that the decisions of the Court were not sweeping enough, and therefore Congress must step in and pass some such legislation as now found in H. R. 4484, and until such time as Congress does decide, the States should be allowed to administer such oil lands.

In effect, what this bill is saying is that the full dominion and power, which the Federal Government exercises over these lands now, fully confirmed by the decisions of the Court, do not carry the right of administration, but the absence of any rights of ownership gives the States full right of control and administration.

Such a policy, if adopted, either by Congress or the Interior Department, would result only in confusion compounded and a direct challenge to the authority of the Supreme Court.

Under our constitutional authority, the Supreme Court of the United States is

given sole right to settle disputes in which the United States is a party.

It is conceded by all that Congress has the constitutional right to dispose of public lands of the United States, but Congress does not have the power in the first instance, to legislate on the titles of ownership to such property. This is a judicial matter, that can only be passed upon by the courts. Particularly is this true where States are involved, and are parties to suits where the question of title is involved.

In the cases already considered by the courts involving ownership, it is immeterial that the term "paramount rights" was used to describe the interest of the Federal Government, instead of the often used "proprietary rights," "fee title," and so forth.

It is quite obvious from a fair reading and determination of the three decisions. what those rights encompassed.

In the express words of the Court:

> The Federal Government—rather than the State—has paramount rights in and power over the disputed belt, with full dominion over the resources of the soil under the water, including oil.
>
> Dominion in law means absolute ownership and also means the largest or fullest right or power over any determinate thing; also unrestricting power of disposition.

Notwithstanding the three decisions of the Supreme Court of the United States, the proposed H. R. 4484 dodges these facts and declares that "if" the Government has any claim of title, then by such bill, title is released.

"If" it has not title, why the proposed bill?

I believe this is the first time Congress has ever been called upon to enact a statute on the hypothesis of an "if." In the familiar press-conference words of the late President Roosevelt, "it is too iffy."

The bill would have Congress ignore and disregard the three decisions of our Supreme Court of the United States and declare the decisions of the State courts to be binding on Congress and the Federal Government, on all questions relative to dominion and control over the ownership of the lands beneath the seas and all navigable waters, and the sole right of control to develop and use said natural resources—meaning oil lands.

At the same time, it provides that when danger of war approaches, and the destruction of all sea-coast construction is probable, then the Federal Government will have first refusal to purchase at the prevailing market price all or any part of such oil lands and developments.

Such action on our part would reward trespassers, who, under the Supreme Court ruling, have no right or title, and grant to them control of the public domain in perpetuity, so long as oil can be extracted.

They admit rich profits. They have built up great reserves. They have made investments in other companies. Out of what? Property, of course—but property which belongs to the Government—all the people of America.

We are worrying about taxes, deficits, and debts. Why should we worry about all these when we stand by and permit holders of void oil leases to make millions, and take over Government property rights valued at an estimated 40 billions. These same people have already amassed their wealth and become rich at the expense of the public domain.

This is the issue as it appears to me. Only those leases at one time illegally granted, but where the owners can show clean hands, should be recognized and permitted to continue.

Let us remember that the Supreme Court represents all the people of the United States and is free from the influence of lobbies and pressure. On three different times, this court declared:

> 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.

In another decision, the Court declared:

> The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.
>
> This is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty.

To grant this sovereignty away, if we can, would leave the Federal Government helpless to aid its people and its States in case of contests in international disputes over ownership or control.

This bill ignores the right and duty of the Supreme Court of the United States to determine title of the lands, within the 3-mile limit, and declares such title to be in the adjoining State, and without the consent of the various States, conveys millions of dollars belonging to all the States and peoples of America, to States adjoining all the lands and minerals underlying Government-owned lands, beneath navigable waters, within the boundaries of the favorite States.

If we pass this bill, we will announce to the world that Congress can and does put on the greatest "give-away programs" in the world.

You may call this tideland legislation, or whatever you please, but in reality it is a gift of oil lands owned now, and ever since the Federal Government was formed, by the United States and its people, for the sole benefit of three of the States of the Union.

Mr. Chairman, I include brief digests of the three decisions already rendered by the United States Supreme Court:

CALIFORNIA

That the original boundaries of the States, as designated by the grant from the crown of England to the 13 colonies, gave them title to all lands within their boundaries by prescription because of the equal footing rule, under navigable waters to a 3-mile belt in adjacent seas, and that California should be adjudged to have title under the doctrine of prescription, because of long congressional acquiesence and laches.

On the merits of the case, the court held, first, that California only had title to such lands as is or may become necessary as an incident to State sovereignty, contemplated by the equal footing clause. However, we cannot say that the Thirteen Original Colonies separately acquired ownership to the 3-mile belt or the soil under it, even if they did acquire elements of the sovereignty of the English crown by this revolution against it. Under the political agencies of this Nation, we both claim and exercise broad dominion and control over our 3-mile marginal belt. This has long been a settled fact.

Jefferson made this claim in a letter to the British minister in 1793. Our Supreme Court declares in *Jones* v. *United States* (137 U. S. 202):

> That the national dominion over the 3-mile belt is binding on this Court, and protection and control of it has been and is a function of national external sovereignty.

And the Court, in the California case, cautioned:

> The very oil about which the State and the Nation here contend might well become the subject of international dispute and settlement.

TEXAS

Texas asserts that as an independent nation, the Republic of Texas had open, adverse, and exclusive jurisdiction and control over the land, minerals, and so forth, underlying that part of the Gulf of Mexico, within her boundaries established at three marine leagues from shore; that after annexation to the United States, these claims were recognized and preserved in Texas; that the United States has recognized and acquiesced in this claim; and that under the doctrine of prescription, title and ownership are still in the State of Texas.

DECISION OF THE UNITED STATES SUPREME COURT

When Texas came into the union, she ceased to be an independent nation. She became a sister State on an equal footing with all other States. That act concededly entailed a relinquishment of some of her sovereignty. We hold that, as an incident to the transfer of that sovereignty, any claim that Texas may have had to the marginal sea, was relinquished to the United States. We stated the reasons for this in *United States* v. *California*:

> "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 dominion 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."

LOUISIANA

Contrary to the claims of California and Texas, Louisiana admits that the United States has paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico adjacent to the coast of Louisiana to the extent of all governmental powers existing under the Constitution, laws, and treaties of the United States. But that the United States is not authorized to use the bed of the Gulf of Mexico for the purpose of searching for and producing oil, since Congress has not adopted any law which asserts such Federal authority over the bed of the Gulf of Mexico.

DECISION OF THE UNITED STATES SUPREME COURT

We think that *United States* v. *California* (332 U. S. 19) controls this case and that there must be a decree for the complainant. The question here is not the authority of the United States. The question is not the power of a State to use the marginal sea or to regulate its use in absence of a conflicting policy; it is the power of a State to deny the paramount authority which the United States seeks to assert over the area in question.

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. We need only note briefly this difference.

If, as we held in California's case, the 3-mile belt is in the domain of the Nation rather than the separate States, it follows a fortiori that the ocean beyond that limit also is.

Mr. REED of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. WERDEL].

Mr. WERDEL. Mr. Chairman, in these few minutes I would like to recall some things to the attention of the House. Certainly our Supreme Court is in our opinion and in the opinion of the drafters of cur Constitution governed by the doctrine of stare decisis. That is the doctrine of following the rules and principles of previous judicial decisions unless they contravene the ordinary principles of justice.

I want to point out to the House while it is considering this bill that after our late President Roosevelt attempted to pack the United States Supreme Court, a gentleman stood up on the floor of the Senate and said, as a Member of the other body, that he did not believe the United States Supreme Court should be governed by the doctrine of stare decisis in constitutional matters. That, Mr. Chairman, was the present Mr. Justice Black. That, Mr. Chairman, is the man who wrote the California decision against the State of California.

I also direct the Committee's attention to the fact that another member of the United States Supreme Court, Mr. Justice Douglas, recently wrote an article in the Harvard Law Review in which he set forth his reasons why the United States Supreme Court should not be governed by the doctrine of stare decisis. Mr. Justice Douglas wrote the decision in Louisiana against United States and he also wrote the decision in Texas against United States.

Mr. Chairman, if the gentleman up here on our left, Mr. Mason, were here today, he would report again the 10 amendments to the Constitution which he argued for before Virginia would confirm the United States Constitution. He would tell us in very certain language that this act by the United States Supreme Court is not according to the rules of procedure under our Constitution. It amounts to an assertion by those who appointed this Court in an effort to pack it that there is another way to amend the Constitution of the United States and that is by redefinition of the words and phrases of the United States Constitution through that Supreme Court.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Virginia, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the bill (H. R. 4484) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries, had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, anounced that the Senate agrees to the amendments of the House Nos. 1 and 2 to Senate Joint Resolution 82, entitled "Joint resolution to amend title 28 of the United States Code so as to add thereto a chapter relating to procedure in condemnation proceedings"; disagrees to House amendment No. 3 to the above-entitled joint resolution; and agrees to the amendment to the title of the above-entitled joint resolution with an amendment as follows:

In lieu of the language contained in the House amendment, insert the following: "Joint resolution providing that the amendments to the Rules of Civil Procedures for the United States district courts reported to the Congress by the Supreme Court on May 1, 1951, shall not become effective."

The message also announced that the Senate insists upon its amendment to the bill (H. R. 1103) entitled "An act for the relief of Sidney Young Hughes"; disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCARRAN, Mr. EASTLAND, and Mr. JENNER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2321) entitled "An act to protect consumers and others against misbranding, false advertising, and false invoicing of fur products and furs."

SUBMERGED LANDS ACT

Mr. WILSON of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include four documents.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WILSON of Texas. Mr. Speaker, as a part of my remarks, I include the following documents:

CONFIRMATION OF AGREEMENT AND FORMAL ACT OF ADMISSION

JOINT RESOLUTION OF THE CONGRESS OF THE UNITED STATES, DECEMBER 29, 1845, TWENTY-NINTH CONGRESS, FIRST SESSION, NINTH STATUTE, PAGE 108

Joint resolution for the admission of the State of Texas into the Union

Whereas the Congress of the United States, by a joint resolution approved March 1, 1845, did consent that the territory properly included within, and rightfully belonging to the Republic of Texas, might be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing government, in order that the same might be admitted as one of the States of the Union; which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution; and

Whereas the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing government, did adopt a constitution and erect a new State, with a republican form of government, and in the name of the people of Texas, and by their authority, did ordain and declare, that they assented to and accepted the proposals, conditions, and guarantees contained in said first and second sections of said resolution; and

Whereas the said constitution, with the proper evidence of its adoption by the people of the Republic of Texas, has been transmitted to the President of the United States, and laid before Congress, in conformity to the provisions of said joint resolution: Therefore

Resolved, etc., That 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 respect whatever.

ASSENT BY THE PEOPLE OF TEXAS

ORDINANCE OF THE CONVENTION OF TEXAS, JULY 4, 1845 (2 GAMMEL'S LAWS OF TEXAS 1228)

An ordinance

Whereas the Congress of the United States of America has passed resolutions providing for the annexation of Texas to that Union, which resolutions were approved by the President of the United States on the first day of March one thousand eight hundred and forty-five; and whereas the President of the United States has submitted to Texas the

first and second sections of the said resolution, as the basis upon which Texas may be admitted as one of the States of the said Union; and whereas the existing Government of the Republic of Texas has assented to the proposals thus made, the terms and conditions of which are as follows:

(Quoted here was all of the joint resolution of the Congress of the United States of March 1, 1945, except par. 3.)

Now in order to manifest the assent of the people of this Republic as required in the above-recited portions of the said resolutions, we, the deputies of the people of Texas in convention assembled, in their name and by their authority, do ordain and declare, that we assent to, and accept the proposals, conditions and guarantees contained in the first and second sections of the resolution of the Congress of the United States aforesaid.

ACCEPTANCE BY THE CONGRESS OF TEXAS

JOINT RESOLUTION OF THE CONGRESS OF TEXAS, JUNE 23, 1845 (2 GAMMEL'S LAWS OF TEXAS 1225)

Joint resolution giving the consent of the existing Government to the annexation of Texas to the United States

Whereas the Government of the United States hath proposed the following terms, guaranties, and conditions, on which the people and Territory of the Republic of Texas may be erected into a new State, to be called the State of Texas, and admitted as one of the States of the American Union, to wit: (Quoted here was all of the joint resolution of the Congress of the United States of March 1, 1845, except paragraph 3.) And whereas, by said terms, the consent of the existing government of Texas is required: Therefore be it

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Government of Texas doth consent, that the people and territory of the Republic of Texas may be erected into a new State, to be called the State of Texas, with a republican form of Government, to be adopted by the people of said Republic, by deputies in convention assembled, in order that the same may be admitted as one of the States of the American Union; and said consent is given on the terms, guaranties, and conditions set forth in the preamble to this joint resolution.

SEC. 2. *Be it further resolved,* That the proclamation of the president of the Republic of Texas, bearing date May 5, 1845, and the election of deputies to sit in convention, at Austin, on the fourth day of July next, for the adoption of a constitution for the State of Texas, had in accordance therewith, hereby receives the consent of the existing government of Texas.

SEC. 3. *Be it further resolved,* That the president of Texas is hereby requested immediately to furnish the Government of the United States, through their accredited minister near this government, with a copy of this joint resolution; also to furnish the convention to assemble at Austin on the fourth of July next, a copy of the same. And the same shall take effect from and after its passage.

TEXAS ANNEXATION AGREEMENT PROPOSAL BY THE UNITED STATES

JOINT RESOLUTION OF THE CONGRESS OF THE UNITED STATES, MARCH 1, 1845, TWENTY-EIGHTH CONGRESS, SECOND SESSION (5 STAT. 797)

Joint resolution for annexing Texas to the United States

Resolved, etc., That Congress doth consent that the territory properly included within, and rightfully belonging to the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

2. *And be it further resolved,* That the foregoing consent of Congress is given upon the following conditions, and with the following guaranties, to wit: First, said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other governments; and the Constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the 1st day of January 1846. Second, said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports, and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind which may belong to or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States. Third, new States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 36 degrees 30 minutes north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri Compromise line, slavery, or involuntary servitude (except for crime) shall be prohibited.

3. *And be it further resolved,* That if the President of the United States shall in his judgment and discretion deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas, as an overture on the part of the United States for admission, to negotiate with that Republic: Then be it

Resolved, that a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two Representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan Territory to the United States shall be agreed upon by the Government of Texas and the United States. And that sum of $100,000 be, and the same is hereby, appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President may direct.[1]

ADJOURNMENT UNTIL MONDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROGRAM FOR NEXT WEEK

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, may I ask the majority leader if he can give us the schedule for the coming week?

Mr. McCORMACK. I will be very glad to do so.

On Monday we will take up the conference report on the Defense Production Act, a continuing resolution on temporary appropriations for 1952, after which the present bill will be further considered.

For the remainder of the week, beginning on Tuesday, there will be the District of Columbia hospital facilities bill, H. R. 2094.

Mr. BROWN of Ohio. Is that the measure for which a unanimous consent request was granted previously?

Mr. McCORMACK. Yes. Mr. Speaker, I ask unanimous consent that it may be in order for the House to consider at any time next week the bill H. R. 2094, the District of Columbia hospital facilities bill, under the general rules of the House, with general debate limited to not more than one hour, to be controlled in accordance with the rules of the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentlewoman from Massachusets.

Mrs. ROGERS of Massachusetts. Will there be any roll call on Monday?

Mr. McCORMACK. Oh, yes.

H. R. 3298, to amend the Federal Food and Drug Act.

House Joint Resolution 323, investigations, from the Committee on Interstate and Foreign Commerce.

H. R. 1227 relating to experimental submarines.

H. R. 1180 relating to research and development, armed services.

Mr. BROWN of Ohio. That is the bill that carries some $5,500,000,000 authorization, is it not?

[1] The alternative plan contained in section 3 was discarded by the President of the United States and formed no part of the annexation negotiations or agreement (4 Miller Treaties and Other International Acts of the United States (Department of State, 1934), 706–708).

specifically commend the Chief, Office of Maritime Training, the supervisor of the United States Merchant Marine Cadet Corps and the Superintendent of the United States Merchant Marine Academy for making and keeping this program an outstanding success. The Board was particularly gratified to learn that the class of June 1950 was the first class to be awarded the degree of Bachelor of Science and that this important academic standing had been successfully achieved since the last visit of the Congressional Board of Visitors.

The Board also wishes to enter into the record its cognizance of the very important part Kings Point plays with respect to supplying competent Naval Reserve officers to the United States Navy. The Board agreed unanimously that the record should indicate that at the present time there are over 1,100 Kings Point graduates on active duty with the United States Navy as Reserve officers and approximately 350 who have been accepted to the Regular components of the Armed Forces as career officers. The Board specifically commends to the attention of the Members of Congress the knowledge of this most important contribution which Kings Point is making to the cause of national defense.

The Board notes with concern that certain facilities at the Academy are beginning to show signs of obsolescence and deterioration and appreciates the request of the administration for special sums to correct this troublesome situation. The Board is completely in accord with the administration on this item.

The Board also desires to enter upon the record its great satisfaction with that part of the Kings Point program which makes possible the advantages of this excellent and democratic education to young men from foreign shores.

The Board notes with some concern the apparent discrepancy between the monthly allowance granted cadet-midshipmen at Kings Point and midshipmen at Annapolis, cadets at West Point, and cadets at the Coast Guard Academy. The Board considers this an unnecessary and unexplainable matter. The Board is of the opinion that the service schools should operate on comparable basis with respect to this matter.

The Board also wishes to encourage the Academy administration with its efforts toward assisting the local authorities, to the limits of its abilities, in the matter of local civilian defense. As a designated evacuee center for metropolitan New York, the Board feels that separate and distinct funds for this program should be set aside as part of the Academy budget.

The Board is gratified to learn of the progress of the fund-raising campaign for the purpose of erecting a national memorial chapel to honor those men of the merchant marine who have given their lives for their country.

It is the Board's considered opinion that steps should be taken to implement the program now in effect for publicizing the United States Merchant Marine Academy. It is felt that a specific allotment designated for this purpose, and included in the budget for the Academy should receive the favorable consideration of the Department of Commerce and the Congress of the United States.

SPECIFIC RECOMMENDATIONS

The Board specifically recommends that the monthly allowance granted cadet-midshipmen at Kings Point be brought to parity with the monthly allowance granted midshipmen at the Naval Academy, cadets at West Point, and cadets at the Coast Guard Academy.

The Board specifically recommends that the budget for Kings Point be adjusted to permit the entrance of 300 cadet-midshipmen annually.

The Board specifically recommends that funds in the amount of approximately $160,000 be allocated for urgent repairs to existing facilities and the purchase of replacement equipment.

The Board specifically recommends that additional funds be provided for implementation of air-attack defense program at Kings Point. Funds required for this purpose are in the neighborhood of $500,000.

The Board specifically recommends that funds in the amount of approximately $75,000 be approved for the enrollment of additional personnel for strengthening the security force and augmentation of emergency engineering operating personnel.

The Board specifically recommends that a specific allotment be designated for the purpose of publicizing the United States Merchant Marine Academy and its program.

The Board specifically calls to the attention of the Congress the outstandingly important contribution made by the United States Merchant Marine Academy to the national defense of the country by supplying Naval Reserve officers of high caliber to the Department of the Navy and superior merchant-marine officers to the American merchant marine.

In conclusion the Board desires to especially commend Admiral Telfair Knight for his untiring effort and vision in the establishment, carrying on, and bringing the Academy to its high place of achievement for the American Merchant Marine and the security of the United States, according to the objectives of the American Merchant Marine Act of 1936, as amended.

ALVIN F. WEICHEL.
EUGENE KEOGH.
CHARLES P. NELSON.

SUBMERGED LANDS ACT

Mr. CELLER. 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. 4484) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 4484, with Mr. SMITH of Virginia in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Friday, July 27, the gentleman from New York [Mr. CELLER] had 32 minutes remaining and the gentleman from Illinois [Mr. REED] had 33.

Mr. REED of Illinois. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. DOYLE].

Mr. DOYLE. Mr. Chairman, I am going to take but a few minutes now to call attention to this map and also air photo of my home city and its important and strategic harbor, Long Beach, Calif. Long Beach is the concerned city on the North American Continent so far as oil production and income is concerned. The record speaks so very clearly. I have supported the State theory tidelands bill in all the three Congresses of which I have been a Member. I have spoken to so many of you individually about the need of this Walters bill that I am sure you realize that I have not and do not represent directly or indirectly any oil company or clients in it.

I call your attention to this colored chart or map. The limits of my home city of Long Beach extending into the water is represented by the solid blue. The present Government stipulated line under the Supreme Court decision defining the area the Government is presently willing to stipulate as a bay extends from this point right through the city limits of the city of Long Beach into the very heart of the city here at this point. In other words, under the Supreme Court decision in the California case, while bays, rivers, and inland waters are supposed to be exempted, the fact is that up until the last several months the Attorney General, Solicitor General, and Secretary of the Interior have been unwilling to recognize the old historical fact that the Long Beach-Los Angeles Harbor extended from this point to this point here on the map. All of the blue is the Long Beach city limits. Now, however, in the last few months they have publicly stated that they see no objection to the city limits of Long Beach extending into the harbor here being the dividing line, so far as the Supreme Court decision is concerned. The Long Beach city limits extend about even with the Federal breakwater which extend along here on the map.

The reason the city of Long Beach is so concerned with titles is that about 20 years ago the State of California deeded or granted outright to the city of Long Beach all of the beach in this area for harbor and park purposes. This was before oil was developed. Of course, therefore, if the State did not own the tidelands at that time the city of Long Beach got no fee title by virtue of that grant from the State. The city of Long Beach receives several millions a year as its oil royalties. It has developed its tidelands and harbor facilities in good faith depending on the State grant to it. So you see how vitally concerned my city of Long Beach is about this. Its harbor development programs and related developments are held in abeyance at certain points; title to millions of dollars of land is clouded or uncertain.

I think the RECORD will show that I filed the first bill during the Seventy-ninth Congress, for quitclaim purposes on behalf of the State of California on this issue. I have filed one in each session of Congress the three terms I have served. I have testified for the State bills and voted for them.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. DOYLE. I yield to the gentleman from New York.

Mr. CELLER. Is the gentleman aware that a stipulation was entered into between the Government and California on June 23, 1947, and because of that stipulation all existing oil and gas operations conducted by the city of Long Beach are in inland waters and are not affected by the California case? In other words, what the gentleman refers to are operations within inland waters of California

and, therefore, the Federal Government lays no claim whatsoever to any minerals or products under these waters that the gentleman is now speaking of.

Mr. DOYLE. But the only line the referee would agree to under that Federal Court decision is this line which cuts right into the very heart of my city at that point. I may say, and I wish to reemphasize, that within the last several months in the hearings the Attorney General, the Solicitor General, and the Secretary of the Interior have stated that they have no objection to the total city limits being considered as inland waters for the purpose of this decision. That is a good development. But still I want the RECORD to show that I have been since the Seventy-ninth Congress, and I still am, strongly in support of the State theory of control as recommended by the Walter bill.

Mr. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. DOYLE. I yield to the gentleman from California.

Mr. JOHNSON. Will the gentleman illustrate what the Government is doing? First, it claims all of the land behind a certain line. In my opinion, that decision in the California case gives it the right to a claim to all of the lands within the line fixed by the Supreme Court referee. Then later the Government whittles away its own rights. These matters and the rights involved are not to be determined at the whim of administrative officials. The apparent effort of the Federal Government to appease Long Beach indicates how insecure are the rights that the Government claims.

Mr. DOYLE. Mr. Chairman, I wish to make this closing statement: Because I have practiced law for 25 years, I have learned to respect the decision of the United States Supreme Court. It is a court of last resort. I do not join with any Member of this House who uses the word "dishonest" so far as the decision of the United States Supreme Court in this or any other case is concerned. This is not the place, for partisan reasons or for any other reason, to direct language toward the United States Supreme Court which charges it with dishonesty or with bad faith. That Court proclaims its opinion of the law. This Congress enacts legislation. We have a right to declare policy. The Supreme Court does not declare policy. The Supreme Court declared the law in the California and other cases as it believed it to be. That is our procedure. But, because we disagree with it, is no grounds for us to use the sort of language which tears down respect for our judicial system and integrity. That is what the Communists do. When we enact this Walter bill today we are exercising our lawful legislative jurisdiction and responsibility, even then it may result in the Supreme Court decision being actually of no force and effect.

Mr. HAVENNER. Mr. Chairman, will the gentleman yield?

Mr. DOYLE. I yield to the gentleman from California.

Mr. HAVENNER. I want to ask whether the gentleman regards the stipulations and agreements that have been referred to during the time he has been on the floor as having any binding effect in perpetuity.

Mr. DOYLE. Well, of course, they are not part of the decision yet.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. DOYLE. I yield to the gentleman from New York.

Mr. CELLER. The cases hold definitely that the decisions do not apply to any inland waterways. They do not apply to the land underneath, for example, San Francisco Bay, San Diego Bay, or the waters the gentleman from California has just adverted to, or any inland waters, whatsoever.

Mr. DOYLE. That may be true, but when they came to draw the line for inland waters they did not draw the line at the bay lines; they drew it right into the heart of my city, which is clearly on the shores of an historic bay, and yet the court has not recognized that as an inland bay. Time is running on. We must get the matter settled. The California decision was rendered in 1947. It is now nearing 1952.

My home city of Long Beach and the legislature of my native State of California have all urged that the Walter bill do pass. I have vigorously supported the right of Congress to declare policy. I believe we should enact H. R. 4484 today.

Mr. CELLER. Mr. Chairman, I yield myself 22 minutes.

Mr. HAVENNER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from California.

Mr. HAVENNER. I would like to have the gentleman answer the question which I directed to my colleague from California. Does the gentleman contend that the stipulations and agreements referred to with respect to inland waters have any binding effect in perpetuity?

Mr. CELLER. Of course not, but I tried to indicate, by the question that I propounded to the gentleman from California who just preceded me, that the decisions of the court are decisions, I would say, in perpetuity, until another Supreme Court may change this view, but I doubt any future change of the Court. Inland waterways are not affected. The Federal Government has never laid any claim to any of the lands or products under any inland waterways. As I read those decisions, I could not possibly conceive a reversal of that proposition by any subsequent or future Supreme Court. Furthermore the Federal authorities never have and never intend to assert ownership over any tidelands or any inland waters or waterways.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from California.

Mr. HINSHAW. I think the gentleman will have to submit that the Supreme Court never before rendered any such decision as they rendered in 1947, either.

Mr. CELLER. That may be, but in that decision the Supreme Court definitely stated that tidelands are not involved, these lands which are covered or uncovered by the tides between high- and low-water mark. That decision said that inland waters and products under the inland waters and minerals under inland bays, estuaries, straits, navigable rivers, and so forth were not affected and the Federal Government could not lay claim to title of any of those products or minerals. Then we have a brief submitted to us by some of the attorneys general, I think there were several of them, three of them from the States definitely involved, Texas, California, and Louisiana, which tries to frighten the wits out of the Members from the noncoastal States on the score that products like coal and gravel under your rivers, and gold under your streams, and iron ore under the Great Lakes or the shores of the Great Lakes, the crabs and the oysters in your coastal waters, are going to be filched from you by the Federal Government. Why, that is just balderdash; that is just tommy-rot. We, in Brooklyn, call it malarkey. There is no such claim. That is just a hoax. All this nonsense that has been brought to bear upon this debate to the effect that the Federal Government wants to reach out and take all these products, to use another term, is just fiddle faddle. Do not be deceived. Do not let them pull the wool over your eyes.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. WILLIS. How can the gentleman reconcile his interpretation of the Supreme Court decision, or at least the interpretation that the Department of the Interior placed on it, when just last week Mr. Chapman issued an order forbidding the mineral board of the State of Louisiana from granting a lease on Timbalier Bay, which is an inland bay in Louisiana, as was demonstrated by our colleague the gentleman from Pennsylvania [Mr. WALTER]? The waters are 1 or 2 feet deep and growing with vegetation.

Mr. ALLEN of Louisiana. The answer is that Louisiana did not have title. The United States has title. I herewith submit Secretary of the Interior Chapman's order in this regard to the authorities of Louisiana as contained in a release:

CHAPMAN REQUESTS LOUISIANA TO WITHDRAW FROM PUBLIC BIDDING OFFSHORE TRACTS

Secretary of the Interior Oscar L. Chapman notified the State of Louisiana that it has no authority to lease certain offshore lands in the Breton Sound and South Timbalier areas for mineral development.

In a letter to O. C. Collins, chairman of the Louisiana State mineral board, Secretary Chapman requested that the State withdraw from public bidding all portions of tracts which are situated seaward of a delineated line. He also requested that prospective bidders be notified of the withdrawal.

Copies of Coast and Geodetic Survey charts bearing the delineations were sent to the attorney general of Louisiana on March 16 by Solicitor General Philip Perlman. The United States claims that the line delineates the landward boundary of the offshore area covered by the Supreme Court's decision rendered on June 5, 1950, in *United States v. Louisiana*, and by the decree which the Court entered in the case on December 11, 1950.

The State mineral board recently announced that it would receive bids for the leases on July 26, 1951.

Mr. CELLER. The State of Louisiana, despite its knowledge that the Federal Government owned completely those lands and islands, thumbed its nose at the Federal Government and leased the lands. It had no right to do that whatsoever. The State was properly rebuked by the Secretary of the Interior for thus disregarding the title that the Federal Government has exercised over those islands for many, many years.

Mr. WILLIS. I know the gentleman does not want to be unfair. I am not even talking about the islands, I am talking about an inland bay. The Government has never had any title to that bay except as the consequence of the interpretation of the decision by Mr. Chapman.

Mr. NICHOLSON. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Massachusetts.

Mr. NICHOLSON. Does not this decision affect the tidewaters of Massachusetts?

Mr. CELLER. The tidewaters of Massachusetts, the tidewaters of New York, the tidewaters of any State are unaffected by the Supreme Court decisions. The Federal Government does not seek to exercise any proprietary or paramount rights over those tidelands; none whatsoever. Do not let anybody fool you in that regard.

Mr. NICHOLSON. They are fooling every lawyer in Massachusetts, the Bay State Lawyers Association and everybody else.

Mr. CELLER. That may be, and I am sorry for the Bay State lawyers. They ought to know better.

Mr. REGAN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Texas.

Mr. REGAN. It was not long ago that the Federal Government made no claim over the tidelands.

Mr. CELLER. Nobody made much of a claim until they discovered there was something worth while in the tidelands.

Mr. REGAN. Until they developed something of value there. My contention is if they start one, then they close the door, and the Federal Government starts moving in on the States.

Mr. CELLER. This bill will give part of the national heritage to three States, including the gentleman's own State. The other States have some rights in those lands off shore from low-water mark.

The gentleman's State of Texas has been brash enough—it is a mild word, an understatement—it has been brash enough to extend its boundaries—extend them unilaterally without consultation with any other State, without so much as a "by your leave" from the Federal Government, to extend its State boundaries where? First, 27 marine miles seaward. Not satisfied with that, the State of Texas unilaterally extended its boundaries to the end of the Continental Shelf. In some cases that is 67 miles, in some cases it is 125 miles, and perhaps farther out.

If Texas can in that cavalier fashion extend its own boundaries to that vast distance in the Gulf, what is to prevent Texas with its alleged great, great sovereign power from extending its definition of the Continental Shelf and saying the Continental Shelf is not what the geologists think it is? The geologists state that the Continental Shelf is that edge of the submerged land that abruptly descends into the sea way out to the depth of 600 feet. If Texas can willy-nilly extend its own boundaries as it has done and claim all the oil in that Continental Shelf, why could not Texas say, "We own all the floor of the Gulf of Mexico clear down to South America, clear over to Mexico, underneath the sea"? What is to prevent Texas from saying, "We own all that land and all the minerals thereunder clear to South America"? Pass this bill, and you will give Texas encouragement to do just that.

How many acres do you think are involved in the Continental Shelf that Texas claims to be within her borders? There are more than 18,000,000 acres. Why, it involves billions and billions of dollars of this liquid gold called oil. Texas makes this great sweeping demand, and, nothing loathe, Louisiana comes along and follows suit, and says, "We are extending our boundaries 27 miles out into the Gulf."

There is an invitation in this bill—look at page 7, section 4, and the following page—there is an engraved invitation to every coastal State which has not already done so to extend its sea boundaries to a line three geographical miles distant from its coast line or, in the case of the Great Lakes States, to the international boundary of the United States.

And, not being satisfied in that regard, read the following, on page 8:

Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise—

What does this mean? What does "or otherwise" mean? That is what we call a sleeper. That is what we call weasel words. You can make the word "otherwise" mean any blooming thing you wish. It might be an old fishing grant. It might be an old map. Any State could simply say, "Here is an old map, or here is an old fishing right," and that is the "otherwise." We will extend our lines accordingly.

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.

That is asking us to buy a pig in a poke. We do not know what in the world we are legislating here when we accept language of that character. I have been practicing law for many years. If I see such a term in any kind of contract, I am going to tell my client, "You are just a jackass if you sign such a contract."

That is what they are asking us to do—to sign a contract that would give them carte blanc to do anything they blooming please here with reference to their boundaries. We give to them on a silver platter a vast unknown domain containing untold wealth. I am going to ask you to think before you leap. But beyond that, listen to this. Read further in that paragraph:

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—

Here is the joker again—

if it has been heretofore or is hereafter approved by Congress.

What does that mean? That means that Texas, having by State enactment, extended its boundaries to what it calls the edge of the Continental Shelf some 125 miles or more out, has the Congress put the imprimatur of its approval on what Texas has done. We thus approve Texas' new boundaries and hand her all contained therein. I say in addition thereto we put the imprimatur of ap- everything that may be in that land clear to the edge of the Continental Shelf—miles and miles out.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. WILSON of Texas. Does not the gentleman recognize however, notwithstanding all these facts that he has stated with regard to Texas extending its boundary, that the present bill restricts the boundary to three nautical miles?

Mr. CELLER. With all due respect to the gentleman, I have to say it does not.

Mr. WILSON of Texas. I disagree with the gentleman.

Mr. CELLER. If the gentleman reads carefully and reads what I have indicated, he will know there is no limitation whatsoever as to the 3 miles because it speaks of beyond three geographical miles in line 9, page 8. What is this Continental Shelf we hear so much about? I will read to you briefly from the record of the hearings:

This Continental Shelf area off of the United States proper is about 290,000 square miles, an area larger than Texas; and off Alaska is estimated to be 600,000 square miles. Along the Atlantic coast its maximum seaward limit is about 250 miles, and in the Gulf of Mexico is 200 miles, and off the coast of Alaska it extends almost to the Aleutian Islands. Thus from the very location and expanse of the Continental Shelf very serious questions of international law and of foreign relations are inextricably woven.

Of course, naturally, neither of those subjects, international law or foreign relations, are the concern of a State, but the sponsors of this bill, brazenly and nonchalantly dispose of those rights on this Continental Shelf.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I yield myself five additional minutes.

There is no doubt from what the President has said that if we pass this bill he will only veto it. He cannot swallow the words he uttered when he vetoed the bill on the last occasion. He has given expression to his opinion re-

peatedly after the veto. I am quite confident that the President, in all good conscience, must veto this bill. Then what happens? I doubt very much whether the bill will survive a veto. I doubt very much whether at least the other body will override the veto. Then, what have you got? You have got your labor for your pains. You go up the hill and you come down again. You are just exactly where you started. But, in the meantime, what? All production of oil, all drilling for oil is stalled. There is a very serious dearth in the supply of oil in this country. We need oil desperately. Then you have the situation in Iran. If there is a stoppage of oil production in Iran, on which the British Navy is dependent primarily for its supplies, we will have to supply some of our stock. Again, the situation becomes even more desperate.

Therefore, I am going to offer what is called an interim bill. Instead of this quitclaim bill, I shall offer a substitute bill, which has for its effect the following:

There shall be a truce for 5 years. Meanwhile, production can continue. Leases will be made under Federal control. Leases heretofore made will be recognized and honored by the Federal Government. New leases will be made by the Federal Government in the Continental Shelf beyond the low-water mark; and the revenue shall be divided, 37½ percent of the moneys received from the operations of leases would be paid to the State, and 62½ percent of the royalties, the balance, would be held in a special account in the Treasury, awaiting final decision. After the 5-year period, and if it is determined then that title is in the States, the 62½ percent shall be given unto the States. Within that 5-year period it is hoped that ardors will cool, tensions will become relaxed; and then, perchance, by the dry light of reason, without emotion, we may be able to come to a sensible conclusion. No harm will have been done to anybody. Production will start and will be continued.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Missouri. The gentleman has been very patient.

Mr. SHORT. I ask unanimous consent that the gentleman's time be extended 5 minutes.

The CHAIRMAN. The time is fixed by the rule.

Mr. SHORT. I shall not take long. I do not need remind the gentleman from New York that no one has a higher regard for him—fine, astute, resourceful, and clever lawyer that he is.

Does not the gentleman believe in State sovereignty?

Mr. CELLER. Of course I believe in State sovereignty.

Mr. SHORT. Does the gentleman believe with Lincoln that as long as you keep the Government close to the people it will be well, but when you get it far removed it is bad?

Mr. CELLER. Of course I believe that, but on that score——

Mr. SHORT. Well, now——

Mr. CELLER. Does the gentleman want to ask a question or make a speech?

Mr. SHORT. All right; I wish the gentleman would take a little more time. I want to say to the gentleman that I hope he remains here as long as Uncle Joe Cannon—and he will, he will because he has ability. I appreciate him. He is an advocate. But let me say to the gentleman——

Mr. CELLER. I may say to the gentleman from Missouri that I do not deserve all that. But I am a good businessman and I will settle for half.

Mr. FULTON. Mr. Chairman, the gentleman used the figures 62½ and 33⅓.

Mr. CELLER. No; 62½ and 37½. I think those fractions are correct.

Mr. FULTON. What are the boundaries of the United States of America? Are they the sum aggregate of what the States claim? Or are they what the sovereign United States of America claims as its boundaries? I think that is an underlying question.

Mr. CELLER. The Supreme Court held that neither the Thirteen Original Colonies nor a State that came into the Union after our independence could claim any proprietary rights beyond the low-water mark; that the so-called marginal area, 3 miles, does not belong to the States; that the States could exercise police powers and taxing powers over that marginal area of 3 miles off-shore but could not exercise proprietary rights. The Federal Government has paramount rights because of the fact that the Federal Government must conduct foreign relations, has control of foreign commerce, must control our international affairs, and is responsible for national defense. For those reasons the Federal Government must exercise suzerainty over that marginal area and thence seaward.

