

## Source 1

Press release, April 8, 1952; OF 342: Steel; Truman Papers.

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### Radio and Television Address to the American People on the Need for Government Operation of the Steel Mills (excerpted)

A lot of people have been saying I ought to rely on the procedures of the Taft-Hartley Act to deal with this emergency.

This has not been done because the so called emergency provisions of the Taft-Hartley Act would be of no help in meeting the situation that confronts us tonight.

Now there is another problem with the Taft-Hartley procedure. The law says that once a board of inquiry has reported, the Government can go to the courts for an injunction requiring the union to postpone a strike for 80 days. This is the only provision in the law to help us stop a strike. But the fact is that in the present case, the steelworkers' union has already postponed its strike since last December 31--[for] 99 days. In other words, the union has already done more, voluntarily, than it could be required to do under the Taft-Hartley Act. We do not need further delay and a prolonging of the crisis. We need a settlement and we need it fast.

Consequently, it is perfectly clear that the emergency provisions of the Taft-Hartley Act do not fit the needs of the present situation. We have already had the benefit of an investigation by one board. We have already had more delay than the Taft-Hartley Act provides.

But the overriding fact is that the Taft-Hartley procedure could not prevent a steel shutdown of at least a week or two.

We must have steel. We have taken the measures that are required to keep the steel mills in operation. But these are temporary measures and they ought to be ended as soon as possible.

#### Guided Questions for Source 1

<b>Sourcing:</b> <ul style="list-style-type: none"><li>- Who was the audience of this document?<ul style="list-style-type: none"><li>- How do you know?</li><li>- Why is this important?</li><li>- How could this impact what Truman might approach the topic of the steel strike?</li></ul></li></ul>	<b>Close Reading:</b> <ul style="list-style-type: none"><li>- What reasons does Truman use to justify his position for not using the Taft-Hartley Act?</li><li>- Why did Truman choose to not use the emergency provisions of the Taft-Hartley Act?</li><li>- How does this decision play into the separation of powers?</li></ul>
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## Source 2

Harold Enarson to Mr. Hopkins, with attachment, May 8, 1952; OF 272: Steel Companies; Truman Papers.

### Letter to the President (excerpted)

WASHINGTON ADDRESS: ROOM 1220, NEW HOUSE OFFICE BUILDING	<b>Congress of the United States</b> <b>House of Representatives</b> Washington, D. C.	HOME ADDRESS: WATERTOWN, SOUTH DAKOTA
	April 10, 1952	THE WHITE HOUSE APR 11 8 09 AM '52 RECEIVED
<p>Honorable Harry S. Truman, The President, United States of America, The White House, Washington, D. C.</p> <p>My dear Mr. President:</p> <p>It was with profound shock that I listened to your talk of Tuesday night in which you announced that the steel industry of the United States was to be taken over by the Federal Government. This move on your part left me with a great deal of anxiety because such action is repulsive to the American people and the antithesis of the American way.</p> <p>Mr. President, in your talk to the people of our country, you said the seizure was authorized "by virtue of the authority vested in me by the Constitution and the laws of the United States, and as President of the United States and Commander in Chief of the Armed Forces of the United States." I was impressed by the fact that you failed to name any specific statute as granting you the authority to take possession of private property. At the same time, however, it was quite understandable since we both know there is no such statutory authority. Since you hold that such authority is granted to you in your various roles, I wondered immediately if there were any limitations on this power or authority. If such authority exists without limitation, it would be possible for a Chief Executive to seize any piece of property at any time and for any purpose. If possible, therefore, I would like to be advised as to whether you or your advisers feel that there are any limitations on your asserted authority to seize private property.</p>		

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### Guided Questions for Source 2

#### Corroboration:

- How does Source 2 connect to Source 1?