I hope the Members will let me continue with my statement without further interruption; I have been very generous in responding to questions but I have some suggestions I do wish to make with reference to this interim bill which I have offered. It is interesting to note that the head of the National Petroleum Council, Mr. William S. Halloran, who happens to be president of the Plymouth Oil Co., and who appeared before the Senate committee, supported the interim substitute, if I may call it that, that I intend to offer. His position was that while he felt that the States should have title to these submerged lands, nonetheless, in the interest of getting production started immediately and in the interest of temporary compromise, and to prevent the rusting and ruin of machinery, and in order to keep labor force together, he urged you gentlemen to adopt this interim bill, this 5-year truce.

All the oil companies, big and little oil companies, have sought to get this interim bill passed, this bill that I have mentioned. It is the same as the bill offered by the distinguished Senator from Wyoming [Mr. O'MAHONEY] in the Senate.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. WALTER. Was not the gentleman quoting the respresentative of the oil companies that now have leases?

Mr. CELLER. No; I was not.

Mr. WALTER. Leases executed by certain States?

Mr. CELLER. The National Petroleum Council represents all oil companies, all the big companies, all the little companies, the big companies, the little companies and the moderate-sized oil companies all want this interim bill. They know that they are gong to get nowhere with this quitclaim bill. They want something done. They are practical businessmen. They want production now—production which is so desperately needed. Over and beyond that, what did the Governor of Texas want? Let me read you what the Governor of Texas, Allan Shivers, said. He made a joint statement with the attorney general, Price Daniel, and commissioner of the general land office, Bascom Giles, concerning the interim bill. These are three important officials of the State of Texas. They said:

> We favor the general purpose of the interim legislation as expressed in Senate Joint Resolution 20.

That is identical with my substitute.

That is exactly the resolution I have offered.

Mr. WILSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Texas.

Mr. WILSON of Texas. Does not the gentleman know that the Governor of Texas and Mr. Giles, of Texas, only took this bill as a last resort?

Mr. CELLER. Of course, they take this bill that is my substitute as a last resort. They are willing to accept my bill because they know deep down in their hearts they cannot get anything else.

Mr. WILSON of Texas. They favor this Walter bill.

Mr. CELLER. They would prefer the quitclaim bill. I was honest in that statement. I did not misrepresent their point of view. They said they would prefer the other bill, but in the interest of getting something done they would take my bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I yield myself three additional minutes.

Mr. Chairman, what does the State bar of Texas say, the distinguished lawyers of the great State of Texas?

> The members of the State bar of Texas, along with other citizens, are vitally interested in an appropriate and prompt action by Congress which will insure continued production and search of oil and other resources in the submerged-land areas during the present emergency under temporary authorities and authorizations which will best serve the national interests and safeguard the rights and views of the States, the Federal Government, and other interested public agencies and persons until the Congress is able to enact permanent legislation on this very important subject.

Do you want anything more than that? The State bar of Texas, the Governor of Texas, the attorney general of Texas, the commissioner of lands of the State of Texas, the United States Chamber of Commerce also, and many others, have asked for this interim legislation. I hope that when the substitute is offered it will be adopted.

Again I want to call your attention to the fact that this brief that you have had submitted to you called "Every State Has Submerged Lands" is a tissue of falsehoods. It is amazing that some of these attorneys general, these seven, could have lent their names to this utterly false document which has been offered deliberately to deceive you.

Mr. WERDEL. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from California.

Mr. WERDEL. I understood when the gentleman commenced his remarks that he made the statement this problem was not answered by the Supreme Court due to the fact that oil had not been discovered in the tidelands.

Mr. CELLER. I did not say any such thing. I am sorry the gentleman misunderstood me.

Mr. Chairman, with reference to this brief I am reminded of the lines in the Merchant of Venice expressed by Bassanio when he is about to choose one of the three caskets:

The world is still deceiv'd with ornament.
In law, what plea so tainted and corrupt,
But, being season'd with gracious voice,
Obscures the show of evil?

This is quite an ornamental brief. We shall not be deceived by its outward trappings. This plea is tainted, though seasoned with outward grace. It is a brief written by the oil companies, for the oil companies and for the benefit of the oil companies, as is this bill. The quitclaim bill, as I stated on the rule, the other day, is, indeed, of the oil companies, by the oil companies, and for the oil companies.

I herewith submit a letter addressed to me by Solicitor General Philip B. Pelman which takes apart this brief submitted by the seven attorneys general:

OFFICE OF THE SOLICITOR GENERAL,
Washington, D. C., July 26, 1951.

The Honorable EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House Office Building,
Washington, D. C.

DEAR CONGRESSMAN CELLER: You call my attention to statements made in a document signed by the Submerged Lands Committee of the National Association of Attorneys General, printed in the CONGRESSIONAL RECORD (1951, beginning at p. 8719) during a discussion on the floor of the Senate, and you ask for comment by the Department of Justice.

It is to be regretted that the National Association of Attorneys General would publish misleading propaganda of this kind. Three of the seven members of this committee are the Attorneys General of California, Louisiana, and Texas, the States directly and immediately concerned with the legislation designed to hand over the rich oil resources of the submerged lands of the sea to these three States at the expense and to the permanent loss of the other forty-five States. The arguments they advance have been answered many times in court, before congressional committees and in public statements. They have been disproved both as to law and fact, but they are repeated in this document, on the eve of a vote in the House, for the plain purpose of concealing lack of any sound basis for depriving all the people of the Nation of the benefit of vast and vital national resources.

The document issued by the State attorneys general attempts to show that the Government is now claiming, or at some time in the future will claim, all submerged lands; and that, therefore, the inland waters of the United States are involved. This is done to attract the support of all the States for the measure designed to enrich 3 States at the expense of the other 45 States. The truth—the unqualified truth—is that no inland waters are involved, and no submerged land or resources of such areas, are involved or can be involved. This was stated as long ago as October 19, 1945, by the then Attorney General Tom C. Clark. It was stated by President Truman in his veto message on House Joint Resolution 225, Seventy-ninth Congress, August 1, 1946 (CONGRESSIONAL RECORD, vol. 92, pt. 8, p. 10660). It was stated by the then Attorney General Clark before the Supreme Court during the argument of the case of *U. S.* v. *California*, March 13, 1947. It was stated by Attorney General Clark during the joint hearings before the Committees on the Judiciary of the House and Senate, March 2, 1948, on Senate bill 1988, Eightieth Congress (hearings, p. 610). I have made similar statements before Senate and House committees during the years 1949, 1950, and 1951. The most recent occasion on which it was made was by Attoruey General J. Howard McGrath before Subcommittee No. 1 of your Committee on the Judiciary, on June 6, 1951, a little over 6 weeks ago, when he said:

"The arguments in favor of State control have also suggested that the decisions of the Supreme Court in the offshore cases have endangered the titles of the several States to the beds of their bays, harbors, rivers, and other inland waters.

"Throughout this controversy representatives of the Department of Justice and of other branches of the Federal Government have repeatedly declared that the United States makes no claim whatsoever to the ownership of lands underlying inland navigable waters, and such lands were specifically excluded when the complaints were filed in the Supreme Court cases.

"Moreover, to provide even further assurance in this regard, the executive branch has drafted and forwarded to the Congress a bill which would reaffirm the claims of the several States to full ownership of the lands underlying their navigable inland waters.

"This proposal was introduced by the chairman of this committee as H. R. 5885 in the Eightieth Congress and as H. R. 5280 in the Eighty-first Congress.

"I have mentioned but a few of the misconceptions which have invaded this problem. When they are cleared away, the proposed quitclaim legislation is revealed in its true light. It is, in our opinion, a proposal to give or donate to three coastal States valuable rights which have been adjudicated to be vested in the Nation as a whole."

The bill to which Attorney General McGrath referred was introduced in the Senate this session and is 1540. It is pictured in the document issued by the State attorneys general (CONGRESSIONAL RECORD, July 24, 1951, p. 8722) as a joker of some kind, which would not accomplish its purpose. This, of course, is a bald and rather brazen misrepresentation. I had part in drafting this bill, so I speak with personal knowledge. It was prepared by attorneys for the Interior, Defense, and Justice Departments. It was drafted for the express purpose of putting an end permanently to the propaganda that the Government had or would have some claim to lands or the resources of lands under inland waters. The State attorneys general and their associates in the enterprise of obtaining the oil resources of the ocean for the benefit of three States at the expense of the other 45 States have succeeded so far in preventing action by either the Senate or the House on the bill reaffirming the rights of all of the States in their inland waters and the beds of such waters. Although this bill has been introduced on one side or the other of Congress session after session over a period of years, the State attorneys general, or the State Governors, or any of the organizations or persons who claim to be interested in the States have never to my knowledge, offered to amend it or improve it or to urge its passage in any form. It is a fair inference that the argument about inland waters, urged with so much seeming fervor and sincerity, is simply a hoax. There is no substance in it, and there never was. The Federal Government has no claim to any inland waters or to the resources of such waters (except where it may have title lawfully acquired by purchase, condemnation, etc., as any other owner) and can make no such claim. This fact is well known, and explains why the States are not interested in legislation that would deprive them of an argument they should not make.

The State attorneys general (CONGRESSIONAL RECORD, p. 8722) argue that S. 1540 is an attempt to split the ranks of the States and divide their forces. This is absolutely true. Of course it is. It is an attempt to prove to the representatives of 45 States that their interests will be permanently impaired by turning over vital national resources in the marginal sea to three States. The ranks ought to be divided. There is no valid reason why the other States should join those who are engaged in the effort to legitimatize a raid on national resources.

California, Louisiana, and Texas have enriched themselves from oil taken from the lands beneath the sea prior to the dates of the Supreme Court decisions in the cases brought against them. They are to keep for themselves the many millions obtained from national resources. To that extent they have already obtained funds which legally belonged to all the people of the Nation. H. R. 4484, now before the House, would not only give these three States all oil and gas resources from the bed of the sea adjacent to their coasts, but would also give them, and them alone, any other minerals in such areas which may be discovered in the future, and which may be vital to the continued existence of generations to come.

You call my attention to the 11 reasons supporting State claims appearing in the statement by the Attorneys General (CONGRESSIONAL RECORD, p. 8719), and you ask me to comment on some of them, which I have been discussing in this letter. There is, too, the assertion that the title of each of the 48 States to coastal, in addition to inland, submerged lands has been held under a century-old rule of law that this property is owned by the individual States rather than by the Federal Government. It is stated that this rule has been destroyed by the Supreme Court, and the way has been opened for foreign nations to claim resources within our territorial waters. There is no tangible basis for these statements. There never was any such rule. The same assertions were made in the briefs filed by the Attorneys General in the Supreme Court of the United States. The existence of a 3-mile belt, from the low-water mark off the shore is due to action by the Federal Government, and not by the coastal States.

This is what the Supreme Court said on the subject:

United States v. *California* (332 U. S. 19), at page 33: "It did happen that shortly after we became a nation our statesmen be-

came 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. * * *"

At page 34: "Not only has acquisition, as it were, of the 3-mile belt been accomplished by the National Government, but protection and control of it has been and is a function of national external sovereignty.

At page 35: "The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interest of its revenues, its health, and the security of its people from wars raged on or too near its coasts. And insofar as the Nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt, will most naturally be appropriated for its use. But whatever any nation does in the open sea, which detracts from its common usefulness to nations, or which another nation may charge detracts from it, is a question for consideration among nations as such, and not their separate governmental units."

United States v. *Louisiana* (339 U. S. 699, at 704): The claim to our 3-mile belt was first asserted by the National Government. Protection and control of the area are indeed functions of national external sovereignty (332 U. S., pp. 31–34). The marginal sea is a national, not a State concern. National interests, national responsibilities, national concerns are involved. The problems of commerce, national defense, relations with other powers, war and peace focus there. National rights must therefore be paramount in that area."

United States v. *Texas* (339 U. S. 707, at 718): "If the property, whatever it may be, lies seaward of low-water mark, its use, disposition, management, and control involve national interest and national responsibilities. 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."

The rule that the State attorneys general mention, is the rule adopted by the Supreme Court in the case of *Pollard's Lessee* v. *Hagan* (3 How. 212), under which the title of the States to navigable inland waters, and the soil under them, was affirmed. Neither that case, nor any that followed, had anything to do with title to the soil under the sea. The question was presented, as the Supreme Court said, for the first time in the California case, decided June 23, 1947. And the Supreme Court found that there is no substantial support in history for the idea that they (the States) wanted or claimed a right to block off the ocean's bottom for private ownership and use in the extraction of its wealth.

Despite these determinations, the State attorneys general continue to pursue the erroneous idea just as if it had not been examined, debated, and rejected by the highest judicial authority in the land. The Supreme Court did not destroy any rule. It declined to make new rules, or to extend old ones to areas wholly outside any commitments made to any State under the Constitution and laws of the United States. The suggestion, now made by the State attorneys general, that the way has been opened by the Supreme Court for foreign nations to claim resources within our territorial waters is utter nonsense. The rights of the United States in a 3-mile zone seaward from its shores are recognized by other nations as an attribute of our national external sovereignty. Despite this generally accepted limitation on the extent of the marginal sea, Louisiana has passed State laws attempting to extend its boundaries 27 miles, and Texas all the way to the edge of the Continental Shelf, in both instances far beyond the boundaries claimed by the United States. The international problems created by these unilateral attempts at extensions are both many and difficult, but the State attorneys general do not mention them.

H. R. 4484 (the Walter bill) attempts to give the State ownership of submerged lands in the sea lying within original State boundaries. But the Supreme Court has made it clear that a State boundary is one thing and the sovereign power is entirely different. The Government does not question that California's boundary is three English miles from its low-water mark, but that fact does not give it ownership of the lands seaward of the low-water mark, any more than it has ownership of all the soil within its boundaries landward of the low-water mark. The Walter bill would attempt to impair or destroy the national external sovereignty of the United States, acquired through its status in the family of nations, and perhaps hamper it in dealing with extensions claimed by other nations in different parts of the world. The Congress may not appreciate the fact that the term "original boundaries," as used in the Walter bill, is itself fruitful of serious difficulties and discriminations, certain to prolong and engender controversies between the United States and the coastal States, and between the coastal States. In support of their assertion that the Supreme Court has opened the door for foreign nations to make claims to resources within our boundaries, the State attorneys general quote a statement made by Judge Manley O. Hudson, Chairman of the United Nations Commission on International Law, Dean Roscoe Pound, Dr. Charles Cheney Hyde, and other experts. With great respect to these eminent authorities, you should be informed that they were retained and presumably paid by the State of Texas, and their statements appear in the brief filed by Texas in the Supreme Court. Their views were considered and rejected.

The publication by the State attorney general speaks of "a barrage of false and misleading propaganda emanating from Federal lease applicants and executive agencies of the Federal Government." We are not responsible for anything issued by Federal lease applicants, whose efforts seem to us to be just as unsound as those made by the three States and by the attorneys general who support those States. We urge the rights of the Government of the United States, on behalf of all of the people. We are responsible for no propaganda of any kind. All of our views have been expressed in the first instance to the Supreme Court and to congressional committees. We have neither the time, the opportunity or the resources to get the truth home to the people, other than through the reports in the press of court and congressional proceedings, and such comment as may be made thereon. The State attorneys general, however, have not been so circumscribed. They have maintained paid representatives in Washington, lobbying before committees of the Congress for years. This is a most unusual circumstance and would bear inquiry. We have often called attention of congressional committees to the fact that misleading propaganda was emanating from those on the other side of the controversy. The record proves it.

The Department of Justice has been successful in its efforts to confirm the rights of the United States in the vast mineral resources of the sea. The techniques being used to discredit its efforts, and the efforts of the Department of the Interior, are unworthy of notice by the Congress. The attorneys general allege (CONGRESSIONAL RECORD, p. 8719) that Congress has been ignored and circumvented by executive officials in the attempted seizure of this property from the States." The plain fact is that three States seized Federal property and profited from that seizure by perhaps hundreds of millions of dollars until the present administration called a halt. The truth is that, so far from ignoring or circumventing Congress, the executive officials have been imploring Congress, at every session since the decision in the California case, to enact legislation enabling the proper officials to safeguard, conserve, develop and make available resources of incalculable value to all the people of the Nation. These efforts have been blocked by those who still hope to continue to exploit these national resources for the benefit of the three States who seized Federal property without the permission of the Congress or any other branch of the Federal Government. If Congress has been ignored, it has been done by the three States and by no other agency.

The Walter bill is an attempt to exercise the constitutional authority of Congress to dispose of Federal property. If the bed of the marginal sea belonged to the States, no legislation would be necessary or effective. The insistence on the passage of the bill, no matter how it may be phrased, is an admission that Federal and not State property is at stake. There has never been, so far as any of the officials are aware, a single persuasive reason why Federal assets of such vital importance, and the full extent of which are unknown, should be given away forever, and given to 3 States at the expense of the other 45.

Sincerely yours,

PHILIP B. PERLMAN,
Solicitor General.

Mr. REED of Illinois. Mr. Chairman, I yield such time as he may desire to the gentleman from Massachusetts [Mr. GOODWIN].

Mr. GOODWIN. Mr. Chairman, I shall vote for the Walter bill today just as I have voted for the principle of this legislation in two preceding sessions. The issue is simple. It is to confirm to the several States the titles to submerged lands within their respective boundaries and to remove the cloud heretofore judicially imposed on such titles.

Despite efforts to make it appear that only three States are involved, the fact is that every one of the 48 is affected by this legislation.

My own State of Massachusets is vitally affected. Our fishing industry, including shellfish, is an important one, affording employment to many. Other property rights are involved including those related to beach and seashore business and residence. But our concern goes far deeper than our interest in any of these and would go deeper even if we had oil in our sea lands, which, so far as we know, we have not. The historic property rights of our people go back over 300 years when Charles I granted the Massachusetts Charter of 1629. These historic rights have been publicly challenged and this challenge offends our every time-honored concept of honesty, justice, and equity.

Whatever wealth there may be of whatever nature and whether now existent and enjoyed or hereafter to be discovered, in the submerged lands within our own historic borders, we want to continue to own and administer and we resent the implication of a paternally minded Federal Government that we

cannot be trusted to control these resources at the State level for the public good.

During the past two decades, we have seen the Federal Government constantly endeavoring to expand its controls and extend its powers over our people and to encroach on the government of the States. Passage of this bill will serve notice once more that we propose to check this tendency before we wake up to find that we have gone so far toward a nationalization of our natural resources that it will be difficult if not impossible for the States to recapture their original powers and maintain their ancient rights.

My position on the Walter bill reflects the viewpoint of many citizens, officials and groups of Massachusetts who have let me know their feelings and one of the communications I have received is the following telegram from the president and secretary of the Massachusetts Bar Association:

Hon. ANGIER L. GOODWIN,
House Office Building,
Washington, D. C.:

We urge support of H. R. 4484, the Walter bill, to confirm the rights of Massachusetts citizens to her sea lands dating from 1629 as explained in resolution of the executive committee of the Massachusetts Bar Association mailed to you. The rights of fishing shellfish and other property in Massachusetts are involved.

SAMUEL P. SEARS, *President,*
FRANK W. GRINNELL, *Secretary,*
Massachusetts Bar Association.

The resolution referred to in the above telegram is herewith submitted and reads as follows:

MASSACHUSETTS BAR ASSOCIATION,
Boston, Mass.

The President of the United States and the Honorable Members of the Senate and of the House of Representatives of the United States:

As members of the executive committee of the Massachusetts Bar Association we respectfully submit for your consideration the following resolution (adopted May 16, 1951):

"RESOLUTION ON TIDELANDS

"Whereas Massachusetts received title to its submerged sea lands from the English Crown by the colony charter of 1629 subject to certain reserved rights of the Crown, and said title and that of persons holding thereunder were confirmed by the Crown by the province charter of 1692 and all reserved rights of the Crown were released and ceded to the Commonwealth by the Definitive Treaty of 1783 and protected by the Constitution of the United States, especially by the tenth amendment, and were recognized by the Supreme Court of the United States in *Harcourt* v. *Gaillard* (12 Wheaton, 524), and many other cases as specifically set forth and explained in the Massachusetts Law Quarterly for March 1950; and

"Whereas by chapter 289 of the acts of 1859 (now sec. 2 of ch. I of the General Laws of Massachusetts) the territory was specifically defined as follows:

"'SEC. 3. The territorial limits of the Commonwealth shall extend one marine league from its seashore at extreme low-water mark. If an inlet or arm of the sea does not exceed two marine leagues in width between its headlands, a straight line from one headland to the other shall be equivalent to the shore line.'

"And whereas the United States never acquired any title to the submerged sea lands of Massachusetts, one of the Original Thirteen States, except by express cession, but the Supreme Court of the United States, in recent cases to which Massachusetts was not a party, has confirmed a claim of the United States to such submerged sea lands of all of the Original Thirteen States and thus clouded the title of Massachusetts land, which claim is called 'paramount rights in and power and dominion over' the sea lands 'an incident to which is full dominion over the resources of the soil under that water area' (see *U. S.* v. *California* (332 U. S. at p. 38)), and these 'rights' are asserted to transcend those of 'a mere property owner' (see p. 29).

"Now, therefore, the members of the executive committee of the Massachusetts Bar Association, urge upon the Congress the passage of pending legislation to confirm the rights and title of Massachusetts within its historic boundaries."

This resolution supplements the memorial of the Massachusetts Legislature of March 18, 1948 (partly reprinted in the Massachusetts Law Quarterly for March 1950) and the resolution of this committee in support of similar legislation then pending in Congress, which was sent to the President and all Members of Congress in April 1949.

Samuel P. Sears, President; Reuben Hall, Vice President, Newton; Thomas M. A. Higgins, Lowell; Paris Fletcher, Worcester; Frederic S. O'Brien, Lawrence; Bennett Sanderson, Littleton; Frederick M. Myers, Pittsfield; Inez Di Persio, Belmont; Fletcher Clark, Jr., Middleboro; William B. Sleigh, Jr., Marblehead; Frank W. Grinnell, Secretary, Boston.

I submit the following article from the Washington Times-Herald of July 29, 1951:

THESE DAYS

(By George Sokolsky)

I became interested in the tidelands cases for two reasons, perhaps somewhat different from those which immediately trouble the people of the States of California, Texas, and Louisiana.

The first reason is the constant encroachment of the Federal Government on the revenues of State governments. In some States, in which the Federal Government has established vast national parks and reservations, State revenues are in such a dismal condition that the States turn to Washington for a hand-out.

This is a bad practice. It was part of the theory of the New Dealers that States should be abolished and that the United States should be divided into administrative provinces—nine, if my memory serves me.

Such a procedure would have destroyed the sovereignty of the States and would have established an administrative system that could have been a basis for a totalitarian government.

The scheme failed and has been forgotten, but Federal encroachment on the rights of the States and of the people thereof has continued, often in such small respects that it amounts to a whittling process that can, in time, completely alter our form of government.

The second reason for my interest in the tidelands question is that in the case of the *United States* v. *Texas*, the Supreme Court deciding against the State, 4 to 3, Mr. Justice Hugo Black and Mr. Justice William O. Douglas employed startling language, as in the California case, which ought not to be permitted to stand as precedent in American law.

The theory that what, at a particular moment, an administration of government believes to be necessary is ipso facto right is not American but Nazi law.

Justice Oliver Wendell Holmes throughout his long career as a Hegelian philosopher, essayist, and jurist did believe that law as a function of the power of the state involved no moral criteria, but both the Declaration of Independence and the Constitution of the United States conceived of law in this country as a limited procedure which, in the case of the individual, must not breach his inalienable rights and, in the case of States, must not invade their jurisdiction beyond the specific provisions of the Constitution.

Whereas the Democratic Party pays lip service to the memory of Thomas Jefferson, the tendency of both the Roosevelt and Truman administrations has been to ignore such limitations on the assumption that the necessities of the Government are paramount.

In the California and Texas cases, the Supreme Court upheld this doctrine without, however, a very clear definition of the necessities of the Government.

Moreover when such phrases are employed as "bare legal title" or "mere property ownership," the peril is far beyond these particular cases.

Our social and economic life is organized around legal titles. A man has a legal title to his home, his automobile, his furniture, his television set, etc. And that is all that he has. That legal title is his sole right to possess whatever he has, even the suit on his back.

There are countries where a legal title does not exist for the individual but is vested in the government. In such countries, the government can, in pursuit of its so-called necessities, divest the individual of his possessions, because the title to the means of production, distribution, and exchange is socially vested in the state.

This is Marxian socialism, now practiced in Soviet Russia and other Communist countries.

When, therefore, a Justice of the United States Supreme Court denounces legal titles by using such an adjective as "bare" to describe them, he is moving a step toward the concept that a legal title is unimportant per se.

Ignoring for the moment all other considerations in these tidelands cases, such a concept as this held by Mr. Justice Douglas must not be permitted to stand:

"Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign."

The American conception of property rights is that they exist by right of law and not by the fiat of the administration in power. Were it otherwise, it would be possible for the Republicans, when they achieved power, to deny property rights to Democrats and vice versa.

As a matter of fact, that process is actually employed today in countries where nationalization is incomplete, such as China and Czechoslovakia, and it was used by Soviet Russia to deprive land-owning farmers, kulaks, of their property.

In a word, here we have an issue that transcends oil and goes to the heart of the American philosophy of life.

Mr. REED of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. DOLLIVER].

Mr. DOLLIVER. Mr. Chairman, since I have been a Member of the Congress I have consistently supported legislation after which the Walters bill is patterned. As I see it, there are two fundamental issues in this legislation, both of which are of paramount importance.

The first is the legal principle involved. For a period of about 100 years, through the decisions of the highest court of our land, it was generally understood and conceded that the title to submerged lands of the States belonged to

the States and not to the Federal Government.

Now, anyone who has given any attention to the study of land titles knows that it is somewhat an esoteric and metaphysical subject, I think I see some agreement on the faces of some of my friends here today. Actually we can all agree that two of the important attributes of the fundamental ownership of land are dominion and possession. The fact is that the States have exercised dominion and have been in possession of these tidelands and submerged lands since the founding of this Republic. Certainly these attributes of ownership as well as the precedents of the Supreme Court itself were ignored in the recent decisions putting the title to tidelands in the Federal Government.

As has been pointed out in the debate, this issue became one of considerable more interest, when oil was discovered on these tidelands and on the Continental Shelf.

Then upsetting the precedents of 75 years the Supreme Court of the United States threw great doubt on these titles; and, indeed, went further than that, and asserted title to these lands in the Government of the United States.

I can well understand the indignation of my Texas friends over these decisions of the Supreme Court. Texas, you will remember, came into the Union not from a territorial status but as an independent republic. The United States of America, the Federal Government, never owned an acre of public land in the State of Texas or in the Republic of Texas before it became a part of the Union. Now a century later, after that issue was settled by the admission of Texas into the Union as a State, after the United States of America had declined the opportunity to take over the public lands in Texas by assuming the debts of the Republic of Texas, our courts now say "We are welching on that bargain that was made back in those days." So I can well understand why our friends from Texas are so indignant about this present situation.

I, for one, am willing to rectify that situation with my vote.

The other fundamental and underlying issue is a political issue. What is the political significance of this legislation? There are some of us, indeed, there are a great many of us in the House of Representatives, and there are many citizens of the United States who have been alarmed in the past two decades or more at the overwhelming increase in Federal power, the centralization of government here in Washington.

This country started out as the United States. Do you get the significance of that title of this Nation, "the United States"? There was a group of 13 independent colonies who banded themselves together under a constitution. Only limited powers were granted to the Federal Government. All others were reserved to the States or the people.

This legislation is a reversal of that trend for centralization of power which has been going on with special emphasis during the last 20 years, and with some considerable velocity over the last half century.

I am a believer in the principle that the Federal Government should not interfere with the affairs of the people except where it becomes positively and affirmatively necessary. There is no such compulsion for the attitude taken in the decisions of the Supreme Court.

The Congress of the United States will do well today and in the ensuing weeks of this session to reverse this political trend and restore a degree of authority to the separate States over tideland and submerged lands. The Walters bill should be passed by a large majority of this House.

Mr. REED of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. YORTY].

Mr. YORTY. I thank the gentleman. I did not realize I was to be afforded the opportunity to rise in support of this legislation at this particular time. It is the kind of legislation which one wishes he had adequate time to discuss because there are many phases to it.

I am particularly amused by the recurring argument that the quitclaim bill is for the benefit of the oil companies. The truth of the matter is, as everybody knows, that the oil companies are interested in only one thing, that is, the protection of the rights they have acquired. They have been assured by the executive branch of the Government since the beginning of this dispute that the rights they acquired legitimately before the suit was commenced would be protected. They have said this in court, and it has been said by the President. So it does not make any difference to the oil companies whether the States ultimately get back the title that was taken from them in the suit against the State of California or whether the Federal Government obtains undisputed ownership by virtue of legislation such as that proposed by the gentleman from New York [Mr. CELLER]. Both the Walter bill and the Celler substitute confirm all of the rights of the oil lessees which were acquired in good faith before the decision in the California suit. So the oil companies are not involved in this except for the fact that they cannot help but win because both sides are willing to confirm the titles which the lessees legitimately acquired during the period when the titles of the States was not questioned.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. YORTY. I yield to the gentleman from California.

Mr. HINSHAW. I was amused at the gentleman from New York talking about the quitclaim bill being an oil company bill, when he had just finished stating that the bill which he was about to offer had the approval of all the oil companies in the United States.

Mr. YORTY. That is right. I am sorry that side issue comes into the argument. It is one you cannot bury, because those who are opposed to the States getting back the titles which they held from the beginning of the Union seem to insist upon dragging in this irrelevant emotional issue in order to becloud the real and fundamental issue, which is a question of the sovereignty of the States.

California has been a guinea pig for many things. This tidelands suit is just one. In 3 minutes I cannot tell you about the suit in California that, in my judgment, proves that there is more involved in this Federal-State dispute than just submerged lands beneath the marginal seas.

The United States Attorney General has brought suit in the Federal court in California against all of the people in a watershed where there is nothing but nonnavigable waters. The Government is contending in that suit that the United States owns right which are paramount and superior to all the water rights of the people in the watershed, even though some of them have been there for 100 years and the Federal installation for national defense, Camp Pendleton, is only approximately 10 years old and was orginally acquired from private owners who certainly had no so-called sovereign rights. How did this acquisition by the Federal Government enlarge the water rights of the ranch it acquired, or modify, perhaps annul, the water law of the State of California? It could do so only by invoking some doctrine analogous to the theory of the so-called tidelands cases. This is what the Federal Government is trying to do.

They are asserting that because the State of California was willing to grant them the exclusive internal jurisdiction needed by a military establishment they have changed the water rights in the whole stream; State law does not apply any more. They claim their rights are paramount and superior to that of every other water user. That is the length to which this sovereign-ownership theory enunciated in the case of United States against California may go.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. REED of Illinois. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. CELLER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Chairman, in my remarks last Friday in Committee of the Whole, I urged Members to keep clearly in mind the fact that this controversy does not involve inland waters. I referred to statements made by the President and other members of the executive branch, and to the language of the decisions of the Court which showed that this is true and that the only submerged lands here involved are those underlying the ocean, seaward of low-water marks and outside of inland waters. During the remarks made by certain of my colleagues, however, there were included various statements which suggest that the Federal Government has asserted a claim to the beds of inland waters in particular instances, and specific reference was made, as was just made by my immediate predecessor in the well—specific reference was made to the Santa Margarita Valley litigation and to the position which the Secretary of the Interior has taken with respect to oil and gas leases the State of Louisiana now desires to make in the vicinity of Breton Sound, and Timbalier Island. I feel it my duty to clarify certain of the

impressions created by the references to these matters.

Recently members of Subcommittee No. 1 of the Committee on the Judiciary were informed in hearings that the Santa Margarita Valley litigation, involving water rights on that river in California, has nothing to do with the ownership of the beds of submerged lands. Moreover the United States, in bringing the suit, is not asserting its sovereign rights but merely those of a proprietor of lands bordering a stream and even then is asserting only those rights which had been adjudicated to be vested in its predecessor in title as against claimed rights of certain upstream owners. Unfortunately some confusion has been created because of the use of the word "paramount" in connection with the rights involved. But this was necessary because the Supreme Court of California had adjudicated the matter and had determined that the Government's predecessor in title had a paramount or superior right to a certain amount of water as against upstream owners.

Excerpts from the hearings to which I have referred are set forth in the Appendix of the CONGRESSIONAL RECORD, pages A4186–4787, and I invite the attention of my distinguished colleague, the chairman of my subcommittee, the gentleman from Pennsylvania [Mr. WALTER], sponsor of H. R. 4484, who, in his comments appearing on page A4187 of the Appendix, recognized that the use of the word "paramount" with respect to riparian water rights ligitation in California was merely a "word of art that is causing a lot of apprehension needlessly."

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from Pennsylvania.

Mr. WALTER. In view of the fact that the gentleman has referred to a comment I made, I would like to call attention to the fact that the witness who testified at that time altered his remarks, so that no longer they meant what they meant when he testified.

Mr. FEIGHAN. That is your interpretation now, but I think the entire subcommittee was thoroughly in accord in the belief that this word "paramount" was a word of art and that its use had no relation to the use of the same word in the Supreme Court decision.

Mr. WALTER. Will the gentleman yield further?

Mr. FEIGHAN. Yes.

Mr. WALTER. Of course the word is a word of art. It has a very well known technical meaning, and for that reason the people who have studied the decisions of the Supreme Court are very much concerned lest the philosophy there enunciated will be carried to the inland streams.

Mr. FEIGHAN. Of course, in my argument of last Friday I argued against the expectations and hopes of the proponents of this bill. They would stretch the meaning to cover lands never intended to be covered. The rationale of the Supreme Court decisions applies only to submerged ocean lands, and cannot apply to any other type of land.

In the Santa Margarita litigation, the United States is merely asserting a title it has purchased; it is not asserting anything remotely related to the "paramount power" of the United States with respect to lands underlying the ocean.

In the course of his remarks on July 27 in the Committee of the Whole, the gentleman from Pennsylvania [Mr. WALTER], referred on page 9080 of the RECORD to an article in the New York Times regarding a statement made by the Secretary of the Interior to officials of the State of Louisiana with respect to certain oil and gas leases proposed to be made by the State of Louisiana in the Breton Sound and Timbalier areas. At the same time, the gentleman from Pennsylvania displayed to the Members of the House a map, pointing particularly to Breton Sound and Timbalier Bay, and drew the inference that the Secretary of the Interior, in his statement to the Louisiana officials, was claiming that the United States owned all of Breton Sound and all of Timbalier Bay.

Mr. Chairman, I have here and I have obtained permission of the House to insert at the conclusion of my remarks, a copy of the letter of the Secretary of the Interior, dated July 20, 1951, to the chairman of the State Mineral Board of Louisiana, which was the occasion for the New York Times article mentioned by the gentleman from Pennsylvania. Mr. Speaker, in this letter the Secretary of the Interior makes no claim whatever to lands within Breton Sound or within Timbalier Bay. The letter merely advises the Louisiana officials that certain of the tracts advertised by them for leasing are situated in part seaward of the line claimed by the United States as the outer limit of inland waters. This line, Mr. Speaker, follows the ordinary low-water mark on the seaward side of Timbalier Island and on the seaward side of the Chandeleur Islands, which enclose, respectively, the inland waters of Timbalier Bay and Chandeleur and Breton Sounds. In his letter to the Louisiana officials, the Secretary of the Interior was referring only to lands situated seaward and outside of those islands, lands which are clearly under the open waters of the Gulf of Mexico.

The Members of the House may be interested in seeing the maps which I have here. They are copies of Coast and Geodetic Survey charts, Nos. 1115 and 1116, upon which there has been drawn the line claimed by the United States as that separating the open waters of the Gulf of Mexico from the inland waters of Louisiana. As these charts show, and you can readily see, no part of either Timbalier Bay or Breton Sound is claimed by the United States. I am advised that copies of these charts, with the line depicted thereon, have been furnished to the attorney general of Louisiana and to all interested oil companies.

UNITED STATES
DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., July 20, 1951.

Hon. O. G. COLLINS, *Chairman,*
State Mineral Board,
State of Louisiana,
Baton Rouge, La.

MY DEAR MR. COLLINS: This Department has received a copy of the notice of publication which was recently issued by the State mineral board with respect to the leasing of various tracts of submerged lands along the coast of Louisiana for mineral development, and which states that sealed bids for the leases will be received by the board up to 10 a. m. on July 26, 1951.

On page 15 of the mimeographed copy of this announcement there appears the following statement:

"No portion of the above description of tracts 4823 to 4855, inclusive, and tract No. 4870 is intended to delineate the seaward limits of State-owned water bottoms. No lands are hereby offered for lease which cover any property over which the United States may hold paramount rights and power under the decree of the United States Supreme Court in the case of *United States of America* v. *State of Louisiana,* No. 12, Original, October 1950, term."

This language would seem to indicate to prospective bidders that the State of Louisiana considers all the offered lands to be lands underlying inland waters and, therefore, not subject to the decision and decree of the Supreme Court of the United States in the case of *United States* v. *Louisiana* (339 U. S. 699, 340 U. S. 899).

In order that there may be no misunderstanding in this regard, you are hereby notified that the United States regards the Supreme Court's decision and decree in *United States* v. *Louisiana* as applicable to portions of the following tracts listed in the notice mentioned above:

Breton Sound area: Tract 4829 (block 9), tract 4841 (block 23), tract 4842 (block 27), tract 4848 (NE of block 37), tract 4849 (block 45), tract 4850 (block 46), tract 4854 (block 50), tract 4855 (block 51).

South Timbalier area: Tract 4870 (adjacent to blocks 14 and 15).

On March 16, 1951, the Solicitor General of the United States forwarded to the attorney general of Louisiana copies of Coast and Geodetic Survey Charts 1115 and 1116 upon which there was delineated the line claimed by the United States as the landward boundary of the offshore area covered by the decision and decree of the Supreme Court in *United States* v. *Louisiana.* Where this line passes through the blocks in the Breton Sound and South Timbalier areas referred to above it is more particularly described as follows:

Breton Sound area: Beginning at a point on the ordinary low-water mark at the northernmost extremity of Bird Island, thence by a straight line in a northeasterly direction across the entrance to Breton Sound to the ordinary low-water mark at the westernmost extremity of the westernmost of the two islands comprising Breton Island; thence in a northeasterly direction along the ordinary low-water mark on the Gulf side of the two islands comprising Breton Island to the ordinary low-water mark at the northernmost extremity of the easternmost of said islands, except where said low-water mark is interrupted by the opening between said islands, at which place the boundary line is a straight line across such opening; thence by straight line in a northeasterly direction to the ordinary low-water mark at the southwesternmost extremity of Gosier Island; thence in a northeasterly direction along the ordinary low-water mark on the Gulf side of Gosier Island

to the northeasternmost extremity of said island; thence by straight line in a northeasterly direction to the ordinary low-water mark at the southwesternmost extremity of the unnamed island situated near latitude 29°33'43", longitude 89°02'54"; thence in a northeasterly direction along the ordinary low-water mark on the Gulf side of said unnamed island to the northeasternmost extremity of said island; thence by straight line in a northeasterly direction to the ordinary low-water mark at the southwesternmost extremity of the group of islands identified as Errol Island; thence in a northeasterly direction along the ordinary low-water mark on the Gulf side of the several islands in the group of islands identified as Errol Island to the northeasternmost extremity of said islands, except where said low-water mark is interrupted by the openings between said islets, at which places the boundary line is a straight line across such openings; thence by straight line in a northeasterly direction to the ordinary low-water mark at the westernmost extremity of the most southerly island in the group of islands identified as Curlew Islands.

South Timbalier area: Beginning at a point on the ordinary low-water mark on the Gulf side of Timbalier Island, at the intersection of said low-water mark with the western boundary of Tract 4870, as described in the Notice of Publication announcing the receipt of bids on July 26, 1951; thence in a southeasterly direction along the ordinary low-water mark on the Gulf side of Timbalier Island to the easternmost extremity of said island near latitude 29°02'48", longitude 90°23'24"; thence by straight line in an easterly direction across the western entrance to Timbalier Bay to the ordinary low-water mark at the southernmost point of the unnamed islet situated in the entrance to Timbalier Bay to the ordinary low-water mark at the southernmost point of the unnamed islet situated in the entrance to Timbalier Bay near Grand Pass Timbalier; thence by straight line in a northeasterly direction across the entrance to Timbalier Bay to the ordinary low-water mark at the western extremity of East Timbalier Island.

All portions of the tracts previously mentioned which are situated seaward of the line described above are regarded by the United States as subject to the Supreme Court's decision and decree in *United States* v. *Louisiana*, and to the injunctive and accounting provisions contained in the decree (340 U. S. 899). Both the Department of Justice and the Department of the Interior are of the opinion that the State of Louisiana has no authority to lease such lands. Accordingly, you are hereby requested to withdraw from public bidding all portions of the listed tracts which are situated seaward of the designated line, and to inform prospective bidders of such withdrawal.

Sincerely yours,

OSCAR L. CHAPMAN,
Secretary of the Interior.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HILLINGS. Mr. Chairman, the legislation now under consideration, H. R. 4484, will prevent American citizens in each of the 48 States from being harassed in the same manner as the 10,000 small landowners in the Fallbrook area of San Diego County, Calif.

If this bill is enacted into law, titles to real property in all of the 48 States will be secure. If the bill is not enacted, the Federal Government no doubt will institute thousands of suits against small property owners who own lands adjacent to or under rivers, streams, lakes, harbors and other bodies of water all over the country. Under the theory of the Supreme Court decision in the United States against California it was held that by virtue of the paramount powers of the Federal Government the United States owned the submerged lands off the coast of California. The same theory was followed in the succeeding cases of the United States against Texas and United States against Louisiana

If we fail to act here today, who knows where the Department of Justice will strike next. Will it be against resort owners along the shores of Lake Michigan, against owners of fisheries in Maine or Massachusetts or perhaps the amusement park at Coney Island?

Mr. Chairman, the Department of Justice has indicated by its action in the Fallbrook cases that a multiplicity of suits against thousands of small landowners is no deterrent to action on its part. We must enact this legislation to protect the small property owners of America.

Mr. Chairman, I should like to include as part of my remarks certain resolutions favoring State ownership of the submerged lands introduced in the California Legislature, and an editorial from the July 20, 1951, issue of the Los Angeles Times:

Senate Joint Resolution 12

Whereas on the adoption of the Declaration of Independence, the original States, as successors to the English Crown, became the owners of the tide and submerged lands within their respective borders, and such ownership was retained by them on the adoption of the Constitution and never has been relinquished to the Federal Government since; and

Whereas the State of California was admitted to the Union on a basis of equality with the original States, possession and enjoying all the attributes of sovereignty residing in the original States, including the ownership of the tide and submerged lands within its borders; and

Whereas the decision of the United States Supreme Court in the case of the *United States* v. *California* has held that "the United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full domination 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 inland waters, extending seaward three nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California. The State of California has no title thereto or property interest therein"; and

Whereas this decision casts a cloud upon the title of the State of California and all of its subdivisions or persons acting pursuant to its permission, to the tide and submerged lands off the coast of the State of California extending seaward 3 miles; and

Whereas the Supreme Court has declared that the power to determine the question of ownership resides in the Congress; and

Whereas the State of California, its subdivisions, and persons acting pursuant to its permission have spent enormous sums of money improving and developing the tide and submerged lands along the coast of California, which improvements and developments are in jeopardy unless the Congress enacts legislation to remove the cloud on the title to said lands created by the Supreme Court decision; and

Whereas the State of California has developed and made available for public use, a system of beaches and parks at great cost and expense to the people of California, and these State-owned and operated beaches and parks have been developed to the point where they are now used and enjoyed by approximately 22,000,000 people per year; and

Whereas the State of California, its cities, counties, and other political subdivisions have made improvements to tide and submerged lands for many purposes including, but not limited to, harbor developments, piers, docks, wharves, jetties, recreational facilities, and industrial sites; and

Whereas the State of California has had for many years a full and complete set of laws designed for the conservation, regulation, and management of its natural resources in such fields as mining, forestry, beaches and parks, oil and gas, public lands, soil conservation, fish and game, and harbors and navigation, and the State has provided for adequately staffed and financed administrative agencies to carry out these laws; and

Whereas the State of California, its subdivisions and persons, acting pursuant to its permission, have made the investments, improvements, and developments herein set forth in good faith upon the assumption that the State of California was the owner of and had dominion and jurisdiction over the tide and submerged lands lying off the coast of California; and

Whereas for many years prior to the Supreme Court decision many agencies of the Federal Government have recognized the ownership, dominion, and jurisdiction of the State of California over these tide and submerged lands; and

Whereas the cloud created by the decision of the Supreme Court not only affects the investment, development, and improvement already made on and to the tide and submerged lands off the coast of California, but it will prevent further investments in and development to and improvement of these tide and submerged lands off the coast of California, to the detriment of the people of the State of California and of the United States: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California (jointly), That the Congress of the United States be respectfully requested to enact legislation now pending before the Congress to remove the cloud created by the Supreme Court decision by quitclaiming to the State of California and the other respective States of the United States and to their subdivisions and to persons acting under and pursuant to their permission, ownership of, title to, and dominion over the lands beneath the tide waters and navigable waters of the United States a distance seaward 3 miles; so that the State of California together with the several States may continue without interruption the title to and dominion and jurisdiction over said lands, thereby perpetuating what has been considered for more than 160 years in good faith to be a proper sphere of State jurisdiction, dominion, and ownership; and be it further

Resolved, That the secretary of the senate is directed to transmit copies of this resolution to the Senators and Representatives of the State of California and to the Committee on the Judiciary of the United States Senate and the Committee on the Judiciary of the House of Representatives, and to the President of the United States; and be it further

Resolved, That the secretary of the senate is directed to send copies of this resolution to the mayors of all California cities and the

chairmen of all boards of supervisors of California counties and urge that they, in their local areas, continue unabated their valiant battle for the reaffirmation, by the Congress and the President, of California's unquestioned title to its tide and submerged lands.

GOODWIN J. KNIGHT,
President of the Senate.
J. A. BEEK,
Secretary of the Senate.
SAM L. COLLINS,
Speaker of the Assembly.
ARTHUR A. OHNIMUS,
Chief Clerk of the Assembly.

Assembly Joint Resolution 15

Joint resolution relative to the tidelands and submerged lands adjacent to the coast of California

Whereas the United States has recognized that all the States since July 4, 1776, or since their admission to the Union, have exercised full powers of ownership over all lands beneath navigable waters within their boundaries and of all natural resources within these lands and waters; and

Whereas each State has maintained full control of its natural resources with the acquiescence and approval of the United States and in accordance with numerous decisions of the Supreme Court of the United States and the executive departments of the United States that these lands and resources were vested in the respective States as an incident to State sovereignty and that the exercise of these powers of ownership and control did not and will not impair or interfere with the exercise by the Federal Government of its constitutional powers in relation to the control and regulation of commerce, navigation, national defense, and international relations; and

Whereas large sums of money have been expended by the several States, their subdivisions, and persons lawfully acting pursuant to State authority in improving and reclaiming land, and in developing the natural resources in the lands and waters relying upon the recognized rule of State ownership; and

Whereas the Supreme Court of the United States has recently held that the Federal Government has certain paramount powers in respect to a portion of these lands and natural resources without reaffirming or settling the ultimate question of their ownership and control; and

Whereas this decision of the Supreme Court recognizes that the question of the ownership and control of these lands and natural resources is within the "congressional area of national power" and that Congress will not execute its powers "in such way as to bring about injustices to the States, their subdivisions, or persons acting pursuant to their permission": Now, therefore be it

Resolved by the Assembly and the Senate of the State of California, That it is in the public interest that title and ownership of the lands beneath navigable waters within the boundaries of the State be confirmed in these States by the Congress of the United States; and be it further

Resolved, That the Congress of the United States recognize, confirm, and establish title to these lands in the States so concerned; and be it further

Resolved, That the Congress of the United States release and relinquish to these States all right, title, and interest which the United States has in these lands; and be it further

Resolved, That the chief clerk of the assembly is directed to transmit copies of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

Assembly Joint Resolution 3

Joint resolution relative to the tidelands and submerged lands adjacent to the coastal States

Whereas until recently it was generally recognized that all of the coastal States owned a belt of land beneath navigable waters adjacent to their coasts; and

Whereas in 1947 the Supreme Court of the United States held that those lands were not owned by the States and that the Federal Government rather than the States has paramount rights in and power over the 3-mile belt of land; and

Whereas the effect of the decision of the Supreme Court was to divest the States of valuable oil rights; and

Whereas State ownership of the 3-mile belt of land is not inconsistent with the Federal control necessary in the conduct of international affairs and Coast Guard activities: Now, there, be it

Resolved by the Assembly and Senate of the State of California (jointly), That the Congress of the United States is respectfully memorialized to enact such legislation as will be necessary to restore ownership of the 3-mile belt of land beneath navigable water adjacent to the coasts of the coastal States; and be it further

Resolved, That the chief clerk of the assembly is directed to transmit copies of this resolution to the President and Vice President of the United States; to the Speaker of the House of Representatives, and to each Senator and Representative of a coastal State in the Congress of the United States.

Assembly Joint Resolution 4

Joint resolution relative to lands beneath the navigable waters adjacent to the coasts of coastal States

Whereas a recent decision of the Supreme Court of the United States refutes a long recognized claim of the coastal States to the 3-mile belt of land beneath the navigable waters adjacent to their coasts; and

Whereas the effect of this decision was to divert those States of valuable oil rights; and

Whereas ownership of such land by the coastal States would in no way interfere with Federal control necessary in the conduct of international affairs and Coast Guard activities; and

Whereas if it is possible for the Federal Government to secure the ownership of such lands on the basis of its contentions before the Supreme Court, there is a danger that the ownership of all State lands in other States as well as in the coastal States will be jeopardized; and

Whereas the legislature of the State of California has, by resolution, memorialized the Congress of the United States to enact legislation necessary to restore this land to the State: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California (jointly), That the legislatures of each of the States are urged to adopt a resolution similar to that of the California Legislature; and be it further

Resolved, That the legislature of each of the States is requested to transmit to the Legislature of California copies of any resolutions adopted or notice of any taken relative to the subject matter of this resolution; and be it further

Resolved, That the chief clerk of the assembly is directed to transmit a copy of this resolution to each of the legislative bodies of each of the States.

[From the Los Angeles Times of July 20, 1951]

MUST THE STATES STAND AND DELIVER?

Action in the House of Representatives is anticipated this month on the bill granting to the States full ownership and control of their submerged offshore lands, one more episode in a peculiar piece of history.

In 1946 both houses passed such a bill. It was vetoed by President Truman and the veto was sustained. Tidelands control has been in a suspended state since then. A repetition of the 1946 story is expected, but if the Congress can manage to override the threatened veto, as it should do, the tidelands controversy then will move out of the twilight zone.

VITAL ISSUE IN DISPUTE

The question is somewhat abstract but nonetheless has momentous possibilities. Because power and revenue both are involved, if the States fail to recover their rights the whole structure of our Government, Federal and local, may be changed.

States' rights is at the bottom of the controversy. And the oddity is that the administrations of Presidents Franklin D. Roosevelt and Truman, Democratic administrations, administrations of the old States' Rights Party, have limited the authority of the States as even the radicals of the post-Civil War era hardly dared to do.

This Democratic administration, at the times deemed politically needful, pays lip service to Thomas Jefferson, the party founder. Jefferson strongly believed that the lease government was best for the people and that that little should be administered locally as far as possible. What a different slant the Truman administration takes.

STATES SINK IN STATURE

The Civil War settled once for all the primacy of the Union over the States. But after the cruel reconstruction period relations between the Federal Government and the States were adjusted with neat balance.

This division of authority continued undisturbed until legislation in the administrations of President Wilson and extended the national authority.

In the first years of Franklin Roosevelt's terms the depression was the major problem. State and local officials, hat in hand, went to Washington as beggars seeking handouts to keep their establishments going. They received gifts in answer to their supplication, but they paid by surrendering authority and prestige.

The money was doled out by Harry Hopkins and Harold Ickes, both determined and ambitious men, both of whom, when they made a grant, secured for their side every advantage. So the States sank in stature.

It was Ickes who conceived the idea of taking over the tidelands. From 1789 until 1937 the States had been secure in ownership of their tidelands. But vast reservoirs of oil were discovered offshore from California, Texas, and Louisiana. Ickes saw power and he saw revenue—and he brought suit.

States, satisfied with their rights, had developed harbors, fisheries, resorts. Undisputed ownership for 148 years would seem to secure State ownership, but not in this case.

While the case before the Supreme Court was pending the Congress passed the 1946 quitclaim bill, but the President vetoed it because, he argued, adoption of the measure would be discourteous to the Court. The Court decided the Federal Government had paramount rights to the properties. So the present legislation—the Constitution providing that Congress dispose of Federal property—seeks to rectify this wrong done the States.

ARGUMENT FLIMSY

If the Truman administration is sufficiently powerful to defeat this effort, the way is open to wide abuse of authority. The Federal Government, power-crazed, may assert its demands in other quarters. There is the example of the controversies over water rights. It is not too extreme to anticipate

the requirement of a Federal license to catch catfish in the Missouri River.

The logical consequence of this policy will mean the reduction of the States to the status of Territories. Legislatures may continue to pass laws, but only under the guidance of a representative from Caesar in Washington.

Arguments favoring Federal control of tidelands are flimsy, to say the least. The Supreme Court's decision was based on the grounds that the Federal Government, having defended the tidelands in time of war, is entitled to their benefits. Would that not also apply to a gold mine in Colorado?

The point has been presented that the recovery of the oil can better be administered by the Federal Government. But the Federal Government must of necessity create a new bureaucracy to do the job, while the States have managed it for years successfully. The Federal Government's most prominent venture in the petroleum field was that of Teapot Dome, which still gives off wisps of unpleasant aroma.

ROBBERY OPPOSED

Latterly, due to the international situation, it is said the Federal Government must have the oil in the tidelands for national defense purposes. But oil is not obtained by rushing forth in a crisis. Oil recovery is a long, precise job.

Much of the evolution of Government recited here is musty history, but its vital importance is not reduced thereby. The outcome of this tidelands bill may well represent a radical turn in the development of our form of government. Why else should the attorneys general of 47 of the States band together to oppose this species of legalized robbery?

Mr. REED of Illinois. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. COMBS].

Mr. COMBS. Mr. Chairman, first I want to thank my colleague the gentleman from Illinois [Mr. REED], and my colleague the gentleman from Pennsylvania [Mr. GRAHAM] for their generosity in yielding this time. It will not be possible to make any extended legal argument, and I shall not attempt to do so. That has been covered adequately and well by a number of speakers who have preceded me.

I find it necessary now at the outset to depart from the outline I had intended to speak from in order to reply to some statements made by the gentleman from New York [Mr. CELLER].

First, let me say I have a very high regard for the chairman of the Committee on the Judiciary. He is an eminent lawyer. I can only account for his complete failure to understand what the courts have said by the fact that he has been so busy with the affairs of his committee that he has not taken the time to find out.

The gentleman from New York [Mr. CELLER] referred to the brief that was mailed to each Member of Congress, entitled "Every State Has Submerged Lands." And he referred to it as an oil company brief—a smear brief. This brief was prepared by the attorney general of Texas and other attorneys general of the various States who assisted him.

You will find on the inside cover a statement that it was paid for by State funds.

The people in my State feel very deeply on this question because when Texas came into the Union, as pointed out by my distinguished colleague, the gentleman from Iowa [Mr. DOLLIVER] she was required to pay her national debt in order to come in. In return she was allowed to and specifically did reserve every foot of the land within her limits. No one ever dreamed that a solemn contract between two nations, a solemn committal of the United States by its Congress and its President, could be so flagrantly violated, as has been done in this case.

Now, what is involved? I want to say that I disagree with my distinguished friend, the gentleman from New York [Mr. CELLER], when he says that the attorney general and Governor of Texas agreed to his interim bill. He is mistaken. His bill would turn the Department of the Interior loose within the bounds of Texas and every other State. He would permit that Department to go in there and clutter it up with leases and conduct operations. All the attorney general, the Governor, and the commissioner of the general land office of Texas ever suggested they would be willing to accept was interim operation under State authority, which has the means, which has the laws, and which has the experience to do it, without a dime of expense to the Federal Government.

Mr. HINSHAW. If the gentleman will permit, I may say that the State of California joins the gentleman 100 percent.

Mr. COMBS. I thank my colleague from California. The gentleman from New York said that the tidelands, or these lands within the submerged area off the coast and within the boundaries of the States, have never been held to belong to the States. Look at this map. The Continental Shelf is that portion that extends out from land and is covered by shallow water to the point where the deep ocean begins. Legal authorities throughout the Nation, and indeed throughout the world, have almost without exception since 1670 held that the Continental Shelf is but a projection of the adjacent land mass, and is subject to the ownership of the country or State that it adjoins.

How were the States formed? They submitted a constitution and in that constitution they outlined their boundaries. The Federal Government accepted those boundaries and set up the States within those boundaries. Once they are so created the Federal Government even acting through the Congress is powerless to change a State line 1 foot without the permission of the legislatures of the States involved. This was held in the case of Louisiana against Mississippi.

The States did not fix their boundaries at the water's edge, but some distance out seaward, most of them 3 miles; in the case of Texas 3 leagues, or 10½ miles. That land submerged under water and within the State boundary is just as much a part of the domain of the State as is the portion of land that is above the water. Supreme Court decisions of the past leave no doubt about that. As early as 1842—and this case has been cited to you before—the United States Supreme Court said this:

> The shores of navigable waters and the soil under them were not granted by the Constitution to the United States, but were reserved to the States.

That was the case of Pollard against Hagen which held that the State of Alabama owned the bed of Mobile Bay. But the gentleman from New York and others have stated that case had only to do with what they call tideland above the low-water mark. Even the majority of the Supreme Court in the California case disagrees with the gentlemen.

What did the judge say who wrote that opinion, Mr. Justice Black? Listen—

> As previously stated, this Court has upheld and reasserted the basic doctrine of the Pollard case many times—

That is the case I just read—

> and in doing so it has used language strong enough to indicate that the Court then believed that the State not only owned tidelands and soils under navigable inland waters, but also the soils under all navigable waters within their territorial jurisdiction whether inland or not.

That was just the judge's way of saying "we are overruling the decisions of a hundred years." Judges never come out and say those things bluntly, of course.

For something like 140 years the courts have held that the States owned the lands beneath the marginal sea within their boundaries.

There are many examples of States exercising such sovereignty. The State of Maine leases rights to kelp production. Along the coast of Texas, the State, from its very beginnings as an independent Republic, has used oyster shell, clam shell, and like material from the sea along our coasts. There are no limestone deposits accessible to us near the coast, so we use these shells for road building, for making cement, and for various uses; and the State derives large revenue from the sale of the shells dredged from the bottom of the sea along our coast.

States all over the Union have exercised similar rights for a hundred years or more, and with full acquiescence of the Government and with repeated rulings of attorneys general and heads of the Department of the Interior. Why, even the Federal Government itself has purchased land in tidelands from States. Never a whisper to the contrary until 1947.

Now, what happened as a result of the Court decision? I want to point out the difference between the effect of a court decision and the repealing of statutes. A statute is prospective only and when a statute is repealed all rights that became fixed under the statute while it was in force remain. A court decision is retroactive. Why? Because, theoretically a court cannot make law. It can only determine what the law is. The result: When the California tidelands decision was handed down, it held that California never had any ownership or rights in the tidelands, and as a result every person holding a title

of any kind from that State, and every other coastal State, lost their title. These titles were wiped out.

Land titles the country over, properties on built-up land, your inland lakes like the Great Lakes, even the river beds, were placed in jeopardy. Why? Because the same decisions that held that the States owned and submerged land within their seaward boundaries are the same kind of decisions that held that the States owned the beds of the rivers. Now the title to such lands is clouded.

Do not take my word for it. In the California case, what did Mr. Justice Black say?—

> 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.

The rights of property mean nothing against this great paramount power of the Federal Government.

Prof. John Hanna, professor of law at Columbia University, in commenting on this in an article that appeared in the Stanford Law Review, states:

> What makes this judicial encroachment upon the sovereignty of the States alarming to many State officials is that while the cases involved only oil resources in the marginal seas, the rule of paramount Federal powers flowing from the responsibilities of external sovereignty is not necessarily so limited. It is obvious from the Supreme Court's opinion in the California case that no present disclaimers by executive officers of Government intent are of the slightest assurance to the States as to the future.

Then again he says:

> The logic of the California decision could enable the Government to take without compensation sand under the Great Lakes or revenue-producing State properties in bays and harbors. Furthermore, the colloquies between Justice and counsel suggest the still unformulated possibility that the paramount power of the Nation in matters of defense might even be broadened to enable it to take inland property without compensation.

Here is the colloquy he referred to. In the argument of the California case Mr. Justice Black, responding to an observation of Attorney General Price Daniel, of Texas, said:

> Well, I don't know that it has been held that oil goes with the soil. Suppose they discovered something about 4 miles under the surface of the earth. Do you mean that the old property concept would have to apply to that even though it was something the Government desperately needed?

Certainly in the mind of the Judge who wrote the decision in the California case the paramount power of the Nation can be used to come in and take anything certain governmental officials think the country desperately needs. The basis of their reasoning for such holding is that the Government must defend the coast line.

What is it that the Government must defend today? The ocean is shrinking, as it were; battleships are becoming obsolete. In this period of emergency are we building fortifications on the coast? Of course not. We are planning to build bomb shelters and to defend the ocean of air all around us. The Government has to defend the heartland of America as well as its shores. If the Judge is right, then this obligation now to defend the air above us can be applied to the taking of substances beneath which is needed in the national defense without paying for it, as the Constitution requires. Why, of course, it is true.

Now again, Dean Roscoe Pound, one of the most eminent legal scholars in the world today, and I think no one will question it, said this:

> If sovereignty with responsibility for defense and international relations did necessarily and inseparably involve dominium, that is ownership of land, all private ownership of land would have to be given up. It is a startling proposition to tell Americans that sovereignty, which we have thought of as political, must be proprietary as well, must include ownership of the soil.

So, it is not just dreamers, let me say to the gentleman from New York, who are afraid of this thing. The American Bar Association and more than 70 State, municipal, and county bar associations the Nation over have passed resolutions in favor of this bill and of the quieting of the title of our States and putting at rest this new and strange doctrine of paramount right to take without compensation.

There have been extensions of Federal power in the past, but they have been in the realm of regulation; some of them necessary because of the growth of the country. But, for the first time in all history, in any English-speaking country, it has been held in the California and in the other tidelands cases, that this paramount right, the power to defend, the right to rule and to govern, which was what the original colonies conveyed to the National Government under the Constitution, has now been converted into the right to own the thing defended. In the past it was the States and not the Federal Government who were paramount when it came to the ownership of land. Of course it was.

In 1935, when the Federal Government came down to Texas and tried to buy several hundred thousand acres of cutover land to go into a proprietary sort of operation, they could not buy an acre until they got a resolution through the Legislature of Texas authorizing it because, under the Constitution, the Federal Government cannot buy land in the State for anything other than for essential Government purposes, for instance, for post offices, customhouses, or military bases, without the permission of the State legislature. The one thing that the framers of our Constitution feared the most was that State government could be snuffed out by the Federal Government going in and buying up the land, and through proprietorship abolishing the States.

May I just say that here are pictures of drilling barges tied up at Orange, Tex., 21 of them, put there by this phony claim of the Government. As a matter of justice and right, I do hope, my colleagues, that we will adopt this bill overwhelmingly. It will confirm to every State the ownership of the submerged lands within its boundaries whether inland or along its coast. It will make secure the titles of the States and those who hold under them which are now threatened. It will preserve the integrity of States and State governments from the intrusion of Federal authority into the realm of land ownership. It will preserve the integrity of contract and the inviolability of title to property. In short, by the adoption of this bill and its enactment into law the citizen can really own the home in which he lives, "sit under his own vine and fig tree and be monarch of all he surveys." We in the Congress will be saying that the ownership of property shall not be qualified by any paramount right of the Federal Government to take the property of the States and their grantees without compensation on any pretext. It will be an act of simple justice. It will preserve this Union of indestructible States as our forefathers founded it. No more important question has confronted the Congress in modern times. For it is only by preserving vigorous and strong State governments that we can make secure the liberties of our people against a possible all powerful national state.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, having failed in my efforts to block the rule authorizing consideration of H. R. 4484, which, aside from its other detestable features, is a wanton surrender to the forces of greed and avarice, I shall join forces with my colleagues in an endeavor to salvage some of the spoils for the common people.

I am advised that the gentleman from Montana, Congressman MANSFIELD, has in mind offering a substitute to H. R. 4484, that will provide, in addition to a liberal allocation to the States concerned, set aside the bulk of the revenues from these resources in a special fund which during the present war emergency, will be used for national defense and later will be continued as an aid to primary, secondary, and higher education in the Nation.

While I heartily approve the proposal, I make bold to suggest that the revenues from the development of these reserves might well be applied to the discharge of our national debt. In fact, I am seriously considering offering such a proposal when this legislation reaches the amendment stage.

In view of the urgent need for funds to finance the war effort, I suggest in all seriousness that the Congress might well invade the usual seven-eighths allocation that goes to the parties developing these resources. Certainly, the Congress should not allow the usual 27½ percent depreciation allowance on its own resources in assessing Federal taxes in this instance.

In the debate today, you will hear arised the cry of States' rights. The fact of the matter is, Mr. Chairman, that only three of our States are concerned from a monetary standpoint. Pressure tactics and propaganda is being used on my colleagues from other States, leading them to believe that they are going to lose a valuable asset. The States annually raid the National Treasury for millions of

dollars to improve river and harbor facilities and to alleviate flood damages, yet they want to deny the Federal Government title to the property it is asked to improve. Perhaps we should carry this idea States' rights to the point of asking the States to make their own waterway and harbor improvements.

California affords a good example of the point in question.

Here the Bureau of Reclamation of the Interior Department has already expended a total of $457,515,156 on such major projects as the Central Valley, the All-American Canal, the Santa Barbara project, and other facilities. The detail follows:

Department of Interior, Bureau of Reclamation, California	$457, 515, 156. 00
Central Valley	362, 146, 683. 00
Imperial (All-American Canal)	60, 479, 279. 00
Colorado River front and levee system	5, 335, 880. 00
Kern River	23, 915. 00
Kings River	173, 546. 00
Santa Barbara project	13, 039, 445. 00
Orland project	2, 556, 296. 00
Klamath project (60 percent California, 40 percent Oregon)	13, 760, 112. 00

The current year's program alone is in excess of $55,000,000 and another $15,000,000 is being expended for other services such as geological survey, mineral development, Indian service, and Bureau of Mines.

The Federal Government has also expended a total of $283,122,000 for such projects as the Boulder Dam, the Davis Dam, and the Parker Dam. While these projects are not in California, the State is one of the larger beneficiaries since the water supply and the power for all of southern California is derived from these projects.

This is but a small part of Federal outlay. The Army engineers report an actual expenditure of $306,000,000 for flood control and harbor improvement and have plans approved that will require an additional expenditure of $639,000,000 for an over-all program of over $1,000,000,000.

West Virginia lays claim to the bed of the Ohio River. There are both coal and oil deposits involved, but their combined wealth is not one-tenth of what the Government has expended for flood walls, flood control dams and navigation. Millions more will be asked from the Federal Treasury.

Shall we go on demanding our so-called rights and at the same time continue to raid the National Treasury for additional grants for highways, rivers and harbors, airports and other needed facilities beyond the ability of the States to finance?

The best illustration is the situation now facing five or six of our Midwestern States that are making a valiant effort to recover from the damages of the recent disastrous flood, where the Federal Government has already made millions of dollars available, and will be required to expend many a million more to prevent the recurrence of these floods, not only in the Missouri River Valley, but in other sections of our Nation.

The immensity of the Pick-Sloan plan for the Missouri Valley, which is estimated to cost from fifteen to twenty billion dollars, shows conclusively that no single State or the people living in that State could finance it. Yet, we find in the Congressmen who are willing to give away Federal resources and at the same time deny the Federal Government title to the beds of rivers on which huge sums of other taxpayers' money are being expended.

Mr. RADWAN. Mr. Chairman, it is difficult for me to believe that, with the oil angle eliminated, the present legislation would be before us on the basis of the principles involved.

I can respect every individual who votes for this legislation because he believes it to be a bad practice for the Federal Government to constantly encroach upon the revenues of the various State governments. It is also commendable that this legislation is supported upon principles which make for orderly titles with respect to property rights in America.

I, for one, find it very difficult to accept the concept enunciated by Justice Douglas that—

> Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign.

However, in the instant case, in the legislation before us, I can only understand and believe that this legislation would not be before us were it not for oil. The principles which the proponents set forth in support of this legislation are being misused as a screen to take from the 48 States what already belongs to them and give these assets to three States. As Federal public officials, we are trustees of Federal assets. I, for one, cannot give away, in my position as trustee, these Federal assets which have been already adjudicated as belonging to the Federal Government. How can we, who believe in our need for a Supreme Court of the United States, disregard the fact that the Court has already passed on this question is beyond my comprehension. Legal title has already vested and the legislation before us would divest 48 States of a property right to turn it over to 3 States.

I repeat that I can respect the principles used in support of this legislation just as I respect those devoted to promulgating peace for mankind, but I cannot respect a peace motive when it is designed to lull opposition to sleep. For this reason, I cannot be lulled to sleep with principles and property rights which I believe in, but cannot accept with respect to the legislation before us. The legislation should be soundly defeated.

Mr. MEADER. Mr. Chairman, I intend to vote against H. R. 4484. It seems clear that this dispute between the United States and the States of California, Texas, and Louisiana as to the dominion over lands seaward from the low-water mark of the coastal areas has been settled by decisions of the United States Supreme Court.

Stripped of its essence, H. R. 4484, therefore, must be one of two things: One—an effort to reverse the Supreme Court of the United States, or, second—a donation of Federal lands and rights to the States mentioned.

Looked at in either of these two lights, I cannot give the bill my support. As a reversal of the Supreme Court, the bill would be—if it were constitutional—an invasion of the jurisdiction of the judicial branch of our Government and in derogation of our basic doctrine of separation of powers. This doctrine—one of the checks and balances so prudently incorporated into our Constitution—is one of the unique devices whereby the American people have preserved their liberties. I think it is important that the doctrine of the separation of powers be upheld and applied. Furthermore, Congress is not equipped to render judicial decisions, particularly where they involve difficult questions of international law and the application of basic American constitutional principles involving our peculiar system of dual sovereignty.

I do not intend to indicate that I have reviewed the facts, the precedents, and the principles involved in the Supreme Court decisions. I express no opinion upon their correctness. Frequently one may differ with the logic and the conclusions of a judicial opinion, but, if we are to have law and order, there must be a finality to decisions even if they may be wrong.

This situation is distinguishable from that where Congress repeals or amends one of its own laws, subsequent to an interpretation by the Supreme Court.

Regarded as a grant to the States of Federal lands, I can see no justification for this measure. Public lands and mineral rights of the United States have been handled for many years under statutes prescribing methods whereby the title of the Federal Government may be divested. No case has been made during the debate which would justify a windfall in the form of oil deposits to the States of California, Texas, and Louisiana. I cannot find justification for transferring the natural resources which belong to the people of the United States to any limited group, whether they be the citizens of States or other segments of the national population.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

> *Be it enacted, etc.*, That this act may be cited as the "Submerged Lands Act."

Mr. CELLER. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

> Amendment offered by Mr. CELLER as a substitute: Strike out all after the enacting clause and substitute in lieu thereof the following: "That (a) the provisions of this section shall apply to all mineral leases covering submerged lands of the Continental Shelf issued by any State or political subdivision or grantee thereof (including any extension, renewal, or replacement thereof heretofore granted pursuant to such lease or under the laws of such State): *Provided*—
>
> "(1) That such lease, or a true copy thereof, shall have been filed with the Secretary by the lessee or his duly authorized

agent within 90 days from the effective date of this joint resolution, or within such further period or periods as may be fixed from time to time by the Secretary;

"(2) That such lease was issued (i) prior to December 21, 1948, and was on June 5, 1950, in force and effect in accordance with its terms and provisions and the law of the State issuing it, or (ii) with the approval of the Secretary and was on the effective date of this joint resolution in force and effect in accordance with its terms and provisions and the law of the State issuing it;

"(3) That within the time specified in paragraph (1) of this subsection, there shall have been filed with the Secretary (i) a certificate issued by the State official or agency having jurisdiction and stating that the lease was in force and effect as required by the provisions of paragraph (2) of this subsection or (ii) in the absence of such certificate, evidence in the form of affidavits, receipts, canceled checks, or other documents, and the Secretary shall determine whether such lease was so in force and effect;

"(4) That except as otherwise provided in section 3 hereof, all rents, royalties, and other sums payable under such a lease between June 5, 1950, and the effective date of this joint resolution, which have not been paid in accordance with the provisions thereof, and all rents, royalties, and other sums payable under such a lease after the effective date of this resolution shall be paid to the Secretary, who shall deposit them in a special fund in the Treasury to be disposed of as hereinafter provided;

"(5) That the holder of such lease certifies that such lease shall continue to be subject to the overriding royalty obligations existing on the effective date of this joint resolution;

"(6) That such lease was not obtained by fraud or mispresentation;

"(7) That such lease, if issued on or after June 23, 1947, was issued upon the basis of competitive bidding;

"(8) That such lease provides for a royalty to the lessor of not less than 12½ percent in amount or value of the production saved, removed or sold from the lease: *Provided, however,* That if the lease provides for a lesser royalty, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary, to the increase of the royalty to the minimum herein specified;

"(9) That such lease will terminate within a period of not more than 5 years from the effective date of this joint resolution in the absence of production or operations for drilling: *Provided, however,* That if the lease provides for a longer period, the holder thereof may bring it within the provisions of this paragraph by consenting in writing, filed with the Secretary, to the reduction of such period, so that it will not exceed the maximum period herein specified; and

"(10) That the holder of such lease furnishes such surety bond, if any, as the Secretary may require and complies with such other requirements as the Secretary may deem to be reasonable and necessary to protect the interests of the United States.

"(b) Any person holding a mineral lease which comes within the provisions of subsection (a) of this section, as determined by the Secretary, may continue to maintain such lease, and may conduct operations thereunder, in accordance with its provisions for the full term thereof and of any extension, renewal or replacement authorized therein or heretofore authorized by the law of the State issuing such lease. A negative determination under this subsection may be made by the Secretary only after giving to the holder of the lease notice and an opportunity to be heard.

"(c) With respect to any mineral lease that is within the scope of subsection (a) of this section, the Secretary shall exercise such powers of supervision and control as may be vested in the lessor by law or the terms and provisions of the lease.

"(d) The permission granted in subsection (b) of this section shall not be construed to be a waiver of such claims, if any, as the United States may have against the lessor or the lessee or any other person respecting sums payable or paid for or under the lease, or respecting activities conducted under the lease, prior to the effective date of this resolution.

"SEC. 2. The Secretary is authorized, with the approval of the Attorney General of the United States and upon the application of any lessor or lessee of a mineral lease issued by or under the authority of a State, its political subdivision or grantee, on tidelands or submerged lands beneath navigable inland waters within the boundaries of such State, to certify that the United States does not claim any interest in such lands or in the mineral deposits within them. The authority granted in this section shall not apply to rights of the United States in lands (a) which have been lawfully acquired by the United States from any State, either at the time of its admission into the Union or thereafter, or from any person in whom such rights had vested under the law of a State or under a treaty or other arrangements between the United States and a foreign power, or otherwise, or from a grantee or successor in interest of a State or such person; or (b) which were owned by the United States at the time of the admission of a State into the Union and which were expressly retained by the United States; or (c) which the United States lawfully holds under the law of the State in which the lands are situated; or (d) which are held by the United States in trust for the benefit of any person or persons, including any tribe, band, or group of Indians or for individual Indians.

"SEC. 3. In the event of a controversy between the United States and a State as to whether or not lands are submerged lands beneath navigable inland waters, the Secretary is authorized, notwithstanding the provisions of subsections (a) and (c) of section 1 of this joint resolution, and with the concurrence of the Attorney General of the United States, to negotiate and enter into agreements with the State, its political subdivision or grantee or a lessee thereof, respecting operations under existing mineral leases and payment and impounding of rents, royalties, and other sums payable thereunder, or with the State, its political subdivision or grantee, respecting the issuance or nonissuance of new mineral leases pending the settlement or adjudication of the controversy: *Provided, however,* That the authorization contained in this section shall not be construed to be a limitation upon the authority conferred on the Secretary in other sections of this joint resolution. Payments made pursuant to such agreement, or pursuant to any stipulation between the United States and a State, shall be considered as compliance with section 1 (a) (4) hereof. Upon the termination of such agreement or stipulation by reason of the final settlement or adjudication of such controversy, if the lands subject to any mineral lease are determined to be in whole or in part submerged land of the Continental Shelf, the lessee, if he has not already done so, shall comply with the requirements of section 1 (a), and thereupon the provisions of section 1 (b) shall govern such lease. The following stipulations and authorizations are hereby approved and confirmed: (i) The stipulation entered into in the case of *United States* v. *State of California,* between the Attorney General of the United States and the attorney general of California, dated July 26, 1947, relating to certain bays and harbors in the State of California; (ii) the stipulation entered into in the case of *United States* v. *State of California,* between the Attorney General of the United States and the attorney general of California, dated July 26, 1947, relating to the continuance of oil and gas operations in the submerged lands within the boundaries of the State of California and herein referred to as the operating stipulation; (iii) the stipulation entered into in the case of *United States* v. *State of California,* between the Attorney General of the United States and the attorney general of California, dated July 28, 1948, extending the term of said operating stipulation; (iv) the stipulation entered into in the case of *United States* v. *State of California,* between the Attorney General of the United States and the attorney general of California, dated August 2, 1949, further extending the term of said operating stipulation; (v) the stipulation entered into in the case of *United States* v. *State of California,* between the Attorney General of the United States and the attorney general of California, dated August 21, 1950, further extending and revising said operating stipulation; (vi) the notice concerning 'Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico' issued by the Secretary of the Interior on December 11, 1950 (15 F. R. 8835), as amended by the notice dated January 26, 1951 (16 F. R. 953), and as supplemented by the notices dated February 2, 1951 (16 F. R. 1203), and dated March 5, 1951 (16 F. R. 2195), respectively.

"SEC. 4. (a) In order to meet the urgent need during the present emergency for further exploration and development of the oil and gas deposits in the submerged lands of the Continental Shelf, the Secretary is authorized, pending the enactment of further legislation on the subject, to grant to the qualified persons offering the highest bonuses on a basis of competitive bidding oil and gas leases on submerged lands of the Continental Shelf which are not covered by leases within the scope of subsection (a) of section 1 of this joint resolution or which are not within the seaward boundaries of the United States: *Provided, however,* That, for a period of 5 years after the effective date of this joint resolution, the Secretary, with the prior approval of the agency or official of the State, its political subdivision or grantee which under applicable law of the State or its political subdivision would have had authority to lease the area, is authorized to issue such leases in like manner on submerged lands within said boundaries.

"(b) A lease issued by the Secretary pursuant to this section shall cover an area of such size and dimensions as the Secretary may determine, shall be for a period of 5 years and as long thereafter as oil or gas may be produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon, shall require the payment of a royalty of not less than 12½ percent, and shall contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe in advance of offering the area for lease.

"(c) All moneys paid to the Secretary for or under leases granted pursuant to this section shall be deposited in a special fund in the Treasury to be disposed of as hereinafter provided.

"(d) The issuance of any lease by the Secretary pursuant to this section 4 of this joint resolution, or the refusal of the Secretary to certify that the United States does not claim any interest in any submerged lands pursuant to section 2 of this joint resolution, shall not prejudice the ultimate settlement or adjudication of the question as to whether or not the area involved is submerged land beneath navigable inland waters.

"SEC. 5. (a) Except as provided in subsection (b) of this section—

"(1) thirty-seven and one-half percent of all moneys received as bonus payments, rents, royalties, and other sums payable with respect to operations in submerged coastal

lands lying within the seaward boundary of any State shall be paid by the Secretary of the Treasury to such State within 90 days after the expiration of each fiscal year; and

"(2) all other moneys received under the provisions of this joint resolution shall be held in a special account in the Treasury pending the enactment of legislation by the Congress concerning the disposition thereof.

"(b) The provisions of this section shall not apply to moneys received and held pursuant to any stipulation or agreement referred to in section 3 of this joint resolution pending the settlement or adjudication of the controversy.

"(c) If and whenever the United States shall take and receive in kind all or any part of the royalty under a lease maintained or issued under the provisions of this joint resolution and covering submerged coastal lands lying within the seaward boundary of any State, the value of such royalty so taken in kind shall, for the purpose of subsection (a) (1) of this section, be deemed to be the prevailing market price thereof at the time and place of production, and there shall be paid to the State entitled thereto 37½ percent of the value of such royalty.

"SEC. 6. The Secretary is authorized to issue such regulations as he may deem to be necessary or advisable in performing his functions under this joint resolution.

"SEC. 7. (a) The President may, from time to time, withdraw from disposition any of the unleased lands of the Continental Shelf and reserve them for the use of the United States in the interest of national security.

"(b) In time of war, or when the President shall so prescribe, the United States shall have the right of first refusal to purchase at the market price all of any portion of the oil and gas produced from the submerged lands covered by this joint resolution.

"(c) All leases issued under this joint resolution, and leases, the maintenance and operation of which are authorized under this joint resolution, shall contain or be construed to contain a provision whereby authority is vested in the Secretary, upon the recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or the President after the effective date of this joint resolution, to suspend operations under, or to terminate any lease; and all such leases shall contain or be construed to contain provisions for the payment of just compensation to the lessee whose operations are thus suspended or whose lease is thus terminated.

"SEC. 8. Nothing herein contained shall affect such rights, if any, as may have been acquired under any law of the United States by any person on lands subject to this joint resolution and such rights, if any, shall be governed by the law in effect at the time they may have been acquired: *Provided, however,* That nothing herein contained is intended or shall be construed as a finding, interpretation or construction by the Congress that the law under which such rights may be claimed in fact applies to the lands subject to this joint resolution or authorizes or compels the granting of such rights of such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything herein contained.

"No provision of this joint resolution nor any authority granted thereby shall have application or be construed to apply with respect to any particular area or areas of the submerged lands of the Continental Shelf which may be described in any application for an oil or gas prospecting permit which was on file with the Department of the Interior 90 days prior to August 21, 1935.

"SEC. 9. When used in this joint resolution, (a) the term 'submerged lands of the Continental Shelf' means the lands (including the oil, gas, and other minerals therein) underlying the sea and situated outside the ordinary low-water mark on the coast of the United States and outside the inland waters and extending seaward to the outer edge of the Continental Shelf; (b) the term 'seaward boundary of a State' shall mean a line 3 miles distant from the points at which the paramount rights of the Federal Government in the submerged lands begin; (c) the term 'mineral lease' means any form of authorization for the exploration, development or production of oil, gas, or other minerals; (d) the term 'tidelands' means lands regularly covered and uncovered by the flow and the ebb of the tides; and (e) the term 'Secretary' means the Secretary of Interior."

Mr. CELLER (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the substitute amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HINSHAW. Reserving the right to object, Mr. Chairman, will the gentleman from New York explain whether or not these are exactly the provisions of House Joint Resolution 131?

Mr. CELLER. These are exactly the provisions of House Joint Resolution 131, together with the stipulations that were entered into between the Government and the State of California so as to safeguard the inland waters of San Diego Bay and San Francisco Bay and other inland waters of that State, plus some other clauses offered to strengthen the provision.

Mr. HINSHAW. Does the gentleman mean to say that he is not offering the provisions that are contained in House Joint Resolution 274?

Mr. CELLER. That is the one.

Mr. HINSHAW. It is House Joint Resolution 274 that the gentleman is offering?

Mr. CELLER. That is right.

Mr. HINSHAW. I would be glad to assent to the gentleman's request provided section 8 of that amendment be read in its entirety.

Mr. CELLER. I have no objection to that.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read section 8 of the amendment.

Mr. CELLER. Mr. Chairman, this amendment would declare a truce for 5 years and postpone a final determination as to where title lies, and would permit in the interim the operation of all these off-shore drillings.

We produce 6,100,000 barrels of oil daily in the United States and we consume 7,100,000. To make up that difference of 1,000,000 barrels we have to import 1,000,000 barrels.

The situation with reference to that dearth of oil will become greatly emphasized if there is not continued production. This amendment will permit the continued operation of all drillings, surveys, explorations, and all operations for the production of oil off the coast of California, Louisiana, and Texas.

Presently all the oil companies are enjoined as a result of the Supreme Court decisions which have been mentioned in the course of this debate.

When the President some time ago spoke on this subject, when he vetoed House Joint Resolution 275 of the Seventy-ninth Congress on August 1, 1946, he said:

> The ownership of the vast quantity of oil in such areas provides a vital problem for the Nation from the standpoint of national defense and conservation. If the United States owns these areas they should not be given away.

Later, on January 4, 1949, in his message on the state of the Union delivered to the Congress, the President said:

> We must adopt a program for the planned use of the petroleum reserves under the sea, which are—and must remain—vested in the Federal Government.

I am certain that the President still adheres to these views. Therefore, when and if this quit-claim bill as embodied in H. R. 4484 is passed by the House and Senate, the President has no choice but to veto it. The question is, would this House and would the other body override the veto? I doubt it.

I think the poll that has been taken in the other body makes impossible the overriding of a veto. We need these 1,000,000 barrels of petroleum every single day. That dearth may increase rapidly depending upon the degree of our mobilization. As I said before, if the Iranian oil supplies are shut off, then Great Britain will have to call upon us for whatever supplies we may allot to her. There will soon be a deficit of far more than a million barrels a day. But meanwhile—what? No production. It takes 6 months to 2 years, I am told by the experts, to develop new fields. Something like 8 months have been lost already. Why should we allow, if I may use the phrase, these fields to lie fallow and let there be no production?

Nothing is lost and we have everything to gain. As I indicated before, the oil companies are willing to accept this interim bill. The Department of Defense asked for this bill. The Attorney General asked for this bill. The Department of the Interior asked for this bill. The President asked for this bill. Therefore, I hope the substitute amendment will be adopted.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. WALTER. The gentleman's amendment, as contained in House Joint Resolution 274, was introduced on the 21st of June 1951. The resolution that hearings were held on relating to the same matter was House Joint Resolution 131, and the report was filed on June 6. Subsequently thereto a new resolution on which there had been no hearing has been introduced.

Mr. CELLER. It does not lie in the gentleman's mouth to worry about hearings. When this bill which is now before us, the bill H. R. 4484, was considered by the Committee on the Judiciary, the gentleman from Pennsylvania and the gentleman from Texas [Mr. GOSSETT] would not even allow the bill to

be read. We asked that the bill be read. Just think of it, the members of the Committee on the Judiciary were not permitted to even read the bill H. R. 4484. Now the gentleman complains in the way that he does. I am amazed at him. Before he takes the mote out of my eye let him look to the beam in his own.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WILLIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. BURNSIDE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman yield for a parliamentary inquiry?

Mr. WILLIS. I yield, Mr. Chairman.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. BURNSIDE. Mr. Chairman, I have an amendment at the Clerk's desk which will vitally affect this bill. Is this the proper time to offer the amendment?

The CHAIRMAN. The gentleman will be recognized to offer the amendment at the proper time.

Mr. WILLIS. Mr. Chairman, the distinguished chairman of our committee [Mr. CELLER] in general debate referred to a sleeper in the Walter bill. Let me tell you that the real sleeper we have to talk about is contained in the substitute under consideration. I say to you that the Celler substitute is a misnomer. It should be entitled "A bill to divest States of their rights." It should be entitled "A bill to destroy bona fide leases granted by States under competitive bidding, and for the relief of the clients of Burt Wheeler."

Let me explain what I mean. The States of Louisiana, Texas, and California granted leases on a competitive basis to bona fide oil companies that paid something like $20 an acre. Those companies spent huge sums for geophysical exploration and geological examination and production of oil. Along the coast of Louisiana and Texas only they spent over $250,000,000 for geophysical investigation and exploration and the production of oil. Up to this time they have recovered only $20,000,000.

You know, the oil game is no child's play. Because of the huge floating structures that must be built and the heavy equipment and materials that must be transported, it costs something like $500,000 to drill an oil well in deep waters. Up to this time they have drilled 112 dry holes.

Under the Federal Mineral Leasing Act provision was made to lease the uplands of the United States, the high lands, lands in the public domain. Under the terms of that bill, enacted in 1920, as to unproductive structures, leases are granted on a first-come-first-served basis, at 50 cents per acre. After this agitation and the discovery of oil, people in California, and particularly the clients of Burt Wheeler, filed application for leases on the very lands under leases granted by the State, at the expense I have enumerated, for 50 cents an acre. What they want to do is to knock out those leases. If they succeed, then what? It means that the leases bought and paid for in good faith would be wiped out. The language at page 13 of the Celler substitute would exempt specified areas from the bill.

What is the purpose of the language? Here is the testimony of Mr. Clary before the Senate committee——

Mr. HINSHAW. If the gentleman will yield, that is the language I caused to be read a little while ago.

Mr. WILLIS. I thank the gentleman. The gentleman caught the point and he had the language read.

Mr. Clary testified at page 327 and 314 of the Senate hearings:

> What Mr. Wheeler's amendment will do, however, is to pinpoint four leases operated by Signal and Southwest, and removes them entirely from the scope of Senate Joint Resolution 20.

I might say that in the Senate the same language quoted at the bottom of page 13 of the Wheeler bill was offered as an amendment to Senate Joint Resolution 20, and I am advised that the Senate did not even seriously consider adopting that language.

Proceeding, Mr. Clary said:

> What Mr. Wheeler's clients are trying to do is to take from the Signal and Southwest fully developed oil leases today producing 35,000 barrels of oil. That is what he is trying to take over, and he talks about equity. They have a filing fee and traveling expenses to Washington. This is what their equities are.

That is the end of the testimony of this lawyer.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILLIS. The fact that if the Mineral Leasing Act is made to apply would wipe out these leases is admitted by the Department of the Interior. Here is the testimony of Mr. Maston G. White, the lawyer for the Interior Department, appearing at page 35 of the Senate hearings. Senator LONG, of Louisiana, asked him if it would not be true that if the Mineral Leasing Act were held to apply that these leases would be wiped out?

Here is Mr. White's literal testimony:

> That is right; the Department would issue a lease if the Mineral Leasing Act applied to the qualified person who filed the first application—

Mr. Wheeler's clients—

> and no bonus payment of any sort would be required, and the rental payments would be in the sum of 50 cents per acre for the first year.

Mr. Wheeler's clients are Deryl L. Mayhew, J. Cunningham, Arthur M. Weirick, Charles W. List, Patrick George Quinn, Clifford Finley, W. W. Duncan, Ronald W. Jensen, J. B. Prenam, Hubert L. Rose, Jr., and Fred Vermilyea.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. YATES. Would it be feasible to impound the funds resulting from the operation by the operators of State leases pending a clarification of the matter.

Mr. WILLIS. Anything can be done by act of Congress, of course.

Mr. YATES. What is the gentleman's opinion on that?

Mr. WILLIS. It is my opinion that it would not be feasible. I thought the gentleman asked if it would be possible. Anything is possible, but I do not think it would be feasible.

Mr. HINSHAW. Mr. Chairman, I rise in opposition to the amendment.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. HOLIFIELD. I hope my colleague will comment on the question asked by the gentleman from Illinois about the impounding of these moneys at the present time.

Mr. HINSHAW. Mr. Chairman, it is going to be difficult to make this statement in 5 minutes. I ask unanimous consent to proceed for three additional minutes.

Mr. RAYBURN. Mr. Chairman, reserving the right to object, which I shall not in this instance, but the program for this week is such that I think we should complete this bill today: and I trust that no other Member will ask to proceed for an additional length of time.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from California is recognized for 8 minutes.

Mr. HINSHAW. Mr. Chairman, the gentleman from Louisiana has aptly named this amendment offered by the gentleman from New York [Mr. CELLER] as the amendment for the relief of the clients of Burton K. Wheeler, former Senator of the United States from the State of Montana, now a Washington lawyer for those who need influence. To state the beginning of it I call your attention to the testimony of former Secretary of the Interior, Mr. Ickes, who said, at page 234 of the Senate hearings of the Eighty-second Congress on Senate Joint Resolution 20:

> I plead guilty to being the man who was largely responsible for the California oil suit. Perhaps you might like a minute devoted to the history of that. * * *
>
> Finally two or three Californians came in. They had filed under the Federal law. And then the matter was officially before me.

Then he went on to state that having these applications filed he decided to take it up, and eventually did bring the suit through the Justice Department.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. CELLER. Does the gentleman mean to imply that the Attorney General and the Secretary of the Interior would seek to pull chestnuts out of the fire for Senator Wheeler's clients?

Mr. HINSHAW. I did not say anything of the kind. I am talking about the amendment that you just now introduced.

Mr. CELLER. That is not in the interim bill that I sponsored.

Mr. HINSHAW. The gentleman has a rider in section 8 of this bill which lets Senator Burton K. Wheeler's clients in. The Wheeler rider was not in the O'Mahoney interim bill but it is in your amendment. I wonder how it got there.

Mr. CELLER. I do not know anything about the clients of Senator Wheeler; I did not consult Wheeler on this.

Mr. HINSHAW. Over on page 244 of the hearings it shows that on December 22, 1933, Secretary Ickes wrote a letter to these people who had filed on this submerged land stating in effect that it was settled law that such title to the shore and the land under the water is regarded as incident to the sovereignty of the State. Not only one of those letters was sent out, but that was the answer given uniformly to every person who filed on those lands until 1944. The testimony I have referred to is as follows:

Senator LONG. In 1933, December 22, you, I believe, signed a letter, or at least your name was signed to it, with which I am sure you are well familiar, stating:

"It has been distinctly settled * * * that title to the shore and under water in front of lands so granted inures to the State in which they are situated * * * such title to the shore and the lands under water is regarded as incident to the sovereignty of the State * * *. The foregoing is a statement of the settled law, and therefore no right can be granted to you either under the Leasing Act of February 25, 1920, 41 Stat. 437, or under any public land law to the bed of the Pacific Ocean whether within or without the 3-mile limit.

"Title to the soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State."

That was sent from your office.

Mr. ICKES. Yes.

Senator LONG. Did that bear your signature?

Mr. ICKES. That was policy that I inherited and it was policy when I wrote the letter. It continued to be policy until this doubt came into my mind and then I wanted the whole thing reviewed by the court.

Senator, I never hesitated to reverse myself when I found that I was wrong.

Then, also, we have the testimony of former Senator Burton K. Wheeler. He is asked how many client he represented in this matter and he said he did not know, but it turned out to be the list read by the gentleman from Louisiana just a few minutes ago.

Mr. Chairman, the following is contained in the testimony of Mr. Wheeler to which I have referred:

Mr. WHEELER. * * *

(The list of 13 prospecting permit applicants represented by Mr. Wheeler is as follows:)

Serial No.—	Date of filing	Applicant
LA-051805	Feb. 6, 1934	J. Cunningham.
LA-051847	Mar. 5, 1934	Deryl L. Mayhew.
LA-052140	Sept. 6, 1934	Arthur W. Weirick.
LA-052146	Sept. 11, 1934	Charles W. List.
LA-052149	Sept. 13, 1934	Patrick George Quinn.
LA-052150	do	Clifford Finley.
LA-052165	Sept. 22, 1934	W. W. Duncan.
LA-052331	Feb. 16, 1935	Ronald V. Jensen.
LA-052404	Mar. 6, 1935	Ora L. Dillman.
LA-052406	Mar. 8, 1935	J. B. Primm.
LA-052415	Mar. 13, 1935	William Henry Taylor.
LA-052465	May 31, 1935	Samuel K. Strickler.
LA-052466	do	Willard M. Strickler.

(NOTE.—Mr. Wheeler subsequently, on March 1, 1951, submitted the following correction in his testimony relative to the number of applicants whom he represents, and a revised list of the applicants, showing the amount of acreage involved in each application.)

"We have obtained a list of the acreage described in the prospecting permit applications of the people whom we reresent. Prior to the hearing, and in accordance with our last information regarding these applicants, I believe that there were still 13 of them. But, on checking with the people of California, I find that because of changes in the circumstances of some of these applicants there are actually only 11 of them left." The list brought up to date is as follows:

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

Mr. WHEELER. It gives the names of the applicants, the serial numbers of their applications, and the dates of their filing. Of course, none of these applications was ever filed on behalf of any oil company. These people are not trespassing on the public domain. Yet, the present resolution would purport to give congressional sanction to the depredations of the large oil companies who are now trespassing on the public domain and would in practical effect destroy the rights of my clients under existing laws. These 13 applicants are just ordinary small prospectors, who are asking that the law be applied and not disregarded as the Secretary of the Interior has disregarded it.

Those are the clients of Senator Burton K. Wheeler. All he wanted, Mr. Chairman, was to have that little amendment which now appears innocently on section 8 in this Celler amendment, which would provide that these particular applicants should be exempted from the terms of these bills and then the applications which they have filed would become therefore valid.

Mr. Chairman, I desire to present certain testimony appearing on pages 279 and 280 of the Senate hearings:

Mr. WHEELER. Well, as a matter of fact, Senator Murray's amendment does not protect my clients in any way, shape, or form.

Senator MALONE. I was under the wrong impression.

Mr. WHEELER. No; it does not protect my clients in any way, shape, or form. In the first place I do not have any objection to his amendment, so far as I am concerned, but the only thing is, as I say, the people he is seeking to protect are in a different class from my clients, because his were seeking leases, whereas, with respect to my clients under the 1935 act, the Secretary was ordered and directed to grant them permits, and his amendment does not in any way affect us or help these permit applicants.

Now, someone who is interested in it called me up and asked me if I would be interested in it, and I had not seen it, so I went over it, and I said that it does not protect my clients in any way, shape, or form, and I am not interested in it.

Senator LONG. Senator Wheeler, might I ask one question: Do you have in mind a way that this committee, if it chose to confirm State leases, could take care of your people and fairly and logically exclude the people that Senator MURRAY would like to take care of?

Mr. WHEELER. Oh, yes. Let me read the amendment which I have offered. All I am asking of the committee, and all I am asking of the Senate is that our test case be decided by the courts without interference from Congress. It has been pending since 1948.

Now, if we are right about it, then the Court will say that the marginal sea in California is subject to the Leasing Act. If they say it is not subject to the Leasing Act, then my clients are out. All I am asking is that we may keep our rights in court protected.

This is what we say:

"No provision of this joint resolution nor any authority granted thereby, shall have application or be construed to apply with respect to any particular area or areas of the submerged lands of the Continental Shelf which may be described in any application for an oil or gas prospecting permit which was on file with the Department of the Interior 90 days prior to August 21, 1935."

That is all in the world it does; and as far as we are concerned, we have no objection to the bill, providing that amendment is in.

Let me tell you something. Three-fourths of all the oil that is produced from the so-called tidelands in the entire State of California comes from this list of oil-producing properties that are going to be taken over for free by Burton K. Wheeler's clients if the Celler amendment becomes law.

Let me read you something that was also placed in the Senate hearings. This is a letter addressed to Mr. Robert E. George, of 9006 Sunset Boulevard, Los Angeles, Calif., on February 10, 1950. Listen to this, Mr. Chairman, if you want to find out what this Celler amendment is all about.

This is from Robert F. Purvis, a purchaser of stock in the Shore Line Oil Co. You never heard of the Shore Line Oil Co. All they own is what the gentleman from Louisiana said, a few pieces of paper that have been filed with the Secretary of the Interior. Their total expenses have been their traveling expenses and whatever they have paid Burton K. Wheeler as a retainer.

Mr. Purvis goes on to say:

Some $20,000,000 are now in impoundment awaiting this further order of the Court and, incidentally, about 75 percent of this money will be claimed by the stockholders of Shore Line Oil Co.—

What do you know about that? They hope to get a cut out of that $20,000,000 for free; that is not peanuts—

along with all future overriding royalties derived from the 1,100 acres in the heart of the Huntington Beach submerged field.

That is what this is all about. That is the field where three-fourths of all that oil comes from. Vanderbilt and Jay Gould and Rockefeller were piker pirates compared to these.

In 1934, my friend and client, Joseph Cunningham, anticipated by 13 years the Supreme Court decision of 1947 by filing on, with his nominees, some 10,000 acres of submerged land.

Mr. Joseph Cunningham and his nominees, his stooges if you please, have

filed on 10,000 acres of land including the Huntington Beach field of California which has and has had many producing wells since the early twenties.

Then Mr. Purvis' letter goes on to say:

All political attempts (some extravagantly financed) to promote legislation to reverse the decision of the Court have failed to date, and the chances for such legislation to be passed by the present Congress seems practically nil, according to reliable opinion. In my opinion, it is a most magnificent gamble in that all existing law is on our side and the high stakes involved are out of all proportion to the risk of losing. Even a compromise with respect to back royalties will result in tremendous sums becoming available to Shore Line stockholders from the prolific production of oil from the Huntington Beach field alone, not to mention the potential value of other acreage under application and assignment.

There is a present production of 35,000 barrels a day at Huntington Beach.

There are $20,000,000 in royalties impounded. If Mr. Wheeler's clients win this battle in the Congress, which means if this Walters bill does not go through the Congress but the bill offered by the distinguished gentleman from New York [Mr. CELLER] does go through and becomes law, these people will take over oil wells producing 35,000 barrels a day for nothing, and will be entitled to some proportion of the $20,000,000 in cash that is impounded by the Secretary of the Interior under the Supreme Court decision—also for nothing—right now. That is what this is. The greatest blue sky racket that has hit this country in years.

There are some practical matters in this Celler amendment, and these are really practical. I do not know what Mr. Burton K. Wheeler will get as his fee in this case, but if he succeeds in having this bill put through, containing his "little amendment," you gentlemen will be doing the biggest job of aiding in selling blue sky that has ever been seen. I wonder who alse is in on this deal, in Washington or elsewhere. Shades of Teapot Dome.

Mr. Chairman, under authority granted to extend my remarks I include the letter referred to, addressed to Mr. Robert E. George by Mr. Robert F. Purvis. This letter appears on pages 327 and 328 of Senate hearings on Senate Joint Resolution 195 of the Eighty-first Congress:

FEBRUARY 10, 1950.

Mr. ROBERT E. GEORGE,
Los Angeles, Calif.

DEAR MR. GEORGE: In recent years, you have doubtless read and heard a great deal about the tidelands-oil controversy between the United States and California, the high light of which was the United States Supreme Court decision in 1947 declaring the United States to have paramount rights to the submerged lands involved. The Court's order and decree further stated that "The State of California has no title thereto or property interest therein," and "It is further ordered that the stipulation between the United States Attorney General and the Secretary of the Interior on the one hand and the attorney general of California on the other, which stipulation purports to bind the United States, be stricken as irrelevant to any issues now before us."

In this decree, the Supreme Court reserved jurisdiction to enter such further orders and writs "as may be deemed advisable or necessary from time to time to give full force and effect to this decree," and, pending an order fixing the exact line of demarcation of the low-water mark along the coast of California as it was in 1850, lessees of the State are being permitted to operate under the abovementioned stipulation which provides for the impounding of all royalties payable under the State leases. Some $20,000,000 are now in impoundment awaiting this further order of the Court and, incidentally, about 75 percent of this money will be claimed by the stockholders of Shore Line Oil Co. along with all future overriding royalties derived from the 1,100 acres in the heart of the Huntington Beach submerged field, from which it is officially estimated there will be produced not less than 250,000 barrels per acre.

In 1934, my friend and client, Joseph Cunningham anticipated by 13 years the Supreme Court decision of 1947 by filing on, with his nominees, some 10,000 acres of submerged lands under the provisions of the Federal Leasing Act of 1920. It is our contention that the amendment to that act in 1935 makes it mandatory upon the Secretary of the Interior to grant these applications which, on 8,000 acres, have been assigned to Shore Line Oil Co. The law firm of Wheeler & Wheeler has a suit pending to compel the issue of these permits which is now "off calendar" by stipulation pending expected favorable action by the new Secretary, Mr. Oscar Chapman, who has stated that he intends to reinstate the applications as soon as the Louisiana and Texas Tidelands cases are decided. Hearings on these have been set for next March 13, and a decree is expected about June 1950.

I believe that the foregoing accurately states the legal moves and the present legal status of the so-called tidelands controversy. Some of the best legal talent outside of California concede my friend much better than an even chance to perfect his claims, and any unprejudiced study of the existing laws covering the case will inevitably result in conclusions parallel to those of Senator Burton K. Wheeler, Harold Ickes, and others who have carefully followed these developments. Copies of the original applications filed by Mr. Cunningham and his nominees, the assignments of operating agreements to Shore Line Oil Co., copies of the Supreme Court decision and of the Federal Leasing Act as amended, and other pertinent documents may be examined at Mr. Cunningham's office in the Rowan Building by appointment which I shall be glad to arrange at your convenience.

All political attempts (some extravagantly financed) to promote legislation to reverse the decision of the Court have failed, to date, and the chances for such legislation to be passed by the present Congress seems practically nil, according to reliable opinion. In my opinion, it is a most magnificent gamble in that all existing law is on our side and the high stakes involved are out of all proportion to the risk of losing. Even a compromise with respect to back royalties will result in tremendous sums becoming available to shore-line stockholders from the prolific production of oil from the Huntington Beach field alone, not to mention the potential value of other acreage under application and assignment.

A rare speculative opportunity, contingent solely upon a legal question, would perhaps most accurately describe this matter. If the permits are granted, oil companies will offer fabulous sums either for the stock or for operating agreements or leases bearing handsome royalties; if they are not granted, the stock will not be worth a dime. There you have it in a nutshell. Nobody should invest in an issue of this character unless they can afford to lose what they invest. My personal stock was acquired largely in payment for personal services rendered to Mr. Cunningham and the corporation and, naturally, I would like to keep all of it. However, cash requirements incident to the reestablishment of my offices here in Westwood make it necessary for me to dispose of a few hundred shares at this time. If you and your associates should wish to participate in this venture in a more substantial way, I may be able to obtain for you a further opportunity to participate.

It is difficult to cover all phases of this matter in one letter and I hope that I may have the opportunity to discuss it further with you at an early date. Thanks for your interest.

Yours very truly,

ROBERT F. PURVIS.

Mr. Chairman, Mr. Cunningham has offices in the Rowan Building in Los Angeles, and Mr. Purvis has offices in Westwood, Calif., doing business as an income tax and business-management consultant. I do not condemn them, but if they can get away with this fancy deal they are really good. And that is what this whole fight is about, Ickes, the Supreme Court, and Wheeler included.

Mr. BOYKIN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BOYKIN. Mr. Chairman, in addressing my colleagues today, I am seeking no privilege for any vested, corporate, or other interest except the interest of my constituency in the First District of Alabama in particular, and the interest of the people of the State of Alabama in general.

Mr. Chairman, H. R. 4484, commonly known as the Submerged Lands Act, is a bill to definitely vest, confirm, and establish the titles of all States to lands beneath navigable waters within State boundaries as well as the national resources within such lands and waters.

The course of this debate has been closely followed by the good people of the First District of Alabama inasmuch as the implications of H. R. 4484 are a matter of deep and vital concern to all of them. The subject question to me is purely one of States' rights, but at the same time it is one which transcends all of the questions today before the people of my district and State.

It would be most unseemly for me, a layman, not schooled in the legal profession—to address myself to a question of law—before a body, so many Members of which are so highly distinguished in jurisprudence.

But, Mr. Chairman, the thing that the passage of H. R. 4484 seeks to cure is not a matter of law, it is altogether a matter of national policy, a matter of States' rights, and I hold that as a Representative of a sovereign State, sitting in this, the Nation's Congress, that it is my bounden duty to raise my voice and speak out at the injustice that will be suffered by the people of my district if the bill, H. R. 4484, now before the Committee of the Whole House on the State of the Union, fails of adoption by this great body.

I have a deep-seated conviction that I should talk to you about this strange,

new—or shall I say bureaucratically fostered—idea that looks to the nationalization and even the further centralization of power in Federal departments and bureaus of Government set up here in Washington.

Furthermore, I regard it as my sworn and bounden duty to lay before you the concern of the citizens of my district with respect to the tideland legislation before this committee.

The bill, H. R. 4484 now under consideration by you gentlemen is a counterpart of House Joint Resolution 123 introduced by myself in the Seventy-ninth Congress.

Mr. Chairman, the subject matter before you revelant to the control of the tidewater lands as well as the lands beneath the navigable streams of our State is one of great moment to the people of Alabama, and particularly to my district which comprehends the great Gulf port of Mobile.

It is, however, of but secondary importance when contrasted with a politic and economic program looking to the ever-continuing expansion of Centralized and Federalized powers which comprehend temporal control over the sacred traditions, customs, and lives, as well as the destinies and properties of our people.

This subject although of import to all States in the Union is particularly important to all southern States.

There is distinctly a question of States versus Federal Rights bound up in H. R. 4484 now under hearing.

The political question of the continuing sovereignty of States and Commonwealths of these United States is an issue which transcends all financial and legal considerations involved in the bill under consideration by your committee.

I shall therefore address myself more to the principle of the right of States involved with respect to H. R. 4484—as I see it—rather than to the provisos of the bill itself.

Mr. Chairman, it has been the historically established right of each State to regulate its own domestic affairs.

This principle has recently and sharply been called into question when a member of the President's Cabinet by an unwarranted and precipitous action cast a cloud upon all titles to tidewater lands and lands under navigable streams in the United States.

It is solely because of the theory advanced by that official and in response to the petition of the people of a majority of all States, that H. R. 4484 is now before this House with a prayer that you remove that cloud from the title of the true owners of these lands, to wit: the various States of the Union.

Mr. Chairman, were it not for that unseemly and undue exercise of administrative power and the still more unseemly bureaucratic desire for ever-increasing centralized and federalistic power, this bill would never have been found necessary.

Moreover, Mr. Chairman, were it not for the undue exercise of the Presidential power of veto, the question now before you would have been fully settled by appropriate legislative action taken by the Congress a full 5 years ago.

For did not the second session of the Seventy-ninth Congress, in July 1946, and after comprehensive hearings were held, fully debate all phases of this issue?

Did not both Houses of the Congress by record vote overwhelmingly pass Joint Resolution 225, which would have quieted and cured these titles—and for all times?

Mr. Chairman, the Congress of the United States is the true voice of its people.

When the Congress, with clarity and with finality, spoke on the issue of the nullification of the rights of States to control their seaboard lands—the people themselves spoke.

Did not the vote of their Representatives in the Congress speak the wishes of the citizenship? If that be not true then we are no longer a land in which the common needs and the expressions of the majority of people—speaking through Congress—develop all policy and all law.

Mr. Chairman, I maintain that the veto by the President of Joint Resolution 225 to my mind was an arbitrary, dictatorial exercise of Executive power. Moreover, it was invoked to nullify the enactment by the Congress of a legislative matter executed in direct response to a petition of the people.

Must we reach the conclusion that we, citizens of the United States, now live under a form of dictatorship, one where the will of the Chief Executive of the administrative rulings of a central Government is to become the only law of the land?

Has the day already dawned when we live under a government by men—and not under a government by law?

In returning Joint Resolution 225 to the Congress of the United States and without signature, President Truman wrote, in part:

> The Attorney General advises me that the issue now before the Supreme Court has not been heretofore determined * * * the Congress is not an appropriate forum to determine the legal issues before the Court.
>
> The jurisdiction of the Supreme Court should not be interfered with while arriving at its decision in the pending case.

Mr. Chairman, hear me now well on this: Here is an instance of legislative action involving the right of the various States to control their own coastal lands and submerged river bottoms. Is this not purely a question of local community interests and, moreover, purely a question of national policy as reflected in the control of those purely local State interests.

Furthermore, is it not the constitutional and sworn duty of the Congress to legislate on all matters of policy?

Mr. Chairman, it is equally true that it is not the duty of the Supreme Court or any other court in this land to determine matters of policy.

I am authoritatively advised that on more than 50 different occasions the Supreme Court of the United States in its rulings and decisions has upheld the rights of individual States to exercise controls without limitations upon all lands beneath tidewater and navigable waters within the boundaries of such States.

Moreover, the Honorable Gessner T. McCorvey, acting for the attorney general of the State of Alabama, in filing with your committee a comprehensive legal brief, setting forth arguments and citing innumerable instances of legal decisions in justification of the passage of that resolution by the Congress of the United States, was joined by the attorney generals representing 46 other States of the Union.

In addition to the prayer for relief from the cloud upon the titles to our State lands made to your committee and to the Congress by the attorney generals of 46 States were scores of governors, mayors, city attorneys, States attorneys, officials of publicly owned ports—such as our own Port of Mobile Authority—and State docks authorities. These made either written or oral arguments, or both, before your committee.

These duly elected or appointed public officials of the several States gave to Joint Resolution 225, then pending before the Joint Judiciary Committee—and now to H. R. 4484—not alone their legal endorsement but their moral as well as economic support and approval to the enactment of that resolution—which failed to become law by the withholding of Presidential approval.

Furthermore, favorable action by both Houses of Congress with respect to this matter met with practically the unanimous backing of a large number of nonprofit legal and other private and public organizations.

Notable among these were the American Bar Association, the Conference of Governors of the 48 States, the American Association of Port Authorities, which organization alone represented more than 50 of the Nation's most important harbors.

Additionally thereto were the representatives of 417 American cities, speaking through the National Institute of Municipal Law Officers.

Despite the veritable arsenal of legal argument advanced by this reputable cross section of nationally known and recognized authorities, despite the wealth and knowledge and jurisprudence inherent in the great Judiciary Committees of both Houses of Congress, which recommended the adoption of Joint Resolution 225, despite the overwhelming vote by which that resolution passed both Houses of Congress, President Truman vetoed and rendered ineffective the action of the Congress—and hence, of the people themselves—because his personal appointee, the Attorney General of the United States, had advised him about a certain case then pending in Court.

As I have heretofore stated, President Truman vetoed the legislation for the reason that the question of ownership was then before the Supreme Court for decision. That decision has now been handed down. In the opinion of learned lawyers the Supreme Court has entirely evaded and transcended the question of legal ownership. Therefore, it is now legal and proper for the President to

ouchsafe to Congress the consideration nd determination as to the question of wnership.

Mr. Chairman, unless the Congress itself corrects this judicial departure into super-Federal dominion of property, we may as well acknowledge that we have been served with notice of an even greater usurpation of power in the capitol in Washington—usurpation at the expense of the State Capitols—the county court houses—the city halls—and of every private citizen property owner in the Nation.

Mr. Chairman, we have heard a great deal spoken about the Federal Government and the advantage that would flow to the Nation if the Government should have ownership, control, development, and operation of off-shore oil for the purpose of national defense and the conduct of international affairs, but, Mr. Chairman, the Federal Government has ample powers which it can exercise in time of war and in times of national emergency. Who is there among us who is not made aware of these tremendous powers in these last 20 years?

Let us read what the eminent Justice Reed himself a member of the Supreme Court wrote in dissenting from the Supreme Court decree:

> This ownership in California would not interfere in any way with the need or rights of the United States in war or peace. The power of the United States is plenary over these underseas lands precisely as it is over every river, farm, mine, and factory of the Nation. While no square ruling of this Court has determined the ownership of these lands, to me the tone of the decision dealing with similar problems indicates that without discussion State ownership has been assumed.

Mr. Chairman, the chips are down and moreover, and Mr. Chairman, they are moving. There are some bugs under them. Let us kick them up and see what is making them move.

What case was it that was before the Court to which the President referred and who instituted it?

It was the "inspired suit" known as the California Tide Water Lands case and the Attorney General himself had instituted the action.

At the instigation of whom, you ask; well, Mr. Chairman, at the instigation of none other than Mr. Harold Ickes, the erstwhile Secretary of the Interior.

What the President did not tell the Congress, when he vetoed that joint resolution, was that the case then before the Court was a "strike suit," that it was instituted by the Attorney General at the instance of that old trouble rouser and rabble rouser, the now totally discredited ex-Secretary of the Interior, Mr. Harold Ickes. He was the very first of a long line of Secretaries of the Interior ever to question the rights of the several States of this great Union, to the exercise of exclusive control over enormously valuable underwater properties located in practically every State in the Union.

In Mr. Harold Ickes claim as to prior Federal rights first advocated by him he attempted to abrogate the long-recognized control by the States not alone of off-shore lands but inland lands, below navigable waters.

Mr. Chairman, this would adversely effect and cloud the title to hundreds of miles of inland submerged river-bottom land in Alabama, inasmuch as they are held on the same legal basis as is tide and other submerged lands.

May I submit observation that the bill H. R. 4484 now under consideration, does not convey one single foot of land or anything of any value whatever to any State or any individual or corporation, to which the Federal Government now or ever had any legal or prior claim.

It simply serves to clear and in behalf of all States the title to State's properties from an unwarranted cloud which only recently has been cast upon them.

Mr. Chairman, it is well to remember that the lands in question even though they be under water, are real estate and that in dealing with these lands, we are dealing with titles to real estate.

Every last man knows that any claim which might be put forth by a Federal official and especially, by a member of the President's Cabinet, even though wholly unfounded, will do more than encumber a title—it would render any legal transaction with respect to that land—impossible.

The purpose of this legislation is to reestablish clear title by removing the cloud and by removing it in the simplest, most feasible economical and rapid manner, to wit: by release and quitclaim.

Time and time again the Supreme Court has repeatedly declared, as a matter of law, that all the submerged land in question belonged to the States.

This prayer made to the committee and to this Congress is that Congress reaffirm these declarations of the Supreme Court, and to set the minds of all men at rest with regard to the unwarranted, intemperate, and unjudicious statement made by the ex-Secretary of the Interior.

It is indeed passing strange that I should be here making prayer to the Congress of these United States in behalf of the people of Alabama on a question that was settled when the American Colonies, under the leadership of George Washington, achieved their independence from the British rule.

When Gen. George Washington, as Commander in Chief, led the small Continental Army to memorable victory, each of the Original Thirteen States, became at the conclusion of the Revolution, the absolute owner of all lands beneath tidal waters and the navigable waters within their respective boundaries, except such portions thereof, if any, as had been previously granted out by the former sovereign.

Mr. Chairman, it is an undisputable fact that the original States did not surrender their lands beneath tidal waters and navigable waters to the Federal Government either by the adoption of the Constitution of the United States or otherwise.

I cite as proof complete recognition of that ownership the many instances where in the Congress of these United States had, at various times, called upon certain States to voluntarily cede or to convey small portions of such lands to the United States for the purpose of national defense or the improvement of navigation.

Still, there are countless other instances when the United States acquired certain portions thereof by condemnation proceedings.

Moreover, individual States, among them Alabama, have, in many instances, granted or leased portions of their lands beneath tidal and navigable waters to private citizens, but, except for the portion of such lands acquired from them by the United States and by private citizens, the original States today retain absolute title to and the ownership of all such lands within their respective boundaries.

There is of record many instances wherein it is disclosed that the Supreme Court of the United States has held that all States subsequently admitted to the Union became the owners of the land beneath the tide and navigable waters equally with the Original Thirteen States—*Pollard* v. *Hagan* ((1945), 3 How. (44 U. S.) 212, 228).

Hence, it follows that all States of the Union, subject to the exception mentioned above, are absolute owners of the land beneath both tidal and navigable waters within their respective boundaries.

That historic recognition by the Federal Government of State ownership of land beneath tidal and navigable waters by individual States has long existed as a settled fact.

It is a question of established national policy which can in no manner be changed by some transitory Secretary of the Interior or any other public official or department head.

It is and has long existed as a settled rule of constitutional law.

The United States Supreme Court and all other courts which have ever been called upon have uniformly held in a multitude of decisions extending over a period of 100 years, that lands of that character belong solely and absolutely to the States.

Mr. Chairman, I am authoritatively advised that there is no single decision to the contrary on record.

Following are excerpts from two of the leading decisions of the United States Supreme Court, which set forth concisely the rule as to tidelands.

Knight v. *U. S. Land Ass'n* ((1891) 142 U. S. 161, 183):

> It is the settled rule of law in this Court that absolute property in, and dominion and sovereignty over, the soils under the tidewaters of the original States were reserved to the several States, and that the new States since admitted have the same rights, sovereignty, and jurisdiction.

Hardin v. *Jordan* ((1891) 140 U. S. 371, 381):

> With regard to grants of the Government for lands bordering on tidewaters it has been distinctly settled that they only extend to high-water mark, and that the title to the shore and lands under water in front of lands so granted inures to the State within which they are situated, if a State has been organized and established there. Such title to the shore and lands under water is regarded as incidental to the sovereignty of the State—a portion of the royalties belonging thereto and held in trust for the public purposes of navigation and

fishery—and cannot be retained or granted out to individuals by the United States. (*Pollard* v. *Hagan* (3 How. 212); *Goodtitle* v. *Kibbs* (9 How. 50 U. S. 471); *Weber* v. *Harbor Commissioners* (18 Wall. 85 U. S. 57).)

That the ownership of States to the soils under the tidewater is not limited to the narrow strip along the coast over which the tide daily ebbs and flows, but includes all lands covered by the waters of the sea within the States' boundaries which, in every case, extends to a distance of at least 3 miles from the coast line.

Illinois Central R. R. Co. v. *Illinois* ((1892) 146 U. S., 387, 435):

It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tidewaters, within the limits of the several States, belong to the respective States within which they are found.

Martin v. *Waddel* ((1842) 41 U. S. 366, 410):

For when the revolution took place, the people of each State became themselves sovereign; and in that character holds the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the General Government. (Namely, the rights of regulations incident to the regulations of commerce and navigation.)

In the Massachusetts case the Court also dealt with the ownership of the submerged land lying between the coast line and the boundary of the State which, in that case, as above stated, was a marine league from the coast. On this point, in referring to the earlier case of *McCready* v. *Virginia* (94 U. S. 381), the Court said (p.*259): "In that case it was said that the principle had long been settled in this Court that each State owns the beds of all tidewaters within its jurisdiction, unless they have been granted away."

It was upon the basis of the above principle of constitutional law that the existing rule was established.

Mr. Chairman, the State of Alabama, its various legal districts and political subdivisions, the citizens of my district and of Alabama, have placed their reliance upon that rule.

Under that rule they have expended enormous sums of money in the development of lands beneath tidal and navigable waters, both along the coast and inland.

Great harbors, ports, docks, and other accouterments of shipping have been constructed in conjunction with a multitude of other public and private improvements.

In Alabama particularly, where geology gave evidence of oil in the submerged lands covered by tidal or navigable waters, leases have been made by the State of Alabama to private citizens for development purposes.

Great sums of money have already been expended over a long period of years in development work by the lessors.

Not only has the State of Alabama, acting in behalf of its citizenship expended vast sums of public money—but the citizens of that State, acting individually, as well as in cooperation with the citizens of that and other States, have already effected many improvements and expended great sums of money in good faith and in full reliance upon that rule of property set forth by the Supreme Court of the United States.

The United States Government itself has long recognized that title to these lands rested in the States. It has acquiesced in literally hundreds of ways to the ownership of those lands by the State of Alabama.

In the last few years one has heard said that the oil produced from under the coastal States tidal and submerged river lands should belong to all the people of all States rather than those who happen to have oil within their boundaries.

Mr. Chairman, that is the language of "statists" and of fellow travelers. It is not the American doctrine of State's rights.

The fallacy of such argument becomes apparent when we consider the great diversity and value of the products other than oil, which are even now or might in the future be taken from out of the submerged lands in Mobile Bay or beneath our navigable rivers.

If the Federal Government should at this late day in the Nation's history, in the spirit of socializing the community interests, or in accordance with the theory of communism—sequester the deposit of oystershells, sand, gravel—now under lease—which lie on the bottom of Mobile Bay—why not then sequester the oysters from the beds of Chesapeake Bay in the free State of Maryland or those from the oyster beds of the great Commonwealth of Virginia?

Why then cannot the Federal Government confiscate the coal from beneath the Susquehanna River in the Commonwealth of Pennsylvania or the iron ore from deposits lying in Lake Superior under the offshore of Minnesota, the natural gas from beneath Lake Erie, and divide those and divers other products between the States that have neither oysters, oystershells, coal, iron ore, oil, or gas.

Mr. Chairman, since when has the mere filing of a suit in a court of competent jurisdiction, or the fact that there is a suit pending with respect to certain questions of national policy, constituted good and sufficient grounds for the Congress of the United States to suspend all congressional action on an all-important subject to the people until the decision has been handed down by a court?

Could not such a device be invoked to block any pending legislation?

The President vetoed Joint Resolution 225 passed by an overwhelming majority of both Houses of Congress, because, he advised the Congress, "a suit is pending."

It is a matter of record that the first time the title of the States to the beforementioned submerged land was ever questioned by anyone on behalf of the Federal Government was in April 1937 when the first so-called Nye resolution was introduced—S. 2164.

That bill was later withdrawn.

Then Senate Joint Resolution 208 was introduced on August 9, 1937, and subsequent thereto, Senate Joint Resolution 92 was introduced by Senator Nye and Senate Joint Resolution 83 by Senator Walsh.

Mr. Chairman, notwithstanding that fact, none of the proponents who claimed prior Federal rights to these lands over the States title are any longer in Congress of the United States. They have all since been repudiated at the ballot by their people.

Notwithstanding the fact that none of these above-mentioned resolutions were ever finally adopted, the false erroneous claims set forth by them and those made by other bureaucrats seeking to extend Federal controls over individual States have succeeded in casting a cloud upon the historically recognized State titles to lands below tidal and navigable waters.

The publicity given to the intemperate expressions and wholly unwarranted claims by seemingly responsible officials, and the subsequent fostering and refueling of the issue by payroll-patriots has resulted in the filing with the United States Secretary of the Interior of a large number of applications for leases upon lands covered by tidal and navigable waters belonging to the States themselves.

The more particularly damning statement, a statement officially spoken by Harold Ickes, has cast an overburden of doubt upon the validity of the right of the true owner—in this instance the State of Alabama—to control these lands.

Thus, an unwarranted cloud now exists upon the title to real property within that State, and moreover, within the congressional district which I represent.

I am making prayer that you legally remove such cloud by quitclaim or release as provided for in H. R. 4484.

I am not asking that you release to the State of Alabama any land to which the United States has any claim whatever. I am making respectful prayer to this Congress that they enact H. R. 4484 quieting titles of the State of Alabama and all other States of the Union to lands beneath navigable waters within the boundaries of such States.

The granting by the Congress of the United States of this petition will be a boon to the people of Alabama. It will serve to clear the titles of immensely important and valuable State, city, and municipal properties from the wholly unwarranted cloud, and in behalf of their true owner.

Mr. Chairman, let me say that I regard it as the bounden duty of this Congress to forever and definitely establish the true ownership of the submerged offcoast lands and those within the territorial boundary of the State of Alabama.

We in Alabama, as citizens of this great Union of States, demand that our historically recognized jurisdiction over and the control of the subsoil, and the sea bed and the river bottoms of our State be now sustained by an act of Congress.

We, in the State of Alabama, contend that the use of that property is a question of sovereign State rights. That it

is a local affair which so directly affects our coastal communities' life and welfare that it cannot in any conscience be separated from them.

Moreover, we contend that this new doctrine advanced by certain federalistic, bureaucratic officials is violative of both the Federal and State Constitutions.

Our every Alabama seaport town and community, not unlike those of all other States, have State laws and local ordinances controlling the use of our water front.

Our State, our counties, our cities, and our citizenship have spent millions of dollars in the development of beaches, recreation centers, parks, highways, and divers other facilities on the ocean shores for the enjoyment and the convenience of our citizens.

You must not fail to cure the existing defect in their titles.

Mr. Chairman, in conclusion, may I say that it is inconceivable that under some strange new legal principle of policy making by departmental heads—never heretofore enunciated to our people—that responsible administrative officials should foster the nullification of the vital and local rights and interests of the State of Alabama and its southern Gulf port communities—which purely personal and extra legal ventures—were never submitted for approval or ratification to the Congress of the United States.

If this bill, H. R. 4484, fails of passage, the true title to every port, dock, beach, and highway fronting the wharves and all improvements made upon filled lands in the 150 years that have passed will all be jeopardized.

Millions of dollars of improvements throughout the Nation, upon which hundreds, if not thousands, of millions of dollars of bonds were issued and outstanding, stand in jeopardy.

These bonds are held by banks, private industries, educational institutions, insurance, and other companies. They will be of questionable values until the titles to these lands are once again quieted and made secure to their true owners.

The power of the Congress to resolve this question for all time is crystal clear.

It is the duty of the Congress to act—and to act at once.

It is for the above reasons that the people in my district, specifically the State of Alabama in general, join with all other coastal cities and States with navigable rivers in urging the Congress to pass this legislation.

Mr. BOGGS of Louisiana. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, my colleague from Louisiana very properly described this alleged substitute as a bill to divest title from the States. I believe, to be a bit more practical about it, we might call it a "get the foot in the door" bill, because what is fundamentally proposed here is that the jurisdiction over the tidelands be transferred to the Department of the Interior. The distinguished chairman of the committee says that this is a truce bill and that for 5 years the determination of title will not be made. But let us examine for a moment just what will happen.

All of you have had experience with various departments and agencies of the Government, and the distinguished gentleman from New York is really not kidding anyone. Actually, what would happen is this: That administration having been transferred to the Department of the Interior, the barrage of propaganda which would start emanating from that source would be something phenomenal; and today where you are hearing the distinguished chairman of the committee saying that this bill now pending before this Congress, which restores title where it rightfully belongs, is the creature of a lobby. After 5 years of such administration the propaganda as of today would be as of nothing. Then the prospect of restoring title to the States would long since have vanished. The only reason that the gentleman from New York offers this legislation, aside from the very interesting reasons which I have heard advanced here by the gentleman from California and the gentleman from Louisiana [Mr. WILLIS], is that he figures that this is the best he can do right now. This is his foot-in-the-door proposition. He knows that this body, not once but on several occasions, has rightfully declared that title belongs in the States. He knows that he cannot defeat this bill. He knows that he has no prospect whatsoever of passing a bill which declares outright that title no longer exists in the States. Therefore, by way of subterfuge, if you will, by way of getting your foot in the door, he hopes to accomplish by indirection what cannot be accomplished by direction.

Now, the gentleman from New York, in dismissing a brief approval by 47 of the attorneys general of the States of this country, by 44 of the Governors of the United States, by many civic organizations, by the American Municipal Association, representing ten-thousand-odd municipalities, says that is a brief of the oil companies; yet in the next breath he says that the interim legislation, so-called, is vital from the point of view of production. I submit if this brief were the brief of the oil companies, it stands to reason that the oil companies would be for the interim bill by the very admission of the gentleman from New York because under his admission the producing companies cannot produce unless the interim bill is adopted.

The merits of the legislation have been discussed in great detail. Fundamentally, there is one principle involved, namely, the concept of dual sovereignty, and I submit to you, my colleagues, that we have no right, as the representatives of the people, to attempt to compromise, to water down, to change, to alter in any respect that fundamental concept of American constitutional authority.

Mr. Chairman, since my return to Congress in 1947, I, along with the other Members of my delegation, have done everything within my power to defeat the effort of the Federal Government to deprive the coastal States of our Union of their tidelands. I am the coauthor of the legislation being considered here today. This question is fundamental. It cannot be compromised. It cannot be watered down. It involves the basic concept of dual sovereignty. As such, it is one of the most important issues facing our Nation today.

If we permit the national administration to gain control of the coastal tidelands, thus violating every principle of State sovereignty, other resources will similarly be attacked.

The question involved here is whether this flagrant effort of the national administration to federalize the resources of our Nation is to be halted now.

This is not an issue limited to Louisiana, or Texas, or California. It involves every State in our Union.

We have noted in the past generation a tremendous extension of Federal authority. This, however, would be the most frightening extension of all. It is every bit as dangerous as socialized medicine or socialized agriculture.

Now, my colleagues, the bill before us is a simple bill. It does one thing and one thing only, it restores the State's title to property. There is nothing new or unusual about this. It has been done time and time again by act of Congress. The senior Senator from Texas a few days ago dealt with the barrage of vicious propaganda which has been circulated against those of us in the Congress who believe that the principle of State sovereignty is still a fundamental concept of our Government. We have been accused of being the tool of lobbyists, of attempting to take something that does not belong to us, and here recently the proposal has been made that the revenues derived from the tidelands be devoted to public education generally throughout our country. There have been two implications here. One that the States are not now using these revenues for such purposes. Two, that by using the revenues for education, somehow or another, this grab is justified. Someone has quite properly called this a Robin Hood theory of government. In my own State of Louisiana the cause of public education would be dealt a terrific blow should we fail to pass the legislation now pending before the House of Representatives. Should this bill fail enactment other marine enterprises, such as our fisheries, might soon be subject to all types of Federal regulations.

For my own part and the part of my colleagues from Louisiana, I have consistently supported legislation to prevent nationalization of our resources. The question involved here is petroleum; tomorrow it might be coal; next week it might be an equally valuable mineral deposit.

The best government is the government with which the people are most closely connected. The idea of centralizing our Government in the Nation's Capital where the people are unable to check the bureaucrats is a vicious and dangerous idea. I know that the Members of this body, because I have talked with a great many of them, will support this constructive legislation.

I should like to pay particular tribute to Congressman EDWIN WILLIS, who

comes from my State and who is a member of the Committee on the Judiciary. Congressman WILLIS has been most instrumental in the drafting of and the reporting out of this bill. And I know that the people of Louisana recognize his important role.

In the other body our junior Senator, Senator LONG, has been tremendously helpful in resolving this fundamental issue of sovereignty of the States.

In the past the President has vetoed this legislation. This body has consistently overridden his veto. Should he do so again, I am quite certain that the House of Representatives will again override his veto.

Now let us examine some of the propaganda which has been spread about the tidelands issue.

The opposition has maintained and has created the impression that the Supreme Court decisions and the legislation now pending before the House of Representatives, H. R. 4484, affect only the States of California, Texas and Louisana. Opponents have also claimed that only oil is involved.

Each State, however, possesses valuable submerged lands within its boundaries and would be affected by the legislation. As a matter of fact, all States have at least one valuable resource in or beneath these submerged lands. Examples of this are Maine with its rich kelp beds which are leased for the production of iodine; Minnesota and Wisconsin with rich deposits of iron ore under the Great Lakes; Connecticut, Delaware, Maryland and Rhode Island with their oyster, clam, and shellfish cultivation; Arizona, Kentucky, and Missouri with sand and gravel taken from their river and lake beds. Even the reclaimed land on the coast at New York, Atlantic City, and Miami might be affected.

Opponents of State ownership have also created the impression that H. R. 4484 is being sponsored by a selfish group. This is a complete falsehood. Here is a list of the sponsors of this bill: The Council of State Governments; The Governors' Conference; National Association of Attorneys General; National Conference of Mayors; American Association of Port Authorities; American Municipal Association, representing 10,150 municipalities in 42 States; the American Bar Association; American Title Association; United States Chamber of Commerce; United States Junior Chamber of Commerce; National Reclamation Association; National Water Conservation Association; National Institute of Municipal Law Officers, representing 1,051 cities.

The States have been developing these submerged lands in good faith, knowing that title belonged in the individual States, for over 100 years. State ownership was recognized in 53 previous Supreme Court decisions as a right of State sovereignty.

The California case and the Supreme Court decision does not deny the title to these lands to the States but maintains "bare legal title" and "mere property ownership" must yield without compensation to the political needs of the Federal Government. This decision is viewed with alarm because it could well destroy the fundamental concepts of all property ownership, both private and State. And it opens the way for nationalization of the oil industry. A distinguished Massachusetts lawyer, Nathan Bidwell, stated in an article in the Massachusetts Bar Bulletin of October 1950:

> The doctrine laid down in these decisions finds its parallel in the writings of Marx, Lenin, and the platforms and principles of the National Socialist Party, in all of which it is provided that * * property should be taken without compensation on the basis of need for all the people regardless of the law of the land.

This legislation would not deprive the Federal Government of any rights it now has to exercise control over these submerged lands and navigable waters pertaining to commerce, navigation, flood control, national defense, and international affairs. It would only restore to the States those rights of ownership which they enjoyed for more than 100 years before the California decision by the Supreme Court.

There is need for passage of this legislation now because of the increased need for oil and because operations have been interrupted because of the failure to settle the questions of ownership. There is no authority to lease any of the land beyond the 3-mile limit.

The States of Louisiana, Texas, and California have invested large sums of money in their submerged lands and would suffer great damages if the tidelands were taken from them. Most of the revenues from these lands are used for education within the individual States. By taking this revenue away from a State the Federal Government would be making that State dependent upon the Federal Treasury for aid for its educational program. This would deprive the State of its ability to care for its own needs and bring about further centralization of power in Washington.

In conclusion I should like to reiterate the words of my friend and colleague, the gentleman from Texas [Mr. LYLE], of a few days ago, when he said:

> Mr. Speaker, a vote for this bill is an honorable one of which you can be proud, because it will be in the tradition of good Americanism. It is a vote in the tradition of your home, your property rights, and the valuable things in your life. I have often thought, Mr. Speaker, that young Americans proudly wear the uniform of this country because they believe in the principles of private ownership of property and the integrity of that property ownership, because they believe in the integrity of their Government, because they believe in the justness of the things that belong to them, and because they know that there will not be expropriated without trial or without compensation that which belongs to them and their fellow Americans, including that of the State government.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the substitute amendment and all amendments thereto close in 30 minutes.

Mr. RIVERS. I object, Mr. Chairman.

Mr. CELLER. Mr. Chairman, I move that all debate on the substitute amendment and all amendments thereto close in 30 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS. Mr. Chairman, I favor the legislation now under consideration. This legislation is designed to impede and discourage the tendency in thinking so predominant in the bureaucracy in this Government as well as a great portion of the judiciary of this Nation, including the Supreme Court. The ownership of the lands beneath the sea adjacent to the respective States is vested in the States themselves. Before the Federal Government existed, the States were in existence. The States created the Federal Government at which time they promulgated in language as explicit and as unequivocal as could be made by mortal hand that "all powers not hereby expressly delegated to the Central Government are hereby reserved to the several States." At no time and at no place have the States delegated ownership to marginal tidelands to the Federal Government and no decision of any court in the land can stand against this immortal guaranty. I am not unmindful of an existing decision of the Supreme Court legislating where they should be interpreting, encroaching where they should be protecting, writing law instead of following the age-old custom of stare decisis. This is the first decision in America holding that the Federal Government's responsibility to protect the shores can give it rights heretofore identified with the ownership of the shores.

Since the Declaration of Independence both State and Federal Governments had recognized the ownership vested in the States of all submerged lands within their respective boundaries. Throughout these years, legal background was established and precedent, bulwarked by 244 Federal and State court decisions, 49 United States Attorney General opinions, 32 Department of the Interior opinions, and 52 Supreme Court decisions, became so firmly established that State ownership of these lands became recognized as invulnerable to successful attack.

Take Texas for instance. They have felt certain and secure in their title to their submerged land and all public lands, for, in 1845 when Texas came into the Union, the question of the ownership of the State's public lands was in issue and the United States Congress expressly agreed that Texas would retain title to these lands, including bays, rivers, and the bed of the Gulf of Mexico adjacent to Texas. For years these lands have been dedicated by the State of Texas to its permanent school fund.

All of the tideland States, since their entry in the Union, have had and exercised their proprietary rights in these submerged lands. While the Supreme Court denies proprietary rights in these lands to California, it is significant that the Court failed to find that the Federal Government owned the property. It stated:

> The crucial question on the merits is not merely who owns the bare legal title to the

lands under the marginal seas. The United States here asserts rights in two capacities transcending those of a mere property owner.

These rights asserted by the Supreme Court are, first, the right and responsibility of the Federal Government to conduct the national defense of this country; and second, the right and responsibility of the Federal Government to conduct the relations of the United States with other nations.

In this decision the Supreme Court has announced Federal powers which the Congress has refused or failed to announce. Twice the Congress refused to grant specific authority for the Attorney General to sue California for these lands. At the Eightieth Session, Congress passed a resolution recognizing State ownership and quitclaiming to the States, only to have it vetoed by the President.

President Truman vetoed the legislation for the reason that the question of ownership was then before the Supreme Court to decide. Now that the Supreme Court's decision has evaded and transcended the question of legal ownership, it is now logical and proper for the President to vouchsafe to the Congress the consideration and determination of the question of ownership.

Unless the Congress corrects this judicial departure into super-Federal dominion of property, we may as well know this will be the forerunner of more centralized power and tax income in the Capital at Washington at the expense of the statehouse, the county courthouse, the city hall, and the private citizen property owner.

Fortunately, our Federal Government was created as a Government of checks and balances. The legislative, executive, and judicial branches of our Government each has the power to check and balance the departure of one of the other branches from their respective spheres of government under the Constitution.

The power and duty of the Congress is crystal clear in its decision of this question. This will not be the first time that the Congress will have found it necessary to nullify decisions of the Supreme Court which result in legislation rather than judicial interpretation and decision.

It is neither necessary nor advantageous for the Federal Government to have the ownership, control, development and operation of the tideland and offshore oil of America for the purposes of national defense and conduct of international affairs.

The Federal Government has ample emergency powers it can exercise in times of war and national emergency. Who of us were not made aware of this during the last depression and in World War II?

Justice Reed, in dissenting from this Supreme Court decree, said:

This ownership in California would not interfere in any way with the need or rights of the United States in war or peace. The power of the United States is plenary over these underseas lands precisely as it is over every river, farm, mine, and factory of the Nation. While no square ruling of this court has determined the ownership of these lands, to me the tone of the decision dealing with similar problems indicates that without discussion State ownership has been assumed.

The wisdom and warning of this dissenting language is impelling when we consider the various mineral deposits which could be considered "as vital to national security and important elements in the conduct of our foreign affairs."

This national ownership doctrine could as well be applied to the potash of New Mexico and Texas; the mercury of California, Oregon, and Texas; the copper of Utah, Arizona, Montana, and Michigan; the iron of Alabama, and Minnesota; the aluminum of Arkansas; the phosphate of Idaho, Tennessee, and Florida; the coal of Pennsylvania, West Virginia, Virginia, Ohio, and Maryland; the lead and zinc of Oklahoma and Missouri; the sulfur of Texas and Louisiana; the tungsten of Colorado; the titanium of Virginia; the gold of South Dakota, Colorado, and California; and the silver of Montana, Colorado, and Idaho.

If this theory of national ownership of important elements in the conduct of our foreign affairs and in our national security is allowed to go unchallenged by Congress, it is entirely reasonable to assume it could be extended to such vital elements as the bread of life—the wheat of Kansas, Texas, Oklahoma, Nebraska, and Georgia; the corn of Iowa, Nebraska, Illinois, and Virginia; the sugar and rice of Louisiana; the feed crops of Kentucky; the fish of waters bordering the States of North Carolina, South Carolina, Virginia, Maryland, and other tidewater States; and to clothing—the cotton of Mississippi, Alabama, Georgia, South Carolina, North Carolina, Texas, and Arkansas; the wool and mohair of the Southwestern and Western States; leather, lumber; and the innumerable products that can be made from natural gas.

Oil might merely be in the lead-off position in the line-up of nationalization of our vital natural resources unless the Congress passes this tidelands legislation.

Every loyal American favors the acquisition of a large oil and oil products reserve for national defense. Oil in reserve is not enough in time of war. The refined products of oil such as various types of aviation gasoline, fuel oils, Diesel motor oil, butadiene for synthetic rubber, and numerous other refined products of oil must be ready and available for use.

Oil and the refined products of oil should be stored in strategic places within the United States and in our bases overseas in time of peace. In the next war we will not be permitted the time to produce, transport, and refine the oil and get it to the places of need.

It is high time we checked trends in thinking toward nationalization of natural resources in this country. Germany, when she began plans to conquer the whole world, started that preparation with the nationalization of natural resources. Russia long ago did the same thing with resources for their war machines and, like Germany, centralized her economy.

America does not need nor will she tolerate these measures. To encourage such thinking is to undermine our whole economy and way of life.

The presence here at Washington of the representatives of many States, the expressed attitude of the governors' conference, decrying this new interpretation of ownership of these lands which overrides a long uninterrupted series of court decisions, should be conclusive evidence of the need for the corrective legislation which we now seek.

The appalling and incredible warp in the mind of the highest court in the land coupled with the insatiable appetite of the Department of the Interior to control and appropriate the lands in question gives rise to concern in Congress, and to those in every quarter who believe in the sovereignty of State and right of ownership of property by the State, person, firm, or corporation. The States of this Union, particularly in my native State of South Carolina, and the 12 other original States, were in existence before the Federal Government. My people helped write the Constitution, as a matter of fact, we in South Carolina still believe that a South Carolinian did write the Constitution, and have documents to prove it. We know what the intent of the founding fathers of the Constitution was: We know that powers not delegated to the Federal Government were retained in the States. As you know, in vesting the central Government with authority to defend shorelines of our respective States from actual or prospective enemies did not concurrently carry with it the title to any part or parcel above or below the sea, or either in the rivers, bays, tributaries, or estuaries, of any of the waterways contained in the United States, and for the Supreme Court to infer that "domination" of these rights was a matter of the Federal Government is not only folly, but either ignorance of the Constitution, or a calculated effort to disregard what tradition and precedent has been for well over a hundred years.

In South Carolina we have over 700,000 acres of land either submerged or marginal. We have over 200 miles of coast line, where abounds every fish fit to eat. We say to the Federal Government that she is not going to control these lands. We in Congress today are going to right this tendency and trend where there will be no mistake about the future ownership. We say to the Court and the Central Government, beyond this point you shall not pass, beyond this point you have no color, precedent, or excuse to trespass, beyond this point you have no moral or legal right to trespass, you shall not interrupt the law of this land which has been in effect for over 160 years, Supreme Court or bureaucrat to the contrary notwithstanding.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Chairman, I am in favor of the Walter bill, H. R. 4484. I do not have the time to discuss the merits which have already been discussed to the *n*th degree, I think. The gentleman from Texas [Mr. GOSSETT] made an extraordinary and con-

vincing presentation of the merits of this bill, as did the author of the bill, the gentleman from Pennsylvania [Mr. WALTER], and many other Members.

In the short time allotted to me I want to read Senate Concurrent Resolution No. 95, passed by the Florida Legislature during the regular session in 1949 and approved by the Governor of the State of Florida, so that you might know how the State of Florida feels on this subject matter. The resolution is as follows:

Senate Concurrent Resolution 95

Concurrent resolution concerning State ownership of and control over lands beneath its navigable inland waters and marginal seas

Whereas, the State of Florida owns and possesses approximately 7,340 square miles of land beneath its marginal seas, and approximately 4,298 square miles of land beneath its inland waters, or a total of approximately 11,638 square miles of land beneath the navigable waters within its boundaries, subject only to the constitutional grant of authority, to the Federal Government, over navigation, commerce and national defense; and

Whereas State ownership of this property has been and will continue to be an important source of revenue for our State, the loss of which would be a great injury to the State and our people, for whom it is held in trust; and

Whereas after over 100 years of recognized State ownership without interference with the delegated Federal powers, certain Federal officials are now suing other States for similar property and advocating Federal seizure of the lands: Now, therefore, be it

Resolved by the Senate of Florida (the House of Representatives concurring), That the State of Florida favors continued State ownership and control, subject only to the powers over navigation, commerce, and national defense only granted to the Federal Government by the Federal Constitution, of lands and resources within and beneath the navigable waters within the boundaries of the respective States, including such lands and resources within and beneath the marginal seas, and request that the Congress of the United States enact suitable legislation to that end.

That the members of our delegation in Congress are hereby requested to give their active opposition to all pending and proposed measures which would create Federal ownership or control of lands, fish, or other resources beneath navigable waters within State boundaries.

That the members of our delegation in Congress are hereby requested to give their active support to legislation which would recognize and confirm State ownership of such property.

That a copy of this resolution be mailed to each member of our delegation in Congress.

Approved by the Governor May 2, 1949.

Filed in office, secretary of state, May 2, 1949.

STATE OF FLORIDA,
OFFICE OF SECRETARY OF STATE.

I, R. A. Gray, secretary of state of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Senate Concurrent Resolution 95 of the regular session 1949, as approved by the Governor and filed in this office.

Given under my hand and the great seal of the State of Florida at Tallahassee, the capital, this the 3d day of May A. D. 1949.

[SEAL] R. A. GRAY,
Secretary of State.

Since being in Congress I have actively supported this legislation. On July 12, 1945, I introduced H. R. 3776 in the Seventy-ninth Congress, first session, which bill provided "for the return and restoration to the several States of the title and right to any oil, gas, and minerals in or under any real property acquired by the United States, or any of its departments or agencies, from the several States, their departments or agencies, either by purchase, cession, or condemnation." This bill was endorsed and sponsored by the Association of Attorneys General of the various States, and was introduced at the instance of the Honorable J. Tom Watson, the then attorney general of the State of Florida. A meeting of the Association of Attorney Generals was held in Washington and the merits of this bill were discussed, but unfortunately, it did not get passed during that Congress.

To permit the Federal Government to exercise the right of dominion and controlling power over the sea and its coast, shores and tidewaters and submerged lands would infringe and trample upon States' rights. Such a procedure, in my opinion, is an entering wedge on the part of the Federal Government to endeavor to eventually take title and hold dominion over the mineral, oils, coal, and other metals which is now controlled by the various individual and several States. This is a type of creeping paralysis of Federal control and the abolition of States' rights, powers, and ownerships.

It means that within the 3-mile limit they will try to claim title to your fish and oysters and to our Florida lobsters, and also to the Maine crawfish.

I hope that this bill will pass as it contains every element of fairness, equity and good conscience.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. BURNSIDE].

Mr. BURNSIDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURNSIDE to the substitute offered by Mr. CELLER: On page 11, line 7, strike out lines 7 through 15, and insert:

"SEC. 5. (a) Except as provided in subsection (b) of this section all moneys received under the provision of this act shall be applied to the retirement of the public debt."

And on page 11, beginning on line 24, strike out section 5 (c) of the substitute.

Mr. BURNSIDE. Mr. Chairman, I do not intend to argue at all on the question of State's rights today. That is not involved except that it votes away the rights of 45 States. There are billions of dollars involved here and I am interested in reducing our national indebtedness with those billions of dollars.

As you know, we have a debt of $255,191,740,403. The interest on that amounts to $5,562,738,835 per year. This would cut off $1,000,000,000 in taxes every year if my amendment is adopted.

Many of you conservatives have argued to cut down the national debt. This is an excellent chance to cut down the national debt.

I also wish to call your attention to the fact that this amendment affects more than $40,000,000,000, and we have only 3 minutes to discuss it.

I wish to call attention to one statement made by the gentleman from Texas [Mr. COMBS], and that is as to special rights that Texas reserved. If you will turn to article IV, section 3, of the Constitution of the United States, you will find that each of the States came into the Union on an equal basis.

The theory which the Supreme Court has adopted in interpretation of the opening clause of this paragraph is that when new States are admitted into "this Union" they are admitted upon a basis of equality with the previous members of the Union, since "this Union" is a Union of equal States.

I cite two cases on that, *Coyle* v. *Oklahoma* (221 U. S. 559) and *Stearns* v. *Minnesota* (179 U. S. 223). Those cases establish a principle which many of you lawyer Members know is cited regularly in United States courts. So I call your attention to those cases:

1. The theory which the Supreme Court has adopted in interpretation of the opening clause of this paragraph is that when new States are admitted into "this Union" they are admitted upon a basis of equality with the previous members of the Union, since "this Union" is a Union of equal States. (*Coyle* v. *Oklahoma* (221 U. S. 599 (1911)). Cf. *Stearns* v. *Minnesota* (179 U. S. 223 (1900).)

(Source: Corwin, Edward S. The Constitution and What It Means Today. Princeton, Princeton University Press, 1948 (10th ed.), p. 140.)

2. Such minor differences as arise in this way do not, of course, prevent the States from being true equals in the eye of the law. In size, population, wealth, and general importance they, of course, vary enormously. The largest, Texas, has an area of 265,780 square miles; the smallest, Rhode Island, contains only 1,250. The most populous, New York, had 13,479,142 inhabitants in 1940; the least populous, Nevada, had 110,247. Average density of population varied, at the same date, all the way from 674.2 per square mile in Rhode Island to 1 per square mile in Nevada. Some States are almost wholly agricultural, others are mainly industrial and commercial. Some are of great weight in the councils of the Nation, others count for comparatively little. Some are more able to provide the services expected of modern governments than are others. All have their separate and more or less differing constitutions, laws, courts, systems of taxation, and arrangements for local government. Nevertheless, in their constitutional and legal status they are equal.

(Source: Ogg, Frederic A., and P. Orman Ray. Introduction to American Government. New York, Appleton-Century-Crofts, 1948 (9th ed.), pp. 80–81.)

The above refers to a vast area of millions of acres of land. I am not talking about land that the States regularly refer to. I am speaking about lands that extend out as far as 200 miles, as the gentleman from Texas showed you on his chart. This area is covered by countless cases in international law. It also refers to vast areas with untold billions of dollars of wealth along the Alaskan coast that extend out 200 miles. The time allotted to me is so infinitesimally small—only 3 minutes—compared to a Federal loss of untold billions.

It does not involve my State, as far as losing any of our natural resources is concerned. A vast number of States are not involved that way, but we are

very much involved in terms of taxes that you and I and our citizens will have to pay to make up for the difference that is involved here in a handout. The geologists say that more than $40,000,000,000 worth is involved which has already been assessed.

Mr. Chairman, untold billions are involved in our vast Contintental Shelf in addition to sums already mentioned.

Today we are voting on a measure commonly called the tidelands oil bill. This title is a misnomer which simply means a misrepresentation of fact. If you would turn to "tideland" in Webster's Collegiate Dictionary, you would find the following definition: "Land overflowed during flood tide." If you will also turn to page 1177 of Bouvier's Law Dictionary, Baldwin's students edition, you will find "tidelands" defined as "lands covered and uncovered by the flow and ebb of the tide."

The interested parties in H. R. 4484 are not really vitally interested in the addition of the tidelands as these lands have been left by the policy of the United States to the administration and control of the States. If one will read the latter portion of the purpose of H. R. 4484, he will find the following "and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries." This is the meat of the bill. Of course it does not mention oil, but oil is the fuel that fires the enthusiasm for this bill. No one has suggested any other item that the States are anxious to capture.

Now the word "conservation" as used in the title is just a lure for poor unsuspecting fish. Now all of us know that the three States involved, along with the big oil companies, are not extremely anxious to keep and preserve this oil for posterity. My humble opinion is that they are yearningly anxious to get it in their possession for the sole purpose of garnering a stupendous windfall. Now do not belittle my statement as an exaggeration. Let us examine this statement. The issue has become a hot one because of the fabulous value of the marginal sea and Continental Shelf oil pools. Now do not let them tell you it is tidelands or inland submerged lands. It is positively oil pools in marginal seas and Continental Shelf pools.

In the words of Mr. Lowell Mellett:

> Government geologists estimate the value of the oil at $40,000,000.
>
> The three States want the right to lease and collect royalties from this underwater Eldorado for the benefit of their citizens. The Federal Government asserts the right of all American citizens to a share in the revenue to be obtained from the oil.
>
> In the name of States Rights a good deal of hocus-pocus has marked the effort to reverse the Supreme Court's decision. The present bill purports to protect all the States against seizure by the Government of any submerged land, even in the inland States. But everybody in Congress understands that no State faces any threat of that kind. The bill is recognized for what it is, a dog-in-the-manger effort on the part of three States.

I am proposing here today that we use this vast sum to retire a considerable portion of the national debt. All of us realize that it is dangerously large. Do not let communism win by default. Please help me to keep a sound economy. Listen to the figure—$255,191,740,403.48, as of July 20, 1951; interest per year, July 1, 1950, to June 30, 1951, $5,562,738,830. We could cut off over $1,000,000,000 per year of interest by my amendment.

I quote here a letter I wrote to the secretary of the Chamber of Commerce of West Virginia:

> CONGRESS OF THE UNITED STATES,
> HOUSE OF REPRESENTATIVES,
> *Washington, D. C., July 30, 1951.*
>
> Mr. H. A. STANSBURY,
> *Managing Director, Chamber of Commerce, Charleston, W. Va.*
>
> DEAR MR. STANSBURY: Thank you for your recent telegram in regard to so-called tidelands oil. H. R. 4484 does not refer to tidelands oil. I am afraid that the oil interest has pulled the wool over your eyes completely.
>
> Your attention is called to part of the bill that is most dangerous for West Virginia: "and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries." I emphasize especially resources of the Continental Shelf lying outside of State boundaries. There is the joker. This area or like areas never has in the history of the world been under the jurisdiction of any subdivision of Government.
>
> As you probably know, I had my training in law and also my minor for the doctorate in international law. I have completed research work in international law which has covered material of this nature. This bill would mean a minimum gift by the Federal Government to three States of $40,000,000,000 net.
>
> I am introducing an amendment to apply this fund to the national indebtedness. It would mean a minimum of a billion dollars less per year in taxes to cover the interest. I see no reason for all the citizens in the Union to make a special hand-out to three States. If you will examine any law dictionary, you will find tidelands only cover "lands covered and uncovered by the flow and ebb of the tide."
>
> In your wire to Mr. BATTLE you referred to tidelands oil. This has nothing whatsoever to do with the latter part of H. R. 4484. The tidelands are only a very narrow strip which is insignificant compared to the unlimited extent incorporated in H. R. 4484.
>
> For the sake of West Virginia coal I urge you to immediately check H. R. 4484 and notify the chamber of how we may be severely injured in West Virginia.
>
> Sincerely yours,
> M. G. BURNSIDE,
> *Member of Congress.*

Mr. Chairman, I ask most serious consideration for the interests of all the people of this great land not special interests.

The CHAIRMAN. The gentleman from California [Mr. WERDEL] is recognized.

Mr. WERDEL. Mr. Chairman, on Friday the 27th of July, under general debate, I was able to obtain about 3 minutes in which to give the Committee what I believe to be vital information on this subject. At that time, I pointed out that our Supreme Court was established by the framers of our Constitution to interpret that Constitution as well as the laws of this legislature. From its very beginning the framers of the Constitution and the citizens of the United States have believed that Constitution to be governed by the doctrine of stare decisis.

That is the doctrine of following the rules and principles of previous judicial decisions unless that contravenes the ordinary principles of justice. That, Mr. Chairman, was the doctrine that common law courts imposed upon itself to creat the great body of the common law. That was the doctrine that once guaranteed to the American people that the Constitution would not be changed by redefinition of words and phrases.

I want to point out during the consideration of this bill that there could have been only one purpose for our late President Roosevelt seeking to pack the United States Supreme Court. He sought to overcome the principle of our Constitution that no one man is fit and qualified to be an autocrat. Using political demagogery and such phrases as "nine old men," he sought to obtain the right to hand pick and appoint a majority of the Supreme Court of this land, either through the process of forcing resignations of the then members of the Court or by expanding the numbers of men on that bench by act of Congress. His only purpose was to force that bench to overrule prior decisions and accept his philosophy of expanded Executive powers. This, Mr. Chairman, is stateism, whether it be called autocracy, socialism, communism, nazism, or fascism.

While our late President was seeking to expand his powers and control a subservient Supreme Court, one of their members stood up on the floor of the United States Senate and said as a Member of the other body and I quote:

> No doctrine of stare decisis applies to opinions in constitutional interpretation.

This, Mr. Chairman, is a statement that the Supreme Court can give new meaning to words used when our Constitution was formed and thus change the meaning of that document. It says the Supreme Court can expand its own powers set forth in that document and that it can expand the enumerated powers of the executive and contract the powers of the legislature. It says that it can find new proprietary rights and powers of the Federal Government as against those of the respective States. Yes, Mr. Chairman, it says that it can deny through the use of new and vague language and redefinition of words and phrases the very existence of all rights reserved to the States and the people by the tenth amendment, as so ably drafted by the Delegate from Virginia, Mr. Mason.

Here again our Socialist planners are following England. It is more than coincidence that this country is the last strong bulwark against autocracy in its new form, socialism. Let us remember that Lord Coke often referred to the incontestable rights of Englishmen. Mr. Chairman, these were the rights of individual Englishmen. Lord Coke spoke, however, before individual Englishmen mistakenly lost those individual rights against James II in the seventeenth century. It is true, they won in their revolution against James II. However, they

foolishly placed all rights in the hands of their Parliament. No longer did they have incontestable rights of the Englishmen against their government. In the exercise of their new rights, that Parliament within a 100 years even revoked the charter of the Massachusetts Colony. There were no vested rights of individuals. Today, that Parliament even denies the individual the right to quit his job and seek a different field of employment. It even tells an individual that he must leave his home which was the home of his father and his father's father and live in another part of England for the interest of socialism expressed by government needs.

Mr. Chairman, I would also direct the Committee's attention to the fact that another Socialist-thinking member of the United States Supreme Court, Mr. Justice Douglas, recently wrote an article which appears in 49 Columbia Law Review, pages 735 to 755, in which he completely denies that either he as a Justice or the Court is bound by the doctrine of stare decisis. Justice Frankfurter in his Cardozo lecture entitled "Some Reflections on the Reading of Statutes" refrained from discussing stare decisis as relating to the weight to be given to prior decisions construing acts of the Congress although this seems clearly to have been within the scope of his subject.

It is true that these Socialist thinkers on the Supreme Court Bench are opposed by others on that Bench. Mr. Justice Jackson in an address before the American Law Institute declared that—

> I could not believe that any person who at all values the judicial process or distinguishes its method and philosophy from those of the political and legislative process would abandon or substantially impair the rule of stare decisis.

A further analysis of Mr. Justice Frankfurter's attitude appears in an article by Charlotte C. Bernhardt entitled Supreme Court Reversals on Constitutional Issues," 34 Cornell Law Quarterly, pages 55 to 70. She said:

> Only recently in 1944, members of the Supreme Court have voiced severe criticism of their brethren for an alleged tendency to reject former rulings. It is mainly Mr. Justice Roberts who has decried this attitude; in *Smith* v. *Allwright* (No. 33), he censured the majority as follows:
>
> "This tendency, it seems to me, indicates an intolerance for what those who have composed this Court in the past have conscientiously and deliberately concluded, and involves an assumption that knowledge and wisdom reside in us which was denied to our predecessors."

And he was joined by Mr. Justice Frankfurter, who expressed his apprehension for the good reputation of the Supreme Court:

> Respect for tribunals must fall when the bar and the public come to understand that nothing that has been said in prior adjudication has force in a current controversy.

Mr. Chairman, this is one of the most dangerous conditions presently existing in our country. Mr. Justice Black wrote the decision of California against the United States. He was joined in that decision by Mr. Justice Douglas. Mr. Justice Douglas wrote the decision of Louisiana against the United States and the decision of Texas against the United States. He was joined in those two decisions by Mr. Justice Black. These decisions overruled rules and principles established in about 50 other United States decisions, in order to give more proprietary interests and powers to the Federal Government at the expense of the State governments and the vested individual rights of free Americans. I challenge any unbiased, honest mind to not see herein the effect of our Executive hand-picking poorly trained men with Socialist tendencies for our Supreme Court.

If you want further evidence, I direct your attention to the fact that Mr. Justice Black and Mr. Justice Douglas were the only two who dissented in the Supreme Court decision which upheld the constitutionality of the non-Communist affidavit provisions placed in the Labor-Management Relations Act by this Congress in its eightieth session. That decision was rendered about 2 years ago. If you want further evidence, it was Mr. Justice Black and Mr. Justice Douglas who dissented in the Supreme Court decision sustaining the conviction of the 11 Communist leaders in the decision of that Court this year.

Mr. Chairman, we are here considering the correction of the three decisions, that of California, Louisiana, and Texas, I have heretofore mentioned. It is true that the Congress alone cannot correct the damage done to the Constitution by the Justices, hand-picked by a social-planning executive in order to give the American people what he thinks is good for them, in those three decisions. We can, however, by act of this Congress, return to the States their proper ownership and jurisdiction over the tidelands and the navigable and international inland waters. It would be a serious error in considering this bill if any of our membership doubt that our executive Socialist planners are using the decisions of the Supreme Court now being considered to assert the complete powers of the National Government over all water rights and streams in the Nation. I assure you it is being done at this very hour in California. I assure you that people who have owned water rights to streams pertinent to their ranches for 80 years are being told by the Federal Bureau of Reclamation that they have no right except in last analysis as defined by the United States Government and the Bureau of Reclamation. Each such claim is an individual and 99 percent of those individuals do not have the funds to fight their case to the United States Supreme Court. Mr. Chairman, if they had the funds, they would not have the heart unless their elected Members of Congress reassert the existence of the incontestable rights of the States and American citizens under their Constitution.

In conclusion, I again remind you that we cannot here repair the damage done to our Constitution by the successful Supreme Court packing to comply with the desires of demagogs. The true meaning of that constitutional language will have to be reconsidered by future Supreme Courts whose appointments have been based upon their qualifications and training and their abiding conviction that the American people are still fit to be free. I submit to you that the original 4-to-3 decision rendered by Mr. Justice Black and Mr. Justice Douglas and two others amounts to an assertion that there is another way to amend the Constitution other than the ways expressed in the Constitution itself. That new method is to retain Executive power through political bribery programs for a period of 20 years and thus outlive the majority of the members of the Supreme Court. The Executive then appoints hand-picked Socialist thinkers who are confirmed by a majority of the other body elected on a political bribery program. The rest is easy. Those people who believes that there is a difference between coveting your neighbor's goods individually or collectively in groups called unions and political parties and who believe that it is no violation of the Ten Commandments to steal so long as you use only economic force and political bribery can amend that Constitution by redefinition of its words and phrases. Here are Socialists under the guise of legality forcing our States and our individuals to give up their rights mistakenly given up by Englishmen in their successful revolution against King James II.

Mr. Chairman, unless we in this body condemn this action of our Executive acting through the Supreme Court and unless the other body of this Congress returns to the requirement that there be an equal balance of appointments to the Federal bench, there are in fact no longer the "incontestable rights of our States and individual Americans."

The CHAIRMAN. The gentleman from Louisiana [Mr. HÉBERT] is recognized.

Mr. HÉBERT. Mr. Chairman and gentlemen of the Committee, I am a simple man and being a simple man I am many times confused and confounded by baffling legalistic expressions and terminology.

For many hours now we have heard distinguished and able members of this body state and restate the legal problems which they say have been projected into this matter because of the attempt of the Federal Government to take away from the several States their sovereign rights. It would be presumptuous on my part to discuss the legal technicalities, especially since I am not a lawyer, a fact of which this body was made most conscious in the last Congress.

As a simple man, however, possessed of the common every day garden variety of intelligence, I refuse to accept this problem as something difficult and perplexing.

It is a simple problem.

The only question involved is whether or not a strong, powerful centralized Federal Government, functioning as a democracy in the accepted sense of the word, has the moral or legal right to use that power and that strength to take away from States that which belongs morally and constitutionally to those States.

It is as simple as that.

The question is basically whether or not the law of the jungle shall become the law of the land.

If the Federal Government through its might and its power takes away from the States the land which belongs to those States, then surely, Mr. Chairman, there is no difference in that procedure than the law of the jungle where power and might rules.

This is fundamentally a question of whether or not constitutional government shall survive or shall perish before the onslaught of devious flanking attacks designed to destroy part by part, bit by bit, the sacred guaranties of a sacred heritage.

The issue is far greater and far more important than whether or not the sovereign States own their tidelands or whether the Federal Government has the paramount power of domain over them.

The tidelands are of transitory importance. Of perpetual importance to free men, in a democracy, is the eternal vigilance which is necessary to safeguard their liberties, whether personal or property.

The important thing, the all-important thing, is the degree to which this fallacious philosophy of government cancer will spread. I submit that if we do not stop it right now it will spread and destroy the entire fabric of constitutional government and will make a mockery of the ideal of a government of law instead of a government of men.

I shall not attempt to invade those areas which have so thoroughly been discussed here on this floor, but I think it quite necessary to understand the fundamentals involved.

Principles are the same whether applied to man or beast.

There is no difference of principle in the law of the animal which rules through brute force and strength and the nation which under the guise of law arbitrarily takes for itself that which belongs to a State. Might does not make right.

I will not attempt to repeat many of the observations which have been made during this debate, nor will I attempt, as I have indicated, to discuss the legal aspects, but in order to better understand the principle involved it is necessary that I do review briefly the historical facts in connection with the ownership of the so-called tidelands.

State ownership of tidelands is older than the Constitution itself. The Articles of Confederation, adopted by the Original Thirteen States after the Declaration of Independence, which preceded the adoption of the Constitution of the United States, provided—article IX—that "no State shall be deprived of territory for the benefit of the United States."

By the Treaty of Independence in 1783, which followed the success of the Revolutionary War, the British Crown relinquished to the Thirteen Original States by name "all claims to the government, proprietary and territorial rights of the same, and every part thereof," and fixed the boundary of the States into the Atlantic Ocean comprehending all islands within 20 leagues of any part of the shores of the United States.

I hold here in my hand a copy of this Treaty of American Independence and a certified photostat of the map to which I shall refer.

The map is entitled "An Accurate Map of the United States of America according to the Treaty of Peace of 1783." This map definitely shows "the twenty leagues line" off the Atlantic coastal States, which is our Atlantic coast boundary, and not the so-called 3-mile belt which has recently been adopted by our State Department in its official statements.

These historic facts cannot be successfully questioned. They have been adjudicated upon by the Supreme Court of the United States as far back as 1823 when the Court held that, by this treaty, the powers of government and the right to soil which had previously been in Great Britain, passed definitely to the Original Thirteen States, and that their boundaries were fixed at the 20-league line in the second article of the treaty.

And again in 1827 the same Court held that the Original States had acquired their original title by grants from the Crown; that each State declared itself sovereign according to the limits of its territory in the Declaration of Independence, and their right of title was established by the most solemn of all international acts, the treaty of peace. The Court there held, too, that—

> There was no territory within the United States that was claimed in any other right than that of some one of the Confederate States.

Again resorting to fundamentals, in 1842 the same Court held that—

> When the Revolution took place the people of each State became themselves sovereign; and in that character hold the absolute right to all their navigable waters and the soil under them for their own common use, subject only to the rights since surrendered by the Constitution to the general Government.

And in 1845, again the same Court held that all States since admitted on an equal footing with the original States have the same rights, sovereignty, and jurisdiction over this subject as the original States, and to them belong the navigable waters and soils under them; and that these were not granted by the Constitution to the United States but were reserved to the States respectively.

And for over a hundred years, as other Members who have preceded me have already pointed out, it was held again and again that the principle had long been settled in the highest Court of the land that each State, including the Great Lakes States, owns the beds of all the waters within its jurisdiction; and that the ownership of State tidelands is in fact a property right which belongs to the people of the States respectively.

In view of the clear cut and unquestionable ownership of the so-called tidelands by the States, it perhaps becomes difficult to understand as to why any question was ever raised against the States' just property rights.

In order to understand the answer to this question, which is a natural question, it is again necessary to examine the fundamentals and history of what has been taking place in our country during recent years.

Under the Constitution of the United States every citizen is guaranteed certain inalienable rights and to each State is guaranteed sovereignty.

But have these guaranties been respected in our time?

For many years now our personal rights and the rights of individualism have been gradually whittled away through a series of processes which has carried the American Nation closer and closer to the brink of complete statism.

Of course I know those who have participated in the scheme will deny it, but the facts speak for themselves. Their denials cannot wash out their footprints on the road to socialism and statism.

Whereas we were founded as a free and independent people and have builded our massive strength on that premise of individuality, we today actually find ourselves in the throes of a vast Federal bureaucracy which seeks to control the very lives of men through a paternalistic Government allegedly guaranteeing security from the cradle to the grave through a process of making the strong weak and the weak supposedly strong.

It is most interesting to note that the architects of this type of government were also the very same individuals who first advanced this idea of the Federal grab of the tidelands through the sheer power of the Federal Government. These same individuals are the same who originally planned the death of personal freedom.

It is interesting to note that today those newspaper columnists and those radio commentators who have consistently followed the party line of the New Deal and the Fair Deal are the very ones who now are in the front line of attack with their smear propaganda and distortion of facts.

They would have you believe that this is a matter beneficial to the selfish interest of only three of the 48 States—Louisiana, Texas, and California.

Louisiana, Texas and California are only symbols.

Every State in the United States—in New England, in the Pacific Northwest, in the Midwest, in the South, have as much at stake in this proposition as have the States of Louisiana, Texas and California.

Does constitutional government mean less to the States of Washington, the Dakotas, Pennsylvania, and yes, Missouri, than to the people and the States of Louisiana, and California and Texas?

I will not believe that constitutional government and liberty means less to them than to those of us who through chance of nature find the so-called tidelands in our sovereign boundaries.

This is not a tidelands fight of three States. It is a constitutional and moral fight of 48 States.

It is a remarkable coincidence, if it is a coincidence, but I refuse to accept it as such. The case history of the progress of this plan has been carried out too orderly and too methodically for coincidence.

All these schemes have been spawned in the same unholy bed shared by socialism and statism.

Each day we have seen our own individual liberties chained tighter and tighter to the jail bars of bureaucratic control.

The effort to grab the tidelands is the first step to do the same thing to our natural resources.

After the oil in the tidelands will come the copper, the coal, the bauxite, the gold and the silver, and the fish and whatever else nature has endowed this Nation and its people.

Then will come industry itself.

Oh, it is all so clear.

It's all in the same picture; all in the same pattern; all in the same scheme; all in the same plot to destroy constitutional government.

No State, whether it be an inland, or interior State, or coastal State, is free from the threatening grasp of our Federal bureaucracy. They would now attempt to divide and conquer by pretending not to claim the inland waters belonging to the States.

However, we must be mindful of the fact that, in the recent decisions, the Supreme Court held that no commitments or acts of any Federal agency is binding upon the United States, and whenever the same ambitious departments decide to move in and take over inland waters and their valuable resources under the pretext of the Federal Government's power and dominion, the same fate will befall the inland States as threatens the coastal States, unless this Congress acts definitely under its constitutional power or declare that the States shall not be deprived of territory for the benefit of the United States.

It is incumbent upon this Congress, to disclaim or to quitclaim to the States their ownership of their own tidelands. This Congress cannot sit idly by and permit departments of the United States Government to confiscate or nationalize the properties of our States. We can no more condone such nationalization here than we pretend to disapprove of the Iranian way of nationalization. At least in Iran, it is the Iranian Government which owns its resources, and there a contractual right only, instead of the right of ownership of the resources, is at stake.

But here, the efforts of certain individuals and of certain departments of the Federal Government are directed at the brazen confiscation of the property of the States.

That is nationalism, or socialism, or communism—call it what you will. They are all peas in the same pod.

Success for this Federal grab could only be the forerunner to nationalization of the submerged lands and property of the inland States—then, I repeat, nationalization of private property and industry.

We cannot escape the fact that this would be the ultimate result of the application of the new ideology adopted by the present day Court that where the issue is one between "the mere legal title" and "the paramount power and dominion of the Federal Government, the latter must prevail."

It is the law of the jungle, given the sugar coating of legalistic phrasing, but still the law of the jungle.

I submit that, as Members of Congress, sworn to uphold the Constitution of the United States, which made the Treaty of Independence the supreme law of the land, we cannot subscribe to this foreign philosophy of government which we are dedicated to destroy instead of nourishing.

Yesterday it was our individual freedoms which these false leaders set about to destroy.

Today the first assault is being made upon our property.

Tomorrow, with our individual and property rights destroyed, the objective of those despoilers of pure democracy, will have been achieved, and our children will be the vassals of a strong centralized government which rules by the law of the jungle without respect for the law of morals.

No gentleman, no—we must preserve the rights of the people and the States—we must protect and preserve our structure of constitutional government. We shall not allow the law of constitutional government to be replaced by the law of the jungle.

The CHAIRMAN. The gentleman from California [Mr. YORTY] is recognized.

Mr. YORTY. Mr. Chairman, I apologize for taking this additional time. I do so only because my good friend the gentleman from Ohio [Mr. FEIGHAN] stated that the Santa Margarita River suit mentioned by me was brought by the Government only in its proprietary capacity to quiet title to water rights which it acquired by purchase. I have before me the testimony of the special United States attorney in that suit which he gave before a committee of the other body, which committee was considering the question of waiving the immunity of the United States from suit in water cases. The special United States attorney to whom I am referring is the one who filed the suit I previously mentioned as being against some 14,000 water users in the Santa Margarita River shed in southern California. That suit is based upon the fact that the Government bought a ranch about 10 years ago and turned it into a military establishment. Prior to that all of the rights were unquestionably governed by our State law, the same as any other rights.

The question involved is: When the Federal Government comes in and buys riparian property, does that change all of the water rights along the whole water course? Do the sovereign rights in some way supersede your State law? My friend from Ohio said, "Why, they merely sued in a proprietary capacity." But let me read to you what the special United States attorney said when testifying before the committee of the other body. He said:

> The United States can function in only one way. It can function only as a sovereign. It doesn't matter whether it is buying water rights in the Provo River or sending me to Korea or sending Eisenhower to Europe, it is functioning in the same capacity. It cannot function otherwise.

Then after another question by a Senator he said:

> But the matter transcends the ownership—incidentally, am I taking too much time?

What he probably should have said is that he was talking too frankly. He was getting near to a discussion of the theory of paramount sovereign rights. He shut up right there.

Previously, he said, in speaking of this case in San Diego:

> The next point that I have here involves the question of national defense, which we have facing us today down at Camp Pendleton in particular and on the Colorado River in a general way in regard to shale oil rights. We are in litigation right now in San Diego, Calif., where we are going down on May 9 and start to litigate the question of whether the State laws for administration of water rights in the State of California supersede the constitutional law of the Government in regard to exclusive jurisdiction.

Then he goes on to explain his sovereignty theories and the facts as seen by him.

So in the complaint which he filed against these citizens who had been using the water on that river long before the Government came in, this is what the Government asked the court to declare "that this court quiet the title of the United States of America in and to its rights to the use of water in the Santa Margarita River, and that it adjudge, declare, and determine that all of the rights of the United States of America in and to the Santa Margarita River are paramount to the rights of the defendants herein named."

Thus, you see the tidelands theory being invoked to take, without payment, private water rights on an inland stream on the ground of national defense needs of the sovereign which possesses, according to the United States attorney, some new enlarged paramount power or right which "transcends mere" ownership which heretofore was a sufficiently respected right to protect one from having his property confiscated even by the national sovereign.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, in the time allotted me I want to try to briefly make four points.

First, for over 100 years the States have owned these marginal lands and have dealt with the Federal Government on the basis of ownership through grants-in-aid which were matched by the States. The Federal Government was given permission by the States to build harbors, breakwaters, and all that sort of thing. It has been established that the State has owned these rights. It was only in 1947 that these rights were challenged and were removed from the States by action of the Supreme Court.

The second point I want to make is that the right to defend or the power to defend, which was centralized in the Federal Union, had nothing to do with ownership of that which was to be defended. In other words, the Federal Government was charged with the defense of our Nation, but it did not necessarily have to have ownership. I will

call your attention to the English law, which is different from ours, in which the marginal lands are not only controlled but they are owned by the King. In this country they have been defended by the Federal Government, but private ownership has always prevailed.

Third, on the subject of maximum income, I want you to know that the State of California is averaging about 30 percent royalties from these oil companies. All of that money is going for the benefit of the people, for the purchase of parks, for the maintenance of beaches, against erosion, and general protection of the beaches along the whole of the 1,000-mile coast line of California.

My fourth point relates to leasing scandals and maximum returns. It has been stated that if the Federal Government controls these oil lands they will give better protection to the people than the States will give. I want to point out to you that once under a Republican regime we had the great Teapot Dome scandal which involved the surrender of the people's rights by those who were in charge of Federal lands. Then, again, under a Democratic adminirstration we had the same thing attempted in the California Elk Hills oil lease controversy, which was stopped by this House 3 or 4 years ago, when the Naval Reserve people tried to give certain advantageous rights to private oil companies. That was stopped by this House. These are two cases in which the Federal Government did own lands that had oil, and in both cases leasing scandals occurred.

I will therefore take my chance on States obtaining maximum benefits from the oil companies. I will also take my chance on the integrity of State leasing officials. In my opinion the decentralization of oil leases as now obtaining under State leasing, is an added protection against monopolistic leases to a limited number of large oil companies.

I want to point out also that the average receipt on oil lands leased by the Federal Government is about 12½ percent, and as I have already pointed out, the average receipts from the oil companies in the State of California is 30 percent, so when it comes to making a charge that this is an oil bill to protect the oil companies, I state to you that under most Federal leases the oil companies obtain a much more advantageous position than under California oil leases.

Mr. BROOKS. Mr. Chairman, a number of years ago I was a member of a Committee of Congress which studied the tidelands problem. The study which I made was largely directed at the use of tidelands from a national defense viewpoint. I did, however, at that time study the problem from every angle and as a result of these extended studies, I formed the definite opinion that it would be a most serious mistake to permit the United States to grab title to these lands.

While I do not think that H. R. 4484 is to any extent a perfect bill, it more nearly embodies my idea of the handling of the tidelands situation than any measure presented to us for consideration at the present time. Certainly it is far superior to the substitute which is presented to us and I, therefore, hope that H. R. 4484 is finally adopted.

This problem is not a new one in the life of Congress. I can recall in 1938 when the matter was brought to the attention of the American public by the aggressive attitude of the Federal Government in attempting to take over these tidelands. In due course the States involved, including my own State of Louisiana, were brought into the United States Supreme Court and made to defend their title to the submerged lands, commonly known as the tidelands, along their respective shore lines. In due course the Supreme Court of the United States, reversing what, in my opinion, has been the law of this country for many years, held that the Federal Government possessed a superior right to the lands off-shore of the several States. This decision has caused our States much concern and arising out of it has come this tug-of-war to settle finally the title to these lands.

In the course of my investigations I found that experts estimated one-third of the known oil reserves within the United States are located in the tidelands. So large are the reserves in certain tideland areas that it is difficult to conceive and impossible to estimate the value of these minerals. Development has proceeded cautiously pending final settlement of the title and at a time when this country is facing serious overseas petroleum problems, no adequate program and no orderly development can be brought about. Until the question of title is finally disposed of the uncertainty must produce only indecision, inaction and failure in proper development.

This unfortunately is the prevailing situation at the very moment when it is vital that we should have some development of tidelands. Our huge needs for petroleum production are ever on the increase and our imports from overseas production are constantly on the increase.

The last war showed only too clearly the difficulty of transporting overseas petroleum in time of hostilities. I had occasion to witness the destruction of oil tankers along the Atlantic seaboard as they attempted to bring crude oil into the United States for refining and consumption here. It is, therefore, most important that we develop our homeland natural resources, especially of petroleum products, and keep them in an active or stand-by condition for the difficult time, should it ever come, when this country will again be plunged into war.

In a sense the Gulf of Mexico is an inland lake. It is susceptible of defense and should the tidelands be developed, it will furnish our Nation most valuable means of producing petroleum products without the long overseas haul. In the Gulf of Mexico defense measures can be used to protect submerged, developed oil lands.

As long as an uncertainty exists in the title to these lands, we in the United States cannot expect private industry and initiative to attempt to work out proper development of them. No oil company is going to spend $100,000 to drill a deep tidelands oil well without a suitable assurance of title. No large production can be expected from this area and little real development building up our oil reserves is indicated until this great problem is finally resolved. The consevation history of the United States, with laws backing up many years of experience in handling oil problems, guarantees that the way to get early and orderly development for oil and gas properties of the tidelands is through State ownership. I am satisfied that when title is confirmed in the various States, quick and vigorous measures will be taken to drill these fields forming the bed of the ocean adjacent to our States.

In the long pull, Mr. Chairman, there is no question but what it is to the interest of this Nation that the State titles in the tidelands be confirmed. Centralization has gone far already to making our Government a Federal hierarchy. More centralization will have the effect of changing our type and form of government and still more centralization may even effect the fundamental constitutional rights and freedoms of which we all boast and of which we are all very proud. The trend of national control in this direction has been the subject of controversy in almost every newspaper and every radio program. Few forums fail to broadcast comments and arguments regarding controls and Federal usurpation of State powers and authority. Now by this proposition the United States is attempting to take over the control of a vast public domain which for 150 years has belonged to the various States. We should certainly aggressively defend the title of the States to this property and do our best to prevent the overweaning and overwhelming influence of the Federal Government from completely effacing the prestige and authority and rights of the several States. We all vote for good government, for constitutional government and for a long-range government of freedom and constitutional rights by supporting vigorously H. R. 4484 and thereby stop for all time the avaricious and greedy encroachment of the United States upon the last great citadel of local authority: namely, ownership of the State public domain.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HILLINGS].

Mr. HILLINGS. Mr. Chairman, much has been said by the supporters of this amendment and the substitute on behalf of Federal ownership and control and operation of the submerged coastal lands. I think many of us here in Washington, who have seen the vast Federal bureaucracy taking over some of the functions that free competitive enterprise should deal with, can quickly come to the conclusion that the States and private enterprise itself can do a much better job of handling the production of natural resources found in these submerged lands.

I should like to point out a few important statistics in support of my stand and my opposition to the amendment and to the substitute. There are five public-land Sates producing oil and gas

on land that the Federal Government owns. The Federal Government owns 36½ percent of the acreage in those public-land States, but it produces only 13 percent of the oil and gas in those States, despite the fact that it owns more than one-third of the land. In 1946, on leases obtained from the Federal Government on publicly owned land producing gas and oil, 62,000,000 barrels were produced. In those same States some 380,000,000 barrels of oil were produced on lands leased from the States themselves, a pretty good indication that the States are not falling down on the job in seeing that these natural resources are developed and processed. It is a pretty good indication that it would be much better to allow these resources to be developed under the control and ownership of the States themselves than by a wasteful Federal Government.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. HILLINGS. I yield to the gentleman from Missouri.

Mr. SHORT. In corroboration of what the gentleman from California has stated, and also the gentleman from Louisiana [Mr. BROOKS], I happen to have been the chairman of the special committee that held exhaustive and extensive hearings on petroleum and petroleum products in the Eightieth Congress. We reported unanimously in favor of letting this matter to the States, because from a practical point of view you will never get the oil if you put it in a centralized Federal bureaucracy.

Mr. HILLINGS. I thank the gentleman and I agree with him.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. BURNSIDE] to the substitute amendment offered by the gentleman from New York [Mr. CELLER.]

The amendment to the substitute amendment was rejected.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York [Mr. CELLER].

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 38, noes 114.

So the substitute amendment was rejected.

Mr. MANSFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MANSFIELD: Strike out all after the enacting clause and insert in lieu thereof the following: "That the Secretary of the Interior, under such regulations and subject to such terms and conditions as he may prescribe, is authorized to issue mineral leases covering the submerged lands of the Continental Shelf. The Secretary shall require the payment under each such lease of a royalty of not less than 12½ percent of the amount or value of the production saved, removed, or sold under such lease.

"SEC. 2. All moneys received by the Secretary of the Interior from leases issued pursuant to this act shall be held in a special account in the Treasury during the present national emergency, and until the Congress shall otherwise provide the moneys in such special account shall be used only for such urgent developments essential to the national defense and the national security as the Congress may determine. After the termination of such national emergency the moneys in such special account shall be used exclusively as grants-in-aid of primary, secondary, and higher education.

"SEC. 3. There is hereby created a National Advisory Council on Grants-in-Aid of Education (hereinafter referred to as the 'Council'), to be composed of 12 persons having experience in the fields of education and public administration, 4 to be appointed by the President of the Senate, 4 by the Speaker of the House, and 4 by the President of the United States. No more than two from each group of four appointees shall be members of the same political party. It shall be the function of the Council to formulate and transmit to the President of the United States, for submission to the Congress not later than February 1, 1953, a plan for the equitable allocation of the moneys available under section 2 for use as grants-in-aid of primary, secondary, and higher education.

"SEC. 4. It shall be the duty of every State or political subdivision or grantee thereof having issued any mineral lease or grant covering submerged lands of the Continental Shelf to file with the Attorney General of the United States on or before December 31, 1951, a statement of the moneys or other things of value received by such State or political subdivision or grantee from or on account of each such lease or grant since January 1, 1940, and the Attorney General shall submit the statements so received to the Congress not later than February 1, 1952."

Amend the title so as to read: "A bill to provide that royalties received under certain mineral leases covering submerged lands of the Continental Shelf shall be set aside in the Treasury for use as grants-in-aid of education, and for other purposes."

Mr. WALTER. Mr. Chairman, I make the point of order that the amendment is not germane to the bill under consideration. It provides a system of aid to education, which is not within the contemplation or purview of this bill.

Mr. BUDGE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUDGE. I have an amendment on the desk to section 3 of the joint resolution.

The CHAIRMAN. We have not reached section 3.

Mr. BUDGE. In view of the fact that this amendment seeks to strike out the enacting clause and everything after it, if the amendment is adopted will I have an opportunity to offer my amendment?

The CHAIRMAN. This amendment proposes to strike out all after the first section as a substitute.

Does the gentleman from Montana desire to be heard on the point of order?

Mr. MANSFIELD. Mr. Chairman, it appears to me that the point of order may possibly be raised on the basis of the fact that the bill now before us, H. R. 4484, is in effect a quit claim bill and supposedly refers to the vesting of title only. It would appear to me, however, that under title III of H. R. 4484 this bill goes beyond the setting up or the vesting of title, in that it has to do with the leasing and the terms under which leases of these lands may be undertaken.

Therefore, Mr. Chairman, I submit the amendment is in order.

Mr. FEIGHAN. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. FEIGHAN. Mr. Chairman, the Walter bill, H. R. 4484, would dispose of any rights the United States may have in the marginal sea. This is a disposition of property. The Mansfield bill would authorize the Secretary of the Interior to lease off-shore lands for the development of oil, both under presently existing and new leases. This, too, is a disposition of property. The Mansfield amendment merely says that the revenues derived from these leases shall be used first for the national defense and then for educational purposes. The allocation of the revenue for specific purposes does not keep the bill from being a leasing bill, and therefore the amendment is germane to the issue before the House, which is the disposition of offshore oil resources. Therefore, Mr. Chairman, I believe the amendment is in order.

The CHAIRMAN (Mr. SMITH of Virginia). The Chair is prepared to rule. The amendment offered by the gentleman from Montana not only deals with oil leases, but undertakes to set up a new agency of Government and to divert the fund for educational grants and educational purposes, a subject which is within the exclusive jurisdiction of another committee of the House, namely the Committee on Education and Labor. In view of that fact the Chair is constrained to sustain the point of order.

The point of order is sustained.

Mr. FEIGHAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FEIGHAN. Mr. Chairman, if the provision in the Mansfield bill which sets up a commission to allocate funds were deleted, then his amendment would be in proper order, is that correct?

The CHAIRMAN. If such an amendment is offered and a point of order should be made to it, the Chair will then pass on the question.

Mr. MANSFIELD. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MANSFIELD. Mr. Chairman, the amendment which I have just offered recognizes the fact that the Supreme Court of the United States has ruled emphatically that the control of the marginal area is vested in the Federal Government.

This amendment would allocate the revenues to be derived from the submerged oil to a long-range program of public education in all the 48 States, instead of the few that happen to have oil off their coast. The whole country would benefit through the financial assistance which would be made available to our neglected public-school system. The country would benefit also through the conservation of this submerged oil for national defense. In addition, all funds derived from this natural resource

would, during the period of the present national emergency, be used for defense needs.

The bill now before the House does not relate to the tidelands, which is the narrow strip of shore submerged at high tide and uncovered at low tide. Tidelands belong to the States. The bill relates to what is more properly known as offshore lands or lands always under water. It is my understanding that under an act of the Texas Legislature, it could include the ocean or Gulf bed 67 miles out to sea, and that under an act of the Louisiana Legislature it would include the ocean or Gulf bed 100 miles out to sea. This goes beyond the internationally accepted 3-mile limit and indicates an intent on the part of the States to usurp to themselves sovereignty of international waters, which rightfully belong to the National Government. The bill before this body is intended to settle a dispute over the ownership of this land by vesting title to the States adjacent to it. The effect of the passage of this bill would be to overrule the decisions of the Supreme Court of the United States that the lands properly belong to the United States and not to the various States so far affected.

I should like to quote here from a statement made by the chief sponsor of this bill in the other body wherein Senator HILL, of Alabama, in support of his proposal, says:

> Educational costs are soaring. Children born during the war are now about to enter school. In the next 4 years a tidal wave of 6-year-olds will hit the rickety structure of our already overcrowded grammar schools. If this great natural resource is devoted to education we will be able to improve our schools, build new ones, buy more textbooks, enlarge our libraries, raise salaries, and do it all without increasing taxes by a single penny. The revenue from this oil belongs to all the American people and not just to the people of three or four States whose claim is no more than that they were born next door to the oil deposits.

I should like to emphasize that the amendment which I am offering is directly in the tradition of the Land Grant College Act of 1862, which set aside a portion of the public lands in each State for the purpose of a State college. There is no greater use to which we could put the revenue derived from this natural resource than toward the education of our children and rehabilitation of our educational structure.

Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MANSFIELD: Strike out all after the enacting clause and insert in lieu thereof the following:

"TITLE I

"SECTION 1. That the United States hereby releases and relinquishes unto the several States and the persons lawfully entitled thereto under the laws of such States, and unto the respective lawful grantees, lessees, or possessors in interest thereof under State authority, all right, title, and interest of the United States, if any it has, in and to all lands beneath navigable inland waters within the boundaries of the respective States.

"SEC. 2. As used in this act, the term "navigable" means navigable at the time of the admission of a State into the Union under the laws of the United States; the term "inland waters" includes the waters of bays, rivers, ports, and harbors which are landward of the open sea, as well as the area covered and uncovered by the tides; and lands beneath navigable inland waters include filled in or reclaimed lands which formerly were within that category; the term "submerged coastal lands" means submerged lands lying seaward of the ordinary low-water mark on the coast of the United States and outside of the inland waters and extending seaward to the outer edge of the Continental Shelf.

"SEC. 3. Section 1 of this act shall not apply to rights of the United States in lands (1) which have been lawfully acquired by the United States from any State, either at the time of its admission into the Union or thereafter, or from any person in whom such rights had vested under the law of a State or under a treaty or other arrangement between the United States and a foreign power, or otherwise, or from a grantee or successor in interest of a State or such person; or (2) which were owned by the United States at the time of the admission of a State into the Union and which were expressly retained by the United States; or (3) which the United States lawfully holds under the law of the State in which the lands are situated; or (4) which are held by the United States in trust for the benefit of any person or persons, including any tribe, band, or group of Indians or for individual Indians. This act shall not apply to waterpower, or to the use of water for the production of power, or to any right to develop waterpower which has been or may be expressly reserved by the United States for its own benefit or for the benefit of its licensees or permittees under any law of the United States.

"TITLE II

"SEC. 101. Any right granted prior to January 1, 1951, by any State, political subdivision thereof, municipality, agency, or person holding thereunder to construct, maintain, use, or occupy any dock, pier, wharf, jetty, or any other structure in submerged coastal lands, or any such right to the surface of filled-in or reclaimed land in such areas, is hereby recognized and confirmed by the United States for such term as was granted prior to January 1, 1951.

"SEC. 102. Nothing in section 101 of this title shall be construed as confirming or recognizing any right with respect to oil, gas, or other minerals in submerged coastal lands; or as confirming or recognizing any interest in submerged coastal lands other than that essential to the right to construct, maintain, use, and occupy the structures enumerated in that section, or to the use and occupancy of the surface of filled-in or reclaimed land.

"SEC. 103. The structures enumerated in section 101 shall not be construed as including derricks, wells, or other installations in submerged coastal lands employed in the exploration, development, extraction, and production of oil and gas or other minerals, or as including necessary structures for the development of water power.

"SEC. 104. Nothing contained in this act shall be construed to repeal, limit, or affect in any way any provision of law relating to the national defense, fisheries, the control of navigation, or the improvement, protection, and preservation of the navigable waters of the United States; or to repeal, limit, or affect any provision of law heretofore or hereafter enacted pursuant to the constitutional authority of Congress to regulate commerce with foreign nations and among the several States.

"TITLE III

"SEC. 201. Any person seeking the authorization of the United States to use or occupy any submerged coastal lands for the construction of, or additions to, installations of the type enumerated in section 101 of title II of this act, shall apply therefor to the Chief of Engineers, Department of the Army, who shall have authority to issue such authorization, upon such terms and conditions as in his discretion may seem appropriate.

"SEC. 202. Within 2 years of the date of the enactment of this act, the Chief of Engineers shall submit to the Congress his recommendations with respect to the use and occupancy of submerged coastal lands for installations of the type enumerated in section 101 of title II of this act."

Amend the title so as to read: "A bill relating to the rights of the several States in lands beneath inland navigable waters and to the recognition of equities in submerged coastal lands adjacent to the shores of the United States, and for other purposes."

The CHAIRMAN. The gentleman from Montana is recognized in support of his amendment.

Mr. MANSFIELD. Mr. Chairman, this controversy has been beclouded to such an extent by misleading propaganda that very few people seem to have a clear understanding of what is actually involved in it.

Typical of the propaganda designed to confuse the issue is the statement entitled "Every State Has Submerged Lands," which was recently issued by the Submerged Lands Committee of the National Association of Attorneys General. That statement attempts to establish the proposition that the question at issue is whether the Congress shall protect the 48 States against efforts by the executive branch of the Government to seize the tidelands and the submerged lands beneath navigable inland waters, such as rivers, lakes, bays, and harbors, situated within the boundaries of the States.

It would be difficult, Mr. Chairman, to frame a more confusing and misleading presentation of the issue than that set out by the Submerged Lands Committee of the National Association of Attorneys General. The straw man set up by that committee should be exposed for what it is—a bugaboo to frighten the unthinking so that they will close their eyes to a colossal land grab that threatens to take away from the people of all the States, and to give to the people of three States, namely, California, Louisiana, and Texas, vast areas of the Continental Shelf beneath the waters of the open ocean, containing vast oil and gas deposits worth billions of dollars, which could be developed by the Nation for national defense, for the support of education in all the 48 States, or for any other public purpose deemed appropriate by the Congress.

It should be made perfectly plain, Mr. Chairman, that the States do not need any protection from the Congress against efforts by the executive branch of the Federal Government to seize control of the tidelands—that is, the lands regularly covered and uncovered by the flow and the ebb of the tide along the coast—and the submerged lands beneath navigable inland waters, such as rivers, lakes, bays, and harbors.

In the first place, if any official of the executive branch should be foolhardy enough to assert, on behalf of the United States, a claim to tidelands or to submerged lands beneath navigable rivers, lakes, bays, or harbors, such a claim would have no legal foundation and

could be promptly defeated by the affected State or States through appropriate court action. The law was clearly laid down by the Supreme Court more than 100 years ago that such lands belong to the respective States within whose boundaries they are situated, or to the States' grantees.

The Supreme Court was called upon in 1842 to decide the case of *Martin* v. *Wadell* (16 Peters 367), involving the title to an oyster bed in a bay and river within the boundaries of the State of New Jersey. The Supreme Court held that the title to this submerged land had been vested in the Crown of England at the time of the Revolutionary War, and that, upon the attainment of independence, the rights of the Crown in the lands beneath navigable rivers and bays situated within the boundaries of the State of New Jersey passed to and became vested in the State.

In 1845, it was necessary for the Supreme Court, in the case of *Pollard's Lessee* v. *Hagan* (3 Howard 212), to deal with the problem of the ownership of tidelands situated within the boundaries of a State created by the United States out of the public domain and admitted to the Union after independence. The lands involved in that case were tidelands situated within the State of Alabama. The Supreme Court held, in effect, that upon the admission of Alabama to the Union, the title to the tidelands within the limits of the new State was automatically transferred from the United States to the State of Alabama.

During the period of more than 100 years that has elapsed since the Supreme Court rendered its decisions in the cases of Martin against Wadell and Pollard's Lessee against Hagan, there have been many court decisions which have been based upon those early pronouncements by the Supreme Court and which have held that the respective States—or their grantees—own the tidelands and the submerged lands beneath navigable inland waters, such as rivers, lakes, bays, and harbors, situated within their boundaries. The validity of the legal principles thus established in a long line of judicial decisions extending back for more than 100 years could not possibly be challenged successfully at this late date.

It should also be made plain in this connection, Mr. Chairman, that all the responsible officials of the executive branch of the Government are unanimous in taking the position that they do not, and that they could not, assert any claim on behalf of the United States to the tidelands or to the submerged lands beneath navigable inland waters situated within the boundaries of the several States.

Speaking of such lands, Secretary of the Interior Ickes, in testifying before the Senate Judiciary Committee on February 5, 1946, said that—

> No one is claiming these lands on behalf of the United States, and no one doubts that the courts have held that they are owned by the States.

Moreover, the complaints which were filed in recent years by the Attorney General in the Supreme Court against the States of California, Texas, and Louisiana in the Continental Shelf cases clearly show that the Attorney General was asserting a claim on behalf of the United States only to the submerged lands of the Continental Shelf beneath the waters of the open ocean, lying seaward of the line of ordinary low tide on the coast and outside the inland waters of the respective States.

In the brief which the Attorney General submitted to the Supreme Court on behalf of the United States in the case of United States against California, which was the first of the three suits between the United States and coastal States over the control of the Continental Shelf, he stated that there was presented to the Court for disposition the question—

> Whether the rights to the lands underlying the Pacific Ocean within 3 miles of the coast of the State of California, beyond low-water mark and outside any bays, harbors, or other inland waters, belong to the United States, or whether they passed to the State as a result of its admission to the Union on an equal footing with the original States. (No question is here presented as to rights in the so-called tidelands or in bays, harbors, or other inland waters.)

In the same brief, the Attorney General subsequently stated as follows:

> No claim is here made to any lands under ports, harbors, bays, rivers, lakes, or any other inland waters; nor is claim here made to any so-called tidelands, namely, those lands that are covered and uncovered by the daily flux and reflux of the tides (i. e., those lands lying between the ordinary high- and low-water marks). There are decisions of this Court which appear to hold that titles to the beds of ports, harbors, and other inland waters as well as title to the tidelands reside in the State. The Government does not challenge the results in those decisions. This case is limited strictly to lands within the 3-mile belt on the open sea.

In the supplemental brief filed by the Attorney General in the California case, he again stated with respect to tidelands and lands under inland water that—

> We have stated many times, and we repeat again, that the United States does not claim any such lands, and that it recognizes State ownership of such lands.

In order to allay fears regarding the scope of the Continental Shelf suit instituted by the United States against California, the President stated in a message to Congress on August 1, 1946, that—

> Contrary to widespread misunderstanding, the case does not involve any tidelands, which are lands covered and uncovered by the daily ebb and flow of the tides; nor does it involve any lands under bays, harbors, ports, lakes, rivers, or other inland waters. Consequently the case does not constitute any threat to or cloud upon the titles of the several States to such lands, or the improvements thereon. (CONGRESSIONAL RECORD, vol. 92, pt. 8, 10660.)

That the Supreme Court's decisions in the Continental Shelf cases did not overrule or affect the earlier decisions holding that the States—or their grantees—own the tidelands and the submerged lands beneath navigable inland waters was clearly demonstrated by the Court when it stated in the California case:

> If this rationale of the Pollard case is a valid basis for a conclusion that paramount rights run to the States in inland waters to the shoreward of the low-water mark, the same rationale leads to the conclusion that national interests, responsibilities, and therefore national rights are paramount in waters lying to the seaward in the 3-mile belt.

Hence, the recent decisions in the Continental Shelf cases are a logical extension of the basic doctrine in, and are not inconsistent with, earlier decisions upholding the rights of the States to tidelands and submerged lands beneath navigable inland waters.

Because of the misleading propaganda emanating from some of the coastal States to the effect that the litigation over the submerged lands of the Continental Shelf situated beneath the open sea not only constituted a threat to and a cloud upon the titles of the coastal States to their tidelands, but also constituted a threat to and cloud upon the titles of all the States—inland as well as coastal—to their submerged lands beneath navigable inland waters, representatives of the National Military Establishment—now the Department of Defense—the Department of Justice, and the Department of the Interior collaborated in the drafting of a proposed bill to put any such fears to rest by expressly confirming the rights of the several States in their tidelands and in their submerged lands beneath navigable inland waters. That proposed bill was submitted to the Congress in February 1948, and it was introduced in the Eightieth Congress as H. R. 5529 and S. 2222.

No action having been taken by the Eightieth Congress to clarify this problem by removing from it all questions as to the rights of the States in their tidelands and in their submerged lands beneath navigable inland waters, the three Departments previously mentioned again transmitted their proposed bill to the Eighty-first Congress in June 1949. The proposed legislation was introduced in the Eighty-first Congress as H. R. 5280 and S. 2153. Once more, the Congress failed to take any action on this proposal.

It is my view, Mr. Chairman, that if anyone is really concerned over the question whether the recent decisions by the Supreme Court in the three Continental Shelf cases against California, Louisiana, and Texas raise a doubt as to the continued vitality of the many decisions previously rendered by the courts concerning tidelands and submerged lands beneath navigable inland waters, and if anyone is really concerned over the possibility that a cloud on the titles of the several States, or their grantees, to such lands may now exist by virtue of the recent decisions in the Continental Shelf cases, the Congress ought to resolve the matter by promptly enacting a bill to confirm the titles of the States, or their grantees, to such lands. I have a proposed amendment which would substitute for the pending measure provisions to confirm the titles of the States, or their grantees, to the tidelands and to the submerged lands beneath navigable inland waters situated within the boundaries of the respective States.

This substitute measure would not convey to California, Louisiana, and Texas and immensely valuable oil deposits contained in the submerged lands

of the continental shelf beneath the waters of the open ocean near the shores of these three States. That is really the nub of the real controversy that is involved here. The real question is whether these vast oil and gas deposits worth billions of dollars, situated offshore in the Continental Shelf beneath the waters of the open ocean, shall be given by the people of all the States to the three States of California, Louisiana, and Texas.

Mr. Chairman, these assets of all the people ought to be retained by all the people and used to support our defense efforts, or to support the education of the children in all the States, or to finance other public enterprises deemed by the Congress to be of paramount importance.

In addition to removing the cloud, if any, from the titles of the States, or their grantees, to the tidelands and to the submerged lands beneath navigable inland waters, my substitute would extend Federal recognition to rights granted prior to January 1, 1951, by coastal States for the construction and maintenance of docks, piers, wharves, and similar structures in the waters of the open sea. With regard to the issuance of future permits for the construction of such installations in the waters of the open sea, the authority would be vested in the Chief of Engineers of the Department of the Army.

Therefore, Mr. Chairman, I offer an amendment in the nature of a substitute.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Mansfield amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GOSSETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I intend to take only 2 or 3 minutes. I want to say that no one to my knowledge has ever seen or read this long and complicated amendment except the gentleman who offered it; no hearings were held on it, and none of my colleagues on the committee can speak with any certainty as to what it means. It is just one of those things it would be foolish to adopt at this stage of the proceedings.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. MANSFIELD].

The amendment was rejected.

The Clerk read as follows:

TITLE I

DEFINITIONS

SEC. 2. When used in this act—

(a) The term "lands beneath navigable waters" includes (1) all lands within the boundaries of each of the respective States which were covered by waters navigable under the laws of the United States at the time such State became a member of the Union, and all lands permanently of periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographic miles distant from the coast line of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward (or into the Great Lakes or Gulf of Mexico) beyond three geographical miles, and (2) all filled-in, made, or reclaimed lands which formerly were lands beneath navigable waters, as herein defined; the term "boundaries" includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore or hereafter approved by the Congress, or as extended or confirmed pursuant to section 4 hereof;

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

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

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

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

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

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

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

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

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

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

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

TITLE II

LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

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

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

SEC. 5. Exceptions from operation of section 3 of this act: There is excepted from the operation of section 3 of this act—

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

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

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

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

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

TITLE III

CONTINENTAL SHELF OUTSIDE STATE BOUNDARIES

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

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

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

(b) The leasing units shall be in reasonably compact form of such area and dimensions as may be determined by the Secretary, but shall not be less than six hundred and forty acres nor more than two thousand five hundred and sixty acres if within the known geologic structure of a producing oil or gas field and shall not be less than two thousand five hundred and sixty acres nor more than seven thousand six hundred and eighty acres if not within any known geologic structure of a producing oil or gas field.

(c) Oil and gas leases sold under the provisions of this section shall be for the primary term of five years and shall continue so long thereafter as oil or gas is produced therefrom in paying quantities. Each lease shall contain provisions requiring the exercise of reasonable diligence, skill, and care in the operation of the lease, and requiring the lessee to conduct his operations thereon in accordance with sound and efficient oil-field practices to prevent waste of oil or gas discovered under said lease or the entrance of water through wells drilled by him to the oil or gas sands or oil and gas bearing strata or the injury or destruction of the oil and gas deposits.

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

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

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

(g) The provisions of sections 17, 17 (b), 28, 30, 30 (a), 30 (b), 32, 36, and 39 of the Mineral Leasing Act to the extent that such provisions are not inconsistent with the terms of this act are made applicable to lands leased or subject to lease by the Secretary under title III of this act.

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

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

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

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

(b) No such exchange lease shall be issued unless, (i) an application therefor, accompanied by a copy of the lease from the State or its political subdivision or grantee offered in exchange, is filed with the Secretary within 6 months from the effective date of this act, or within such further period as provided in section 18 hereof, or as may be fixed from time to time by the Secretary; (ii) the applicant states in his application that the lease applied for shall be subject to the same overriding royalty obligations as the lease issued by the State or its political subdivision or grantee; (iii) the applicant pays to the United States all rentals, royalties, and other sums due to the lessor under the old lease which have or may become payable after December 11, 1950, and which have not been paid to the lessor under the old lease; (iv) the applicant furnishes such surety bond, if any, as the Secretary may require and complies with such other reasonable requirements as the Secretary may deem necessary to protect the interests of the United States; and (v) the applicant files with the Secretary a certificate issued by the State official or agency having jurisdiction showing that the old lease was in force and effect in accordance with its terms and provisions and the laws of the State issuing it on the applicable date provided for in paragraph (a) of this section; or, in the absence of such certificate, evidence in the form of affidavit, receipts, canceled checks, and other documents showing such facts.

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

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

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

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

SEC. 13. Refunds: Where it appears to the satisfaction of the Secretary that any person has made a payment to the United States in connection with any lease under this act in excess of the amount he was lawfully required to pay, such excess shall be repaid to such person or his legal representative, if a request for repayment of such excess is filed with the Secretary within 2 years after the issuance of the lease or the making of the payment. The Secretary shall certify the amounts of all such repayments to the Secretary of the Treasury, who is authorized and directed to make such repayments out of any moneys not otherwise appropriated and to issue his warrant in settlement thereof.

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

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

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

SEC. 15. Powers reserved to the United States: The United States reserves and retains—

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

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

(c) the ownership of and the right to extract helium from all gas produced from the Continental Shelf, subject to any lease issued pursuant to or validated by this act under such general rules and regulations as shall be prescribed by the Secretary, but in the extraction of helium from such gas it shall be so extracted as to cause no substantial delay in the delivery of gas produced to the purchaser of such gas.

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

SEC. 17. Rights of States not prejudiced: Nothing contained in this act shall operate to the prejudice of any State or of the United States in the determination by appropriate court action of any claim or claims of ownership or right of management, use, and disposition of the lands, minerals, or natural resources therein or thereunder within the continental shelf as these claims or rights may have existed prior to the passage of this

act. Any State which is found by appropriate court action to have owned or possessed, prior to the passage of this act, the rights of management, use, or disposition of the lands, minerals, or other natural resources within any part of the Continental Shelf shall not by this act be deprived of any such rights and powers.

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

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

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

(3) the lessee of any such lease may file application for an exchange lease under section 10 hereof at any time prior to the expiration of 6 months after it is determined by final judgment of a court of competent jurisdiction that the claims of the State which issued, or whose political subdivision or grantee issued, such lease to the area covered by the lease are invalid as against the United States and that the lands covered by such lease are within the continental shelf.

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

Mr. CELLER (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that it be printed in the RECORD at this point, and that it be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CASE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE:

Page 2, line 2, insert "inland" before the word "waters."

Page 2, line 8, strike out the entire line after the word "State", all of lines 9, 10, 11, and 12 and the word "miles" in line 13.

Page 2, line 24, strike out the words "Inland waters, which include."

Page 3, after line 2, insert the following new subsection:

"(c) The term 'inland waters' means all navigable waters within said coast line and also all navigable lakes and rivers. The Great Lakes, within the international boundary of the United States, are inland waters."

Mr. CASE. Mr. Chairman, there is no question in my mind but that legislation is very necessary in this situation. The decisions of the Supreme Court have cast doubt on titles, they have cast doubt on rights that had been thought for a century or more to be fixed and settled. There are other implications of the decisions which are very disturbing, affecting the ownership of private property of every kind on land as well as under water. We ought to act. It is our duty to do so.

I believe, however, that this bill goes too far. My amendment attempts to limit it to accomplish the substantial purposes that I think ought to be accomplished, without putting us in the position, the law having been declared, whether we like it or not, of giving away Federal assets of infinitely great value.

This is what my amendment would do: It would confirm in the States the resources in the land under their inland waters, including the Great Lakes, and as to the Great Lakes I point out that two Attorneys General of the United States have said that there is no question in their minds but that they are inland waters. It confirms also in the States, subject, of course, to Federal powers in respect of navigation, defense and so forth which are not questioned, land under the marginal sea out to the three-mile limit uniformly around the country. It does not give effect to the more extended boundary claims of certain States. On that point, it seems to me, it is a fair compromise.

The Supreme Court has held, regardless of what some States think of it, that States' rights do not extend at all under the marginal sea. We are acting in the face of that decision and we are not bound, therefore, by any claims made theretofore except on the basis of equity. It seems to me on the basis of equity we ought to act with uniformity and treat all States alike. It is my understanding, as a matter of fact, that Texas would lose very little, if anything by my amendment, because we have been advised by the gentleman from Texas [Mr. GOSSETT] that Texas has no oil in the marginal sea within its boundaries. I think that is a fair way of handling that situation.

I shall also offer an amendment to strike from the bill any provision for giving the States any share in the royalties from the oil originating under the Continental Shelf beyond the 3-mile limit. There is no reason for such provision and it should be eliminated from this bill.

In other words, under these two amendments of mine the States would get everything up to the 3-mile limit, nothing beyond; and, I believe, so far as we can act on this problem in a rather hasty way, it would give to the other body something in the way of a fair compromise which it can perfect.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. CASE. I yield to the gentleman from California.

Mr. McDONOUGH. I am interested in the gentleman's amendment, but I fail to see, in reading the bill, where the States get any more than they are entitled to regardless of the gentleman's amendment.

Mr. CASE. Under the bill as it stands now all the States get at least 3 miles, the States of Texas, Florida and Louisiana get something more, probably 10½ miles, and in addition to that, every State gets 37½ percent of the royalties beyond its boundaries, whatever such boundaries may be, out to the very edge of the Continental Shelf, which in some cases extends several hundred miles. I do not think the States should have any interest in the oil, beyond the 3-mile limit.

Mr. COMBS. Mr. Chairman, will the gentleman yield?

Mr. CASE. I yield to the gentleman from Texas.

Mr. COMBS. The gentleman knows, I am sure, that under the present law the State, where oil is produced on Federal lands, gets 37½ percent now, and this would simply extend it to the oil produced on land adjacent to the States.

Mr. CASE. But that is where I disagree.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. CASE. I yield to the gentleman from Ohio.

Mr. FEIGHAN. With reference to the statement made by the gentleman from Texas, the Mineral Leasing Act has never been applied directly to oil coming from submerged lands.

Mr. CASE. I thank the gentleman.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. CASE. I yield to the gentleman from New York.

Mr. CELLER. As I understand, the gentleman's amendment provides as follows:

That all States can claim all the productivity under the marginal belt, that is, 3 miles from their shores, 3 miles from the low-water mark.

Mr. CASE. That is right.

Mr. CELLER. And beyond that, on the Continental Shelf, the States would get a portion.

Mr. CASE. No. They would have no no interest in that under my second amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. CASE].

The question was taken; and on a division (demanded by Mr. CASE) there were—ayes 45, noes 121.

So the amendment was rejected.

Mr. OSTERTAG. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OSTERTAG. Mr. Chairman, the State of New York has an extensive and signal interest in the enactment of H. R. 4484, the bill which is now before us, to establish and confirm the State's title to the lands beneath navigable waters within their boundaries.

Within the past 5 years, the Legislature of the State of New York has twice adopted concurrent resolutions calling upon the Congress to quiet the title to these lands through the enactment of appropriate legislation such as is contained in this bill. Until such legislation is approved, the title to more than 2,100 miles of coastal and inland waterways in New York State is clouded, and the ownership of more than 5,600 square miles of submerged or filled in land is in doubt.

Alone among the States, the Empire State reaches from the Great Lakes to the Atlantic Ocean. Its shore lines include the immensely valuable properties along the shores of Lake Erie and Lake Ontario; the vastly important shores of Long Island and Long Island Sound; the great harbor of the Port of New York. Its navigable inland waterways include not only the New York State Barge Canal but such commercially vital streams as the Hudson, the Mohawk, the Niagara, and the St. Lawrence Rivers. The aggregate worth of these waterways and the commercial and residential developments bordering them runs into many billions of dollars.

A sovereign successor to the Crown of England, the State of New York has, in good faith, been granting title to these lands for water front development purposes for more than 150 years; and the stability of a major part of the economy of the entire State, and indeed of the Nation, rests upon the validity of the titles so granted. But if the Federal Government can seize the submerged lands off the State of California; if it can establish its right to seizure of such lands off the States of Texas and Louisiana, then assuredly the title to every square foot of coastal or submerged lands under navigable waters within State boundaries is in doubt in every State of the United States, including New York State.

Mr. Chairman, when respected Members of this House tell us that it is not the intent of the Federal Government to undertake any such seizures, they are presuming to diagnose the intentions of Federal administrators of the future who are unknown to them and to us, and whose designs they cannot possibly know. The vital point at issue here is not what the Federal Government intends to do, once its power in this matter is confirmed, but rather whether its power of seizure shall be confirmed or denied. If it is confirmed by the Congress, either by acquiescence in the present Supreme Court ruling, or by more positive action, then the title to submerged lands everywhere in the Union is in jeopardy, and the intent of the Federal administrators is irrelevant.

It is not irrelevant to point out, however, that when Tom C. Clark, then Attorney General, brought suit against the State of California to establish the Federal Government's right to its submerged lands, he stated explicitly that California alone was affected by the action. But the ink was hardly dry on the Supreme Court's decision in the Federal Government's favor before actions were instituted by the Attorney General against the Gulf States. The Federal Government's intention to limit the action and the precedent involved to California proved to be totally untrustworthy.

The essential task now, therefore, is to define and delimit the Federal Government's interest in the submerged lands of all the States. We should not be lulled into inaction on this by soothing prognostications as to the intent of future administrators.

Mr. Chairman, I should like at this time to introduce into the RECORD the concurrent resolution which I had the honor to sponsor in the Legislature of the State of New York, and which was adopted on January 30, 1946, entitled "Submerged and Tidal Lands"; the concurrent resolution which I also had the honor to sponsor in the Legislature of the State of New York entitled "Concurrent Resolution Relating to Ownership, Dominion and Jurisdiction Over the Lands Under the Ocean Seaward for a Distance of 3 Miles," which was adopted on February 28, 1950; and a telegram on this subject, dated July 26, 1951, setting forth the views of the Port of New York Authority in this matter:

CONCURRENT RESOLUTION ADOPTED JANUARY 30, 1946, IN BOTH HOUSES OF THE NEW YORK STATE LEGISLATURE, SUBMERGED AND TIDAL LANDS

Whereas since its inception, the State of New York, a free and independent sovereignty and one of the Original Thirteen States, has claimed and exercised ownership, dominion, and jurisdiction over the lands under the ocean seaward for a distance of 3 miles, and the lands under all tidal and navigable waters within its boundaries; and

Whereas the State's title to these lands, in common with all unappropriated lands, was and is based upon the sovereign character of the people of the State of New York as successors to the sovereign rights of the Crown of England; and

Whereas as sovereign, the people of the State of New York own hundreds of miles of submerged and tidal lands on the Atlantic Ocean, and in New York Harbor, Long Island Sound, the Hudson River, and the Mohawk River, including vital stretches of the State Barge Canal, the Niagara River, the St. Lawrence River, the Great Lakes, and other inland streams and waters; and

Whereas millions of dollars worth of these lands have been sold to the owners of the adjacent uplands and they in turn, acting in good faith upon the title conveyed by the people of the State of New York, have invested millions of dollars in improvements; and

Whereas as a result of these improvements, there has been an incalculable increase in assessed valuation of these lands, upon which municipalities and the State rely as a basis of taxation and great revenue; and

Whereas the title of the people of the State of New York to these lands and the title of those holding the lands by grant from the people of the State of New York has been upheld by numerous decisions of the New York courts and the Supreme Court of the United States, as well as by the assertion and actions of the Federal Government, its various departments and divisions; and

Whereas the United States Department of the Interior, through the Secretary of the Interior, now advances claims which would jeopardize the title of the people of the State of New York to these lands and the title of those municipalities and private corporations and individuals now enjoying title, possession, or other interests in such lands so granted by the people of the State of New York; and

Whereas the claims of the Secretary of the Interior are devoid of basis in fact and law, and are contrary to the sound national policy of recognizing the ownership by the States, and by the State of New York, of the submerged or reclaimed lands within their boundaries: Now, therefore, be it

Resolved (if the senate concur) That the Congress of the United States be respectfully requested to pass promptly the resolution known as House Joint Resolution 225, already passed by the House of Representatives and now pending in the Senate of the United States, which would quiet the State's title to these lands, remove the cloud placed thereon, and disclaim any supposed interest by the Federal Government in such lands; and be it further

Resolved (if the senate concur) That the Legislature of the State of New York respectfully requests the United States Senate Judiciary Committee to take favorable action upon said House Joint Resolution 225, and Resolution 48, now before that Committee, be it further

Resolved (if the senate concur), That the Legislature of the State of New York respectfully requests the United States Senate to give early and favorable consideration to said House Joint Resolution 225 and Senate Joint Resolution 48, to the end that the original title of the people of the State of New York in and to these lands may be confirmed.

CONCURRENT RESOLUTION RELATING TO OWNERSHIP, DOMINION, AND JURISDICTION OVER THE LANDS UNDER THE OCEAN SEAWARD FOR A DISTANCE OF 3 MILES ADOPTED BY SENATE AND ASSEMBLY OF THE STATE OF NEW YORK FEBRUARY 28, 1950

Whereas since its inception, the State of New York, a free and independent sovereignty and one of the original thirteen (13) States, has claimed and exercised ownership, dominion, and jurisdiction over the lands under the ocean seaward for a distance of 3 miles and the lands under all tidal and navigable waters within its boundaries; and

Whereas the State's title to these lands, in common with all unappropriated lands, was and is based upon the sovereign character of the people of the State of New York as successors to the sovereign rights of the Crown of England; and

Whereas as sovereign, the people of the State of New York own approximately 5,600 square miles of submerged lands in the Atlantic Ocean, and in New York Harbor, Long Island Sound, the Hudson River, and the Mohawk River, including vital stretches of the State Barge Canal, the Niagara River, the St. Lawrence River, the Great Lakes, and other inland streams and waters; and

Whereas all of the private improvements on the New York side of New York Harbor, with the exception of the lower end of Manhattan Island and others elsewhere, have been built on what was formerly State-

owned lands, and all these improvements were built and have been enjoyed by their owners in reliance upon their source of title in the State of New York and no disquieting claims against that source should be made, no matter how baseless or trivial, by any agency of the United States Government; and

Whereas as a result of these improvements, there has been an incalculable increase in assessed valuation of the lands, upon which municipalities and the State rely as a basis of taxation and great revenue; and

Whereas the title of the people of the State of New York to these lands and the title of those holding the lands by grant from the people of the State of New York has been upheld by numerous decisions of the New York courts and the Supreme Court of the United States, as well as by the assertion and actions of the Federal Government, its various departments and divisions: Now, therefore, be it

Resolved (*if the senate concur*), That the Legislature of the State of New York favors continued State ownership and control, subject only to the Federal powers over navigation, interstate commerce and national defense, of lands and resources within and beneath navigable waters within the boundaries of the respective States, and requests Congress to pass suitable legislation to that end; and be it further

Resolved (*if the senate concur*), That the Members of the Congress are hereby requested to give their active opposition to all pending and proposed measures which would create Federal ownership or control of lands, fish, and other resources beneath navigable waters within State boundaries; and be it further

Resolved (*if the senate concur*), That copies of this resolution be sent to the President of the United States, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each Member of the Congress of the United States.

VIEWS OF THE PORT OF NEW YORK AUTHORITY

Hon. HAROLD C. OSTERTAG,
House Office Building,
Washington, D. C.:

The Port of New York Authority urges your support of Walter bill, H. R. 4484, to confirm the title of the States to the submerged lands within their boundaries. The Port Authority takes no position with respect to the provisions of the bill concerning the use of the revenues obtained from the exploitation of the natural resources in the Continental Shelf. However, we feel strongly that the States should be restored to their historical position which existed from the creation of the United States down to the 1947 Supreme Court decision in the California case.

LEANDER I. SHELLEY,
General Counsel.

Mr. CASE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE: Page 19, line 24, strike out all of section 12.

Mr. CASE. Mr. Chairman, I shall not take the time of the Committee further. This is coupled with the other amendment I offered, and I have explained it. This would strike from the bill the provision for the division of the royalties beyond the 3-mile limit, or the State boundary farther out, and all such royalties would go to the Federal Government.

Mr. McCARTHY. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. McCARTHY as a perfecting amendment to the amendment offered by the gentleman from New Jersey [Mr. CASE]: On page 19, line 24, strike out all of section 12 and insert in lieu thereof the following:

"SEC. 12. All moneys received as bonus payments, rents, and royalties with respect to operations for oil, gas, or other minerals in lands in the Continental Shelf, as defined in this act, shall be paid into the Treasury of the United States and credited to the miscellaneous receipts. Anything taken or received in kind in payment of bonuses, rents, and royalties shall be the property of the United States."

Mr. McCARTHY. The purpose of my amendment is identical with the purpose sought by the gentleman from New Jersey [Mr. CASE] in offering his amendment. As is clear from the text, it provides that any and all revenue which is derived from the development of oil and mineral resources in the lands beneath the sea in that area defined in this act as the Continental Shelf shall be the exclusive property of the United States. The revenue from developments within the 3-mile limit, or the 9- to 10-mile limit in the case of Texas, or whatever limits shall finally be determined as the territorial limits of the respective States, will be left undisturbed. My amendment simply provides that the Federal Government shall receive the revenue produced from lands or areas to which this bill gives undisputed title. The States now are not pressing claims. Nevertheless the bill, without justification, it seems to me provides that the States, that the coastal State, adjoining any such development shall receive 37½ percent of all revenue produced or derived from developments in the area in which the Federal Government holds undisputed title. Actually because of the disputed title within the 3-mile limit there would be grounds for providing a distribution of income between the Federal and State Governments. This is not provided and the States are granted all revenue from this area. Certainly the Federal Government should be granted the entire revenue from the area over which it is admitted by the States to have both sovereignty and dominion.

This amendment is fair and just. It is based upon the very claims and admissions of the proponents of this bill. It does not in any way violate existing or claimed property rights of the States.

Mr. CASE. If the gentleman will yield, I agree with the gentleman that his amendment is preferable to mine in this respect. It is a little more clear.

Mr. McCARTHY. I thank the gentleman for his statement.

Mr. Chairman, the House is being called today to act in both legislative matters and in judicial matters. The judicial matter, relates to material recently considered and decided in three cases by the Supreme Court of the United States. I suppose that all Members of the House should feel honored, and especially those Members who are not lawyers, and those lawyers who have not yet had judicial experience, to be asked by the majority of the Judiciary Committee to consider and, more specifically, to overrule the Supreme Court. The Court gave prolonged, intensive, and extended study to these cases. We are asked to decide after 4 hours of debate, much of it concerned with establishing who would benefit and who would not benefit by the passage of this bill, and after a series of 5-minute speeches. Necessity often compels Members of the House to act on legislative matters even though individual Members may feel that they have not had time for full or adequate study. The need for action may excuse action in the legislative field. However, when we intrude into the judicial field we should be more hesitant, more careful, in a sense, more judicial.

Mr. Chairman, the question before us is not a simple one of conflict between sectional economic interests, or between coastal and inland States. It is not one of contest between Federal bureaucrats reputedly striving for economic power, and State officials striving to protect the property of the respective States. It is not a question as some have tried to make it of socialism versus free enterprise, for in any case the wealth in dispute will be governmentally owned, either by the State or by the Federal Government, and will most probably be developed under lease by private citizens or firms. Socialism is not determined on the basis of size of governmental unit but on the more basic point of ownership by the Government.

The normal procedures of handling legislation in the House, were in the case of this bill, shall we say, "expedited." I think it is safe to say that in the past weeks during which Members have been hard pressed to study the Defense Production bill and participate in the prolonged debate on that measure, that few Members have had adequate time to study the complicated issues involved in this bill.

I have studied carefully the statement sent to Members of the House by the State officials and have weighed the reasons which they propose for support of H. R. 4484.

The first 5 of these 11 reasons, really raise only one issue that stated following No. 3: that the "long recognized rule of law" applicable to the waters and submerged lands of every State has been destroyed and State titles clouded by the Supreme Court's decisions. "The way has been opened for foreign nations to claim resources within our territorial waters." The last part of this statement, especially in view of the Presidential proclamation of 1945 is patently ridiculous. The first part presents a judicial problem which has been considered innumerable times by the courts of the land. It is my opinion that the decisions in the Tidelands cases have not prejudiced or clouded the title of the States to lands under inland waters, or under the Great Lakes or in the marginal area between high and low water marks on the shores of this country. The gentleman from Ohio, [Mr. FEIGHAN] has made this point in an admirable manner.

What is at issue is the title to the marginal seas, that is to the soil underlying the marginal seas, commonly defined as the soil extending from the

low water mark to the edge of the continental shelf. The settlement of this question involves judicial determinations, requiring consideration of constitutionality, of conditions of admission of the various States, of historic titles, of international agreements and the law of Nations. I do not believe that the House is prepared today to make this judicial decision.

Certain other provisions of the bill do properly call for legislative action. These would better be considered apart from the judicial problem or on the basis of the judicial decision rather than in this confused and mixed version. The very vagueness and indefiniteness of language argues against the passage of the bill. By its terms a tideland is no longer a tideland. The Continental Shelf is no longer really the Continental Shelf but only a piece of it, beginning in some cases 3 miles from low-water mark, in other cases 9 to 10 miles, and in other cases at a point not yet determined. Soils formerly designated as lying under the marginal seas, are now designated as lands beneath navigable waters. I will conclude by pointing out just one of the serious international problems which might arise from the assertion of title to the entire Continental Shelf. The measured distance between Cape Prince of Wales, Alaska, and Cape Dezhneva, Siberia is 46 nautical miles. About halfway between these two points are the Diomede Islands, one on the Russian side of the international boundary and the other on the Alaskan side. The depth of the water around the islands and between the two capes is reported not to exceed 33 to 35 fathoms. Consequently the entire area between the Alaskan and Siberian shore would be included as Continental Shelf area. This means that the Russians, claiming as we do, could claim rights up to the Alaskan shore, or to a point 3 miles from shore, the international limits generally recognized. We in turn could claim Shelf title up to the Siberian shore.

Because of these many complications, the bill before us fails to achieve either judicial certainty or legislative progress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. McCARTHY].

The question was taken; and on a division (demanded by Mr. McCARTHY) there were—ayes 64, noes 125.

So the amendment was rejected.

Mr. YATES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am opposed to this bill and shall vote against it, but I certainly believe that the amendment offered by the gentleman from New Jersey [Mr. CASE] is an appropriate one and should be approved, if the proponents of the legislation are sincere. It is my understanding that the bill proposes to quiet title in the States within the 3-mile limit and that there is no contention that the States claim a proprietary interest in the Continental Shelf lying seaward of that limit. I should like to read a colloquy that ensued last Friday when I asked the gentleman from Illinois [Mr. ALLEN] this question:

Mr. YATES. As I understand the purpose of this bill, it is to confirm title in the States to the land lying beneath the waters within 3 miles of the present land boundaries. What will be the effect of the bill, if any, upon the land lying outside the 3-mile limit? Does that belong to the States too, or to the Federal Government?

Mr. ALLEN of Illinois. I yield to the gentleman from Texas [Mr. LYLE].

Mr. LYLE. In answer to the gentleman from Illinois [Mr. YATES], it establishes ownership of the Federal Government in the Continental Shelf, that land lying seaward of the original State boundary, to which the Federal Government now only has title by an Executive order.

I have the highest respect and admiration for the gentleman from Texas [Mr. LYLE], and I know that when he speaks to this House he is sincere. I take his remarks to mean that this bill confirms no rights in the States beyond the 3-mile limit which is the boundary designated in the pending amendment.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. HOLIFIELD. I should like to call the gentleman's attention to the very colloquy he read. It said the original State boundaries. Does not the gentleman know that the State boundary of Texas when it was taken into the Union was approximately 10½ miles, not 3 miles? It was 3 leagues, I believe, which amounted to about 10½ miles.

Mr. YATES. Let me say to the gentleman that the Supreme Court of the United States has come to a different interpretation concerning the boundary of Texas than that expressed by the gentleman from California. Otherwise, there would be no purpose for this legislation.

Mr. HOLIFIELD. No.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Minnesota.

Mr. McCARTHY. I would like to tell the gentleman from California that in 1836 the only other nation that claimed three leagues was Spain. All the other great nations of the world at that time said that three miles were all that they could possibly defend. I suppose this is just reflecting the inflationary character of Texas. Everyone else said 3 miles and Texas said, "We will take 10½ miles."

Mr. BURNSIDE. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield.

Mr. BURNSIDE. I also would like to state to the gentleman that in two cases the United States Supreme Court held specifically—and this decision has never been reversed—that each State comes into the Union on an equal basis. Not even the great State of Texas, which I like so very much, comes in on a different basis than any other State in the Union.

Mr. YATES, I thank the gentleman.

Mr. COMBS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield.

Mr. COMBS. In reply to the gentleman from West Virginia, may I point out to him that it has been held from time immemorial that this equal footing proposition refers only to political rights and has nothing to do with ownership of land or any other property. Secondly, I remind the gentleman that the agreement admitting Texas to the Union contained no equal-footing clause.

Mr. YATES. May I ask the gentleman from Texas, whose opinion I respect greatly, is the statement that I read made by the gentleman from Texas [Mr. LYLE] that this bill is intended to confirm rights of the States to the boundaries within the 3-mile limit and leave the rest to the Federal Government erroneous?

Mr. COMBS. No, what the gentleman from Texas [Mr. LYLE] said and what he intended to say and what I think he did say is that it would confirm the title of the States within the original boundaries as they were at the time of admission to the United States, and beyond that would confirm title in the United States.

Mr. YATES, Does that mean, as I understand the gentleman's reply, that there is no boundary drawn by the 3-mile limit then with respect to claims the States might make beyond that 3-mile limit? Is that correct?

Mr. COMBS. The bill, as I understand it, deals with State boundaries as of the time of admission of the State. Texas came in with a 3-mile limit. That is the only point involved there.

Mr. YATES. I see.

Mr. BURNSIDE. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield.

Mr. BURNSIDE. In answer to the gentleman from Texas, ever since the works of Poggendorff, Grotius, and de Vattel—those great authorities on international law—and even down to this day it has been an accepted principle, and so the United States Supreme Court held on a number of different occasions, that the question of boundaries is a political question and it is an international political question.

Mr. YATES. Mr. Chairman, in view of the discussion, I think the amendment offered by the gentleman from New Jersey is a sound amendment and very much in point, and I believe it should be accepted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. CASE].

The question was taken; and on a division (demanded by Mr. CASE) there were—ayes 53, noes 119.

So the amendment was rejected.

Mr. ROGERS of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 10, line 4, after "Stat. 377)" strike out the comma "and June 17, 1902, (32 Stat. 388), and acts amendatory thereof and supplementary thereto" and insert "June 17, 1902 (32 Stat. 388), and December 22, 1944 (58 Stat. 887), and acts amendatory thereof or supplementary thereto."

Mr. ROGERS of Colorado. Mr. Chairman, the only object of this amendment is to bring in the Flood Control Act of 1944. You will note section 7 of this bill, on page 10, makes reference to the statutes of 1866, 1870, and 1902. They deal with water rights west of the ninety-eighth parallel, and the Flood Control Act of December 22, 1944, which is this section.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from New York.

Mr. CELLER. I do not think there is any objection to the amendment, and I have spoken to the gentleman from Texas [Mr. GOSSETT] and he has no objection.

Mr. ROGERS of Colorado. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ROGERS].

The amendment was agreed to.

Mr. CURTIS of Nebraska. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CURTIS of Nebraska: On page 20, line 12, after the word "and," strike out to and including the word "receipts" in line 13, and insert "apply to the payment of the principal of the national debt."

Mr. WALTER. Mr. Chairman, I make the point of order on that amendment that we have already voted on that amendment.

The CHAIRMAN. The Chair overrules the point of order. The Chair is informed this is not the same amendment.

Mr. CURTIS of Nebraska. Mr. Chairman, if I may have the attention of the Committee, I would like to point out that this amendment does not change the basic principles of this act. I have supported previous bills dealing with this problem. I expect to support this bill. My amendment would cause the sentence to read:

All other moneys received by the United States from operations in the Continental Shelf, under the provisions of this act, shall be paid into the Treasury of the United States and applied to the payment of the principal of the national debt.

The bill at the present time provides that these royalties coming to the Federal Government, under the bill as written, will be placed in the Treasury as miscellaneous receipts. I propose that we should set forth the principle now that those receipts be applied to the payments of the principal of the national debt.

We have the largest tax program in the history of the Republic, yet we are not taking any of those tax receipts to reduce the national debt. How could you create a greater wave of confidence in this country and in this Government than by doing something that would let the bondholders know that we expect to pay the national debt? The sale of these oil assets—and again I am talking about those assets that this bill says belong to the Federal Government—the sale of those are the sale of capital assets, and certainly after we tax the people and tax them and tax them and refuse, if you please, to pay the national debt, certainly when we start to sell their capital assets we should take that money and apply it on the national debt.

I submit that this will not in any way affect this controversy here. It will not in any way deprive these people who are the proponents of this bill, these States, of any right or interest they have in it. I do think that in the sale of this oil that belongs to the Federal Government, as set forth in this bill, the money from that sale should be used to pay the national debt.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Nebraska. I yield to the gentleman from New York.

Mr. KEATING. As one who is opposed to this bill, I would say that I would support wholeheartedly the amendment offered by the gentleman from Nebraska. I think the principle he has enunciated is sound, and I am glad he has offered this amendment.

Mr. CURTIS of Nebraska. I thank the gentleman. I am supporting this legislation, but I believe this money should be used in this fashion and not held out as a big bonanza to every spender who comes along down through the years.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Nebraska. I yield to the gentleman from Georgia.

Mr. COX. I asked the gentleman to yield in order that I might make the observation that I can see no possible basis for opposition to the gentleman's amendment.

Mr. CURTIS of Nebraska. I thank the gentleman.

We do not know how many dollars we are dealing with here; it may never amount to very much; on the other hand it may run into billions and billions of dollars. Are we going to have this oil revenue held up as an invitation to all the spenders who might come to Washington, to everyone who wants to enlarge this bureaucracy. Think what an amount it might be, 10, 25, or 50 years from now. The sale of oil is the sale of a capital asset and the proceeds therefrom should be used to pay off the bonds of the Federal Government.

Mr. NICHOLSON. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Nebraska. I yield.

Mr. NICHOLSON. I wish to ask the gentleman if this amendment is adopted and the bill goes through do we in Massachusetts still retain the rights we are supposed to have? Or is this something about oil or something in some other State?

Mr. CURTIS of Nebraska. My amendment will affect only the oil royalties. I may say that the rights of the sovereign State of Masachusetts and the people thereof are something they will always have to struggle to maintain.

Mr. BURNSIDE. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Nebraska. I yield.

Mr. BURNSIDE. I wish to compliment the gentleman on his amendment. I introduced a similar amendment to the Celler substitute. I hope the gentleman's amendment will pass.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The amendment was agreed to.

Mr. BUDGE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUDGE: On page 7, line 2, after the word "power", change the period to a colon and insert the following: "*Provided further*, That nothing in this act shall be construed as affecting or intending to affect or in any way interfering with or modifying the laws of the States which lie wholly or in part westward of the ninety-eighth meridian, relating to the ownership and control of the ground and surface waters; and the control, appropriation, use, and distribution of such waters shall continue to be in accordance with the laws of such States."

The CHAIRMAN. The gentleman from Idaho is recognized.

Mr. GOSSETT. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. GOSSETT. Will the gentleman point out to me the language of the bill which causes him such apprehension as he has in mind in offering this amendment?

Mr. BUDGE. I am not quite clear as to whether some of the language in the pending bill might not affect rights under the Reclamation Act. My amendment simply states that nothing in this bill is intended to change the provisions of the basic Reclamation Act. As far as I know there is no controversy about it. The chairman of the Subcommittee on Irrigation and Reclamation, the gentleman from California [Mr. ENGLE] collaborated with me in drawing this language. I do not know of any reason why it should not be adopted.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. ROGERS of Colorado. My amendment which was adopted a moment ago had reference to the Flood Control Act of December 22, 1944. That act contains a provision which would accomplish the same purpose the gentleman seeks to accomplish by this amendment.

The Flood Control Act of 1944 contains a provision to the effect that any waterways west of the ninety-eighth meridian should not be used contrary to the basic Irrigation and Reclamation Act. That was the object and purpose of the amendment. I think what the gentleman desires to do is covered by that amendment, but I leave it to the gentleman to make the decision.

Mr. BUDGE. I cannot agree with the gentleman from Colorado.

The amendment which he offered relates only to flood control and not to the ground and surface waters. I do not believe my amendment adds anything to the bill. It is simply a statement by the Congress that we do not intend to change the Reclamation Act as we now have it.

Mr. GOSSETT. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield to the gentleman from Texas.

Mr. GOSSETT. I am sorry that I am a little confused about the gentleman's amendment. The gentleman has not stricken anything out of the bill; he is just adding?

Mr. BUDGE. That is correct. It says "nothing in this act shall change the reclamation law." It effects only the 17 Western States, and I put it in the bill as an addition simply to clarify the bill to the extent that the Congress is not intending to modify the present act.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield to the gentleman from California.

Mr. HINSHAW. I can see no objection to the gentleman's amendment. It may be superfluous, but there is no objection to it.

Mr. BUDGE. I thank the gentleman.

Mr. REED of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield to the gentleman from Illinois.

Mr. REED of Illinois. We have had an opportunity to examine the gentleman's amendment, and we have no objection to it.

Mr. BUDGE. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. BUDGE].

The amendment was agreed to.

Mr. HINSHAW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINSHAW: On page 27, line 8, insert:

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

Mr. CELLER. Mr. Chairman, we have no objection to the amendment on this side.

Mr. HINSHAW. Mr. Chairman, it is the customary separability clause.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. RODINO. Mr. Chairman, let us keep this clearly in mind: There is not now, and never has been, any doubt that the States own the land between low- and high-water marks as well as the inland navigable waters. What the United States does own is the submerged, coastline lands which start at low-water mark, exactly where the tidelands end. We have before us three kinds of lands: First, the land between high-water and low-water marks which is the real tidelands; second, the marginal belt which is land from the line of low tide to the sea, three geographical miles; and third, the Continental Shelf which starts at the end of the 3-mile marginal belt and extends irregularly seaward.

Nobody disputes the title of the States to the first category I mentioned, but the law of the land is clearly that the individual States do not own the other two categories, nor did the Thirteen Original Colonies own them, nor did their successor States acquire ownership.

Let us face the issue squarely. The motivating force is not the conflict between Federal and States' rights. There would be no serious question of the Federal title if there were not oil involved.

Let it be noted that while the most eminent legal authority in our country, the Supreme Court of the United States, has held that title lies in all the people of the United States, H. R. 4484 intends that the few coastal States involved take all.

In the United States against California decision of June 23, 1947, Mr. Justice Black, delivering the opinion of the Court, stated:

Neither the English charters granted to this Nation's settlers, nor the treaty of peace with England, nor any other document to which we have been referred, showed a purpose to set apart a 3-mile ocean belt for colonial or State ownership. Those who settled this country were interested in lands upon which to live and waters upon which to fish and sail. There is no substantial support in history for the idea that they wanted or claimed a right to block off the ocean's bottom for private ownership and use in the extraction of its wealth.

He stated further:

Not only has acquisition, as it were, of the 3-mile belt been accomplished by the National Government but protection and control of it has been, and is, a function of national external sovereignty.

And, finally, I call your attention to the statement that—

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.

I cannot put it as aptly as did Mr. Justice Black, but I hold that the sentence which I am about to quote from that decision is one of the most fundamental principles upon which our Republic is founded, and if we abandon that principle we have removed a pillar from the structure of our democratic way of life. Mr. Justice Black, for the Supreme Court, put it this way:

The Government, which holds its interests here as elsewhere in trust for all the people, is not to be deprived of those interests by the ordinary court rules designed particularly for private disputes over individually owned pieces of property; and officers who have no authority at all to dispose of Government property cannot by their conduct cause the Government to lose its valuable rights by their acquiescence, laches, or failure to act.

Let me repeat, "The Government, which holds its interests here as elsewhere in trust for all the people."

There is no question in my mind that should H. R. 4484 be enacted into law what would follow would be such confusion as to jeopardize our international relations as well as relations between the States. This bill, enacted into public law, would manufacture disputes between the States. Oil and gas deposits which sometimes stretch for miles, and which sometimes consist of no more than oil-soaked porous rock, are irregular in shape and not clearly definable in area. As a result, suits would arise between States to define the extent of various deposits. Furthermore, those deposits which cross the artificially created State boundaries would be regulated by the National Government. This bill does not preserve any States' rights. The Federal Government would still be required to regulate interstate commerce, to provide for national defense and protect the health and security of all the people. The conflicts raised by this bill could do nothing but cause the greatest confusion.

Only three States will benefit from this gift which the bill proposes that all of Congress give to them. Should this bill become law, I say to the Members of this Congress that it is easily foreseeable in the not too distant future that your constituents will realize how their interests were betrayed.

Mr. PHILBIN. Mr. Chairman, I cannot subscribe to the deplorable raid by the Federal Government upon the rights of the several States to lands situated on their marginal shores.

The decisions of the Court are questionable on grounds of policy and law. It is urged that it is necessary to provide undersea oil for the national defense. If that be true—and I do not concede the point—the Government can and should move to secure the vitally needed oil without interfering with the clearly defined, historic rights of the States. Any policy of decision respecting oil rights or other property rights which the Federal Government seeks to impair or destroy is not founded on the true constitutional status of the States and is contrary to sound precedents controlling the relationships of the States with the Federal Government.

The arguments in behalf of this bill are, in my judgment, unanswerable. The American Bar Association and the bar associations of many States have urged its enactment. Eminent legal scholars and authorities have supported this bill, the Supreme Court decisions notwithstanding.

Many distinguished lawyers, including the most eminent ones in this House, are deeply concerned by the decisions. They introduce into American law governing the relations of the State and Federal Government a novel and very dangerous concept. If the Federal Government can come in and take title arbitrarily to lands under the marginal seas, then by the same reasoning they can take title to any other property belonging to the several States or to individuals.

Such a result would overthrow long-established titles, bring widespread confusion, and create uncertainty as to the ownership of large areas of real property in the Nation. If extended to other fields, the principle advanced by these cases would be revolutionary and destructive of basic State and individual rights.

As a representative from the historic Commonwealth of Massachusetts, I have reason to be particularly disturbed over the situation created by Supreme Court decisions this bill aims to clarify. My State has extensive littoral territory definable as marginal sea lands. Substantial territory under the jurisdiction of my State is entirely detached by several miles from the mainland. Practically all of the waters in and about the great city of Boston, as well as filled-in areas of formerly navigable streams, are embraced by the definitions laid down in the decisions and that is true of several other important communities.

I have not time here to trace the origin and descent of titles to these lands.

They are centuries old. They antedate the Constitution. They antedate the first session of Congress. They are grounded in centuries of uninterrupted and unchallenged possession and user. They are sacred in time as well as in law. They affect important industries and activities. No Supreme Court has the right to disturb them. Since it has done so, it is the clear duty of Congress to pass this bill and thus clarify the rights of the States and their citizens against this asserted, but unproved paramount claim of the Federal Government.

Mr. Chairman, let me state that I am aware of so-called practical aspects of this bill and that powerful interests are definitely concerned with defeating it.

We all remember Teapot Dome, Elk Hill, and other scandals connected with so-called critical oil for the national defense. At this time when so many of our citizens are aroused by current disclosures and are vigorously insisting upon the maintenance of high standards of integrity and ethics in the public and business life of the Nation, it is incumbent upon Congress to close the door against the repetition of possible unsavory episodes in our Government affairs which would still further shake the confidence of the people in our methods and institutions.

I will support this bill and I hope it will be passed in order to secure the sovereignty of our States and the constitutional rights of our citizens.

Mr. ELLIOTT. Mr. Chairman, again an old controversy over who owns the lands under our coastal waters, seaward from low water mark—the point, as I understand it, to which the tides ebb at low tide—for a distance of 3 miles is before the Congress and before the country.

The question of the ownership of these lands has been regularly before the country now for the past 15 years. About 15 years ago the then Secretary of the Interior asserted formal claim in the name of the United States to these lands. Shortly thereafter the Congress assumed some jurisdiction over the controversy and for years now it has raged. In 1946 Congress passed a bill, very similar to the bill now before us, House Resolution 4484, which had for its purpose the vesting of the title to these lands in the States adjoining the Atlantic and Pacific Oceans, the Gulf of Mexico and the Great Lakes. The Great Lakes apparently are covered by the same rules of law as are the seas, they being considered as inland seas.

President Truman vetoed this 1946 bill, thus again demonstrating the courage he possesses and which I predict history will take due note of. At the time he vetoed the 1946 bill there was pending before the Supreme Court of the United States the case of the United States against California, which involved the primary question of who owned the coastal submerged lands around California, from low-watermark seaward a distance of 3 miles. In June of 1947 the Supreme Court of the United States decided this case in favor of the United States. Later, in 1950 the same Court decided two similar cases of the United States against Texas and Louisiana, involving the submerged coastal waters off the coasts of Texas and Louisiana, again deciding these cases in favor of the United States.

So, Mr. Chairman, we are today dealing with a controversy that has three times been passed upon by the Supreme Court of the United States. The Court has unmistakably ruled that land underlying the ocean or Gulf adjacent to the States of California, Louisiana, and Texas to be subject to the exclusive control of the United States, and not to be the property of the adjacent States of California, Louisiana, and Texas.

So, we begin our consideration of this question with the assumption that paramount title to the lands in controversy belongs to the United States, and therefore to the 150,000,000 people who live in this country.

The States of California, Texas, and Louisiana are represented in the Congress by gentlemen of great powers of persuasion, and if it were in the national interest that the United States give these lands away, I think the claims of these three States should have every possible consideration. But, Mr. Chairman, as I see it, the arguments advanced here by those who are for this bill, are, for the most part, the arguments that were advanced before the Supreme Court and rejected or overruled by that Court.

Not being satisfied with the decisions of the Supreme Court, now these States want us to give to them the title which the United States owns.

I am against this bill, Mr. Chairman. To register my opposition to it, I voted against the rule to bring it up. I have seldom voted against any rule on any bill since I have been a Member of Congress, but in going through the old debates on this question in 1946, I found that this House passed the bill then without a roll call, and realizing that we who oppose the bill are in a great minority here today, I wanted to be sure that my objection to the bill was registered on the permanent records of this body. Hence, I voted against the rule to take the bill up. I shall vote against the passage of the bill, and I hope we can have a record vote on it. In 1946 there were only 11 votes against the bill in the House. I was encouraged to note that 92 of us voted against the rule to bring the bill up last Friday. I hope the number who oppose the bill will grow.

As I see it, there is a matter of the highest principle at stake. Every person in this Nation in effect owns an interest in these submerged lands lying seaward of the low-water mark of our coastal States. Why should we give this interest away to States whom the Supreme Court has said own no title. I am not convinced that it is to the best interests of the people of the Seventh Congressional District of Alabama, whom I have the honor to represent here, that I vote to do so.

The oil in these coastal submerged lands is estimated to be worth $40,000,000,000. This is a substantial national asset. Our country owes a national debt of upward of $260,000,000,000. Today we need perhaps $30,000,000,000 worth of new school buildings, libraries, and laboratories. We need to pay our teachers more. The education of our people—all of them—is the pillar upon which rests the superstructure of free government.

We need, someone has estimated, $63,000,000,000 worth of flood-control and stream-development work done in this country in order to, among other things, prevent the flood disasters such as have recently ravaged the cities, towns, industries, and farms of the Missouri-Mississippi Valley. Millions of old people in this country are in desperate need. To my way of thinking, a charitable approach to the solution of these and many other problems is called for. Our national heritage, our national assets, such as the oil under our coastal waters can be used to at least help in the solution of some of these pressing problems. If the bill before us is passed I hope the President will veto it. If so, I shall vote to sustain his veto.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Virginia, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 4484) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries, pursuant to Resolution 335, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them engross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. CELLER. Mr. Speaker, I offer a motion to recommit.

Mr. KEATING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. KEATING]. Is the gentleman opposed to the bill?

Mr. KEATING. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KEATING moves to recommit H. R. 4484 to the Committee on the Judiciary.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 63, noes 171.

Mr. CELLER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. WALTER. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas, 265, nays, 109, not voting, 59, as follows:

[Roll No. 141]

YEAS—265

Aandahl	Doughton	Lyle
Abbitt	Doyle	McConnell
Abernethy	Elston	McCulloch
Adair	Fallon	McDonough
Albert	Fellows	McGregor
Allen, Calif.	Fenton	McKinnon
Allen, Ill.	Fernandez	McMillan
Allen, La.	Fisher	McMullen
Anderson, Calif	Ford	McVey
Andresen, August H.	Forrester	Mack, Wash.
Andrews	Frazier	Mahon
Angell	Fugate	Martin, Iowa
Arends	Gamble	Martin, Mass.
Auchincloss	Garmatz	Merrow
Ayres	Gary	Miller, Calif.
Baker	Gathings	Miller, Md.
Barden	Gavin	Miller, Nebr.
Bates, Mass.	George	Miller, N. Y.
Battle	Goodwin	Mills
Beall	Gossett	Morano
Beamer	Graham	Morris
Beckworth	Grant	Morrison
Belcher	Greenwood	Mumma
Bennett, Fla.	Gwinn	Nelson
Bennett, Mich.	Hagen	Nicholson
Bentsen	Hall, Leonard W.	Norblad
Berry	Halleck	Norrell
Betts	Hand	O'Hara
Bishop	Harden	Ostertag
Blackney	Hardy	Passman
Boggs, Del.	Harris	Patman
Boggs, La.	Harrison, Va.	Patterson
Bolton	Harrison, Wyo.	Philbin
Bow	Harvey	Phillips
Boykin	Havenner	Pickett
Bramblett	Hays, Ark.	Poage
Bray	Hébert	Potter
Brooks	Hedrick	Priest
Brown, Ga.	Herlong	Prouty
Brown, Ohio	Herter	Rains
Bryson	Hess	Rankin
Budge	Hill	Reece, Tenn.
Buffett	Hillings	Reed, Ill.
Burdick	Hinshaw	Reed, N. Y.
Burleson	Hoeven	Rees, Kans.
Burton	Hoffman, Ill.	Regan
Bush	Hoffman, Mich.	Richards
Butler	Holifield	Riehlman
Byrnes, Wis.	Holmes	Riley
Carlyle	Hope	Rivers
Chiperfield	Horan	Robeson
Church	Hunter	Rogers, Fla.
Clevenger	Jackson, Calif.	Rogers, Mass.
Cole, Kans.	James	Rogers, Tex.
Colmer	Jarman	Sadlak
Combs	Jenison	St. George
Cooley	Jenkins	Sasscer
Cooper	Jensen	Schwabe
Cotton	Johnson	Scott, Hardie
Coudert	Jonas	Scrivner
Cox	Jones, Hamilton C.	Scudder
Crawford	Jones, Woodrow W.	Seely-Brown
Crumpacker	Judd	Shafer
Cunningham	Kean	Shelley
Curtis, Mo.	Kearney	Sheppard
Curtis, Nebr.	Kearns	Short
Dague	Kerr	Simpson, Ill.
Davis, Ga.	Kersten, Wis.	Simpson, Pa.
Davis, Wis.	Kilday	Sittler
Deane	King	Smith, Miss.
DeGraffenried	Lantaff	Smith, Va.
Denny	Larcade	Smith, Wis.
Devereux	Latham	Springer
Dolliver	LeCompte	Stanley
Dondero	Lovre	Steed
Donohue	Lucas	Stefan
Donovan		Stigler
Dorn		Stockman
		Tackett
Teague	Van Zandt	Widnall
Thomas	Vaughn	Wigglesworth
Thompson, Mich.	Velde	Williams, Miss.
Thompson, Tex.	Vorys	Williams, N. Y.
Thornberry	Vursell	Willis
Tollefson	Walter	Wilson, Ind.
Towe	Weichel	Wilson, Tex.
Trimble	Werdel	Winstead
Vail	Wheeler	Wolcott
Van Pelt	Whitten	Wolverton
	Wickersham	Yorty

NAYS—109

Addonizio	Gordon	Marshall
Andersen, H. Carl	Gore	Meader
Anfuso	Granahan	Mitchell
Aspinall	Granger	Multer
Bailey	Green	Murphy
Bakewell	Gross	O'Brien, Ill.
Barrett	Hart	O'Brien, Mich.
Bates, Ky.	Hays, Ohio	O'Konski
Blatnik	Heffernan	O'Toole
Bolling	Heller	Patten
Buckley	Heselton	Polk
Burnside	Howell	Powell
Byrne, N. Y.	Hull	Price
Canfield	Jackson, Wash.	Quinn
Cannon	Javits	Radwan
Carnahan	Jones, Ala.	Ramsay
Case	Jones, Mo.	Reams
Celler	Karsten, Mo.	Rhodes
Chelf	Keating	Ribicoff
Chudoff	Kee	Roberts
Clemente	Kelley, Pa.	Rodino
Cole, N. Y.	Kelly, N. Y.	Rogers, Colo.
Corbett	Keogh	Rooney
Crosser	Kirwan	Roosevelt
Dawson	Klein	Sabath
Delaney	Kluczynski	Secrest
Denton	Lane	Sieminski
Dollinger	Lanham	Spence
Elliott	Lesinski	Staggers
Feighan	Lind	Sutton
Fine	McCarthy	Taylor
Flood	McCormack	Welch
Fogarty	McGrath	Wier
Forand	McGuire	Withrow
Fulton	Madden	Yates
Furcolo	Magee	Zablocki
	Mansfield	

NOT VOTING—59

Armstrong	Evins	Poulson
Baring	Gillette	Preston
Bender	Golden	Rabaut
Bonner	Gregory	Redden
Bosone	Hale	Saylor
Breen	Hall, Edwin Arthur	Scott, Hugh D., Jr.
Brehm	Irving	Sheehan
Brownson	Keanedy	Sikes
Busbey	Kilburn	Smith, Kans.
Camp	Machrowicz	Taber
Chatham	Mack, Ill.	Talle
Chenoweth	Mason	Vinson
Davis, Tenn.	Morgan	Watts
Dempsey	Morton	Wharton
D'Ewart	Moulder	Whitaker
Dingell	Murdock	Wood, Ga.
Durham	Murray, Tenn.	Wood, Idaho
Eaton	Murray, Wis.	Woodruff
Eberharter	O'Neill	
Ellsworth	Perkins	
Engle		

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Preston for, with Mr. Machrowicz against.

Mr. Taber for, with Mr. Rabaut, against.

Mr. Bender for, with Mr. Morton against.

Mr. Camp for, with Mr. Kennedy against.

Mr. Vinson for, with Mr. O'Neill against.

Mr. Engle for, with Mrs. Bosone against.

Mr. Hale for, with Mr. Eberharter against.

Mr. Wood of Georgia for, with Mr. Perkins against.

Mr. Chenoweth for, with Mr. Whitaker against.

Mr. Mason for, with Mr. Gregory against.

Mr. Evins for, with Mr. Baring against.

Mr. Durham for, with Mr. Irving against.

Mr. Chatham for, with Mr. Mack of Illinois against.

Mr. Bonner for, with Mr. Morgan against.

Mr. Sikes for, with Mr. Moulder against.

Mr. Redden for, with Dingell against.

Mr. Brownson for, with Mr. Breen against.

Until further notice:

Mr. Watts with Mr. Wharton.

Mr. Davis of Tennessee with Mr. Kilburn.

Mr. Murdock with Mr. Ellsworth.

Mr. Dempsey with Mr. Sheehan.

Mr. Murray of Tennessee with Mr. Poulson.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1952

Mr. BATES of Kentucky. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4329) making appropriations for the District of Columbia for the fiscal year ending June 30, 1952, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. BATES of Kentucky, YATES, FURCOLO, CANNON, STOCKMAN, and WILSON of Indiana.

Mr. BATES of Kentucky. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow, Tuesday, to file the conference report on the bill (H. R. 4329) making appropriations for the District of Columbia for the fiscal year ending June 30, 1952, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

INDEPENDENT OFFICES APPROPRIATION BILL, 1952

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the conferees on the part of the House may have until midnight tomorrow to file a conference report on the independent offices appropriation bill, 1952.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT

Mr. REAMS. Mr. Speaker, I ask that the RECORD show that during the session of the House on Friday, July 27, 1951, on the roll call No. 137 on House Joint Resolution 289 to terminate the war between the United States and the Government of Germany that I was temporarily off the floor but in the building and did not hear the bells ring. Had I had the opportunity, I would have voted "yea" on that roll call.

HON. DONALD W. NICHOLSON

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

By Mr. RIVERS:

H. R. 5011. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for those civilian employees engaged in hazardous occupations in any branch of the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WINSTEAD:

H. R. 5012. A bill to amend the Navy ration statute so as to provide for the serving of oleomargarine or margarine; to the Committee on Armed Services.

By Mr. HART:

H. R. 5013. A bill to authorize the President to proclaim regulations for preventing collisions at sea; to the Committee on Merchant Marine and Fisheries.

By Mr. POULSON:

H. R. 5014. A bill to provide benefits for certain Federal employees of Japanese ancestry who lost certain rights with respect to grade, time in grade, and compensation by reason of their evacuation from military areas during World War II; to the Committee on Post Office and Civil Service.

By Mr. JAVITS:

H. R. 5015. A bill for the establishment of a Commission on Revision of the Antitrust Laws of the United States; to the Committee on the Judiciary.

By Mr. RICHARDS:

H. J. Res. 304. Joint resolution authorizing and directing the performance of an agreement with the Republic of Panama regarding the relocation of the terminal facilities of the Panama Railroad in the city of Panama; to the Committee on Foreign Affairs.

By Mr. FLOOD:

H. Res. 362. A resolution creating a select committee to conduct an investigation and study of the disappearance of the report, relating to the Katyn massacre, dictated by Lt. Col. John H. Van Vliet, Jr., on May 22, 1945; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JAVITS:

H. R. 5016. A bill for the relief of Fred Deckwitz; to the Committee on the Judiciary.

By Mr. O'TOOLE:

H. R. 5017. A bill for the relief of Jose dos Barros Lopes; to the Committee on the Judiciary.

H. R. 5018. A bill for the relief of Antonio Felope Moises; to the Committee on the Judiciary.

By Mr. VAIL:

H. R. 5019. A bill for the relief of Stavrula Perutsea; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

371. Mr. FELLOWS presented a resolution by Maine Federation of Women's Clubs at Poland Springs, Maine, relative to wise exercise of freedom, which was referred to the Committee on Foreign Affairs.

SENATE

WEDNESDAY, AUGUST 1, 1951

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

Our Father God, we would lift our gaze from the valley of the daily round to the far horizon of our fairest dreams, from the tyranny of drab details to the glory of the heavenly vision, to which we dare not be disobedient. Pressed by the practical problems which crowd our hours and which cry for solution, we would keep clear in our vision and faith the eternal things amid the tempests of the temporal.

Teach us the secret of dwelling in a world full of hate and, yet, not becoming hateful persons. Giving our best ability to the peoples' good, may we rise above life's bitterness by an unshakable belief in the shining splendor of humanity. We ask it in the Name which is above every name. Amen.

THE JOURNAL

On request of Mr. MCFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Monday, July 30, 1951, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

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

On July 30, 1951:

S. 259. An act to fix the responsibilities of the Disbursing Officer and of the Auditor of the District of Columbia, and for other purposes;

S. 261. An act to amend section 7 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902;

S. 488. An act to increase the fee of jurors in condemnation proceedings instituted by the District of Columbia;

S. 490. An act to amend the act entitled "An act to regulate the practice of podiatry in the District of Columbia";

S. 494. An act to provide for the appointment of a deputy disbursing officer and assistant disbursing officers for the District of Columbia, and for other purposes; and

S. 573. An act to amend the act entitled "An act to regulate barbers in the District of Columbia, and for other purposes," approved June 7, 1938, and for other purposes.

On July 31, 1951:

S. 262. An act to amend section 3 of an act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia, approved February 11, 1929, and for other purposes; and

S. 1717. An act to amend and extend the Defense Production Act of 1950 and the Housing and Rent Act of 1947, as amended.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Snader, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4329) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1952, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BATES of Kentucky, Mr. YATES, Mr. FURCOLO, Mr. CANNON, Mr. STOCKMAN, and Mr. WILSON of Indiana were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 629) to authorize the sale of certain allotted land on the Blackfeet Reservation, Mont.

The message also further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 2094. An act to amend the act of August 7, 1946, so as to authorize the making of grants for hospital facilities, to provide a basis for repayment to the Government by the Commissioners of the District of Columbia, and for other purposes; and

H. R. 4484. An act to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries; and

H. J. Res. 303. Joint resolution to provide housing relief in the Missouri-Kansas-Oklahoma flood disaster emergency.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 629) to authorize the sale of certain allotted land on the Blackfeet Reservation, Mont., and it was signed by the Vice President.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H. R. 2094. An act to amend the act of August 7, 1946, so as to authorize the making of grants for hospital facilities, to provide a basis for repayment to the Government by the Commissioners of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H. R. 4484. An act to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries; to the Committee on Interior and Insular Affairs.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. LEHMAN, and by unanimous consent, the Labor and Labor-Management Relations Subcommittee of the Committee on Labor and Public Welfare was authorized to meet this afternoon during the session of the Senate.

TRANSACTION OF ROUTINE BUSINESS

Mr. MCFARLAND. Mr. President, I ask unanimous consent that Senators be permitted to make insertions in the RECORD, and transact routine business, without debate, and that the time occupied in doing so not be charged to either side in connection with the business for today, Senate bill 719.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON ASSISTANCE TO UNITED STATES MARITIME INDUSTRY

A letter from the President of the United States, transmitting a report on a study of