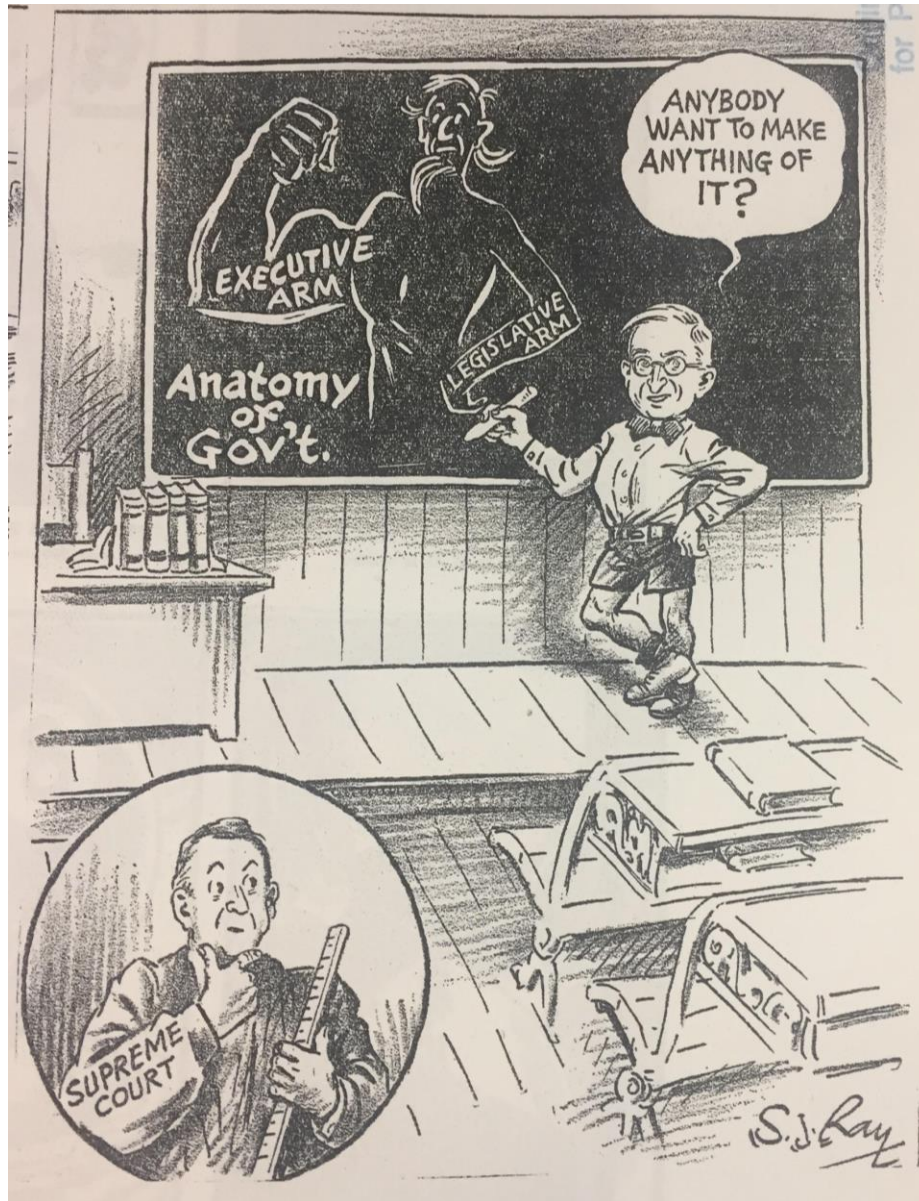
#### Close Reading:

- What is the main idea of this document?
- What evidence does the author use to prove support for or argue against Truman's decision? How does this help answer the essential question?
- How does this document tie in to the idea of separation of powers?
- Why do you think the author believes this decision was an "antithesis of the American way?"

Source 3

Political Cartoon, May 24, 1952. Kansas City Star. Box 5, S. R. Ray.

“We’re Waiting to Hear from the Principal.”



Guiding Questions for Source 3

**Sourcing:**

- What is the perspective of the illustrator and why did he draw this cartoon?

**Contextualization:**

- This cartoon was drawn during the Supreme Court Judicial Proceedings over Truman's seizure policy. Why might this document not give me the whole picture of this situation?

**Corroboration:**

- Which other documents does this cartoon agree with? How do you know?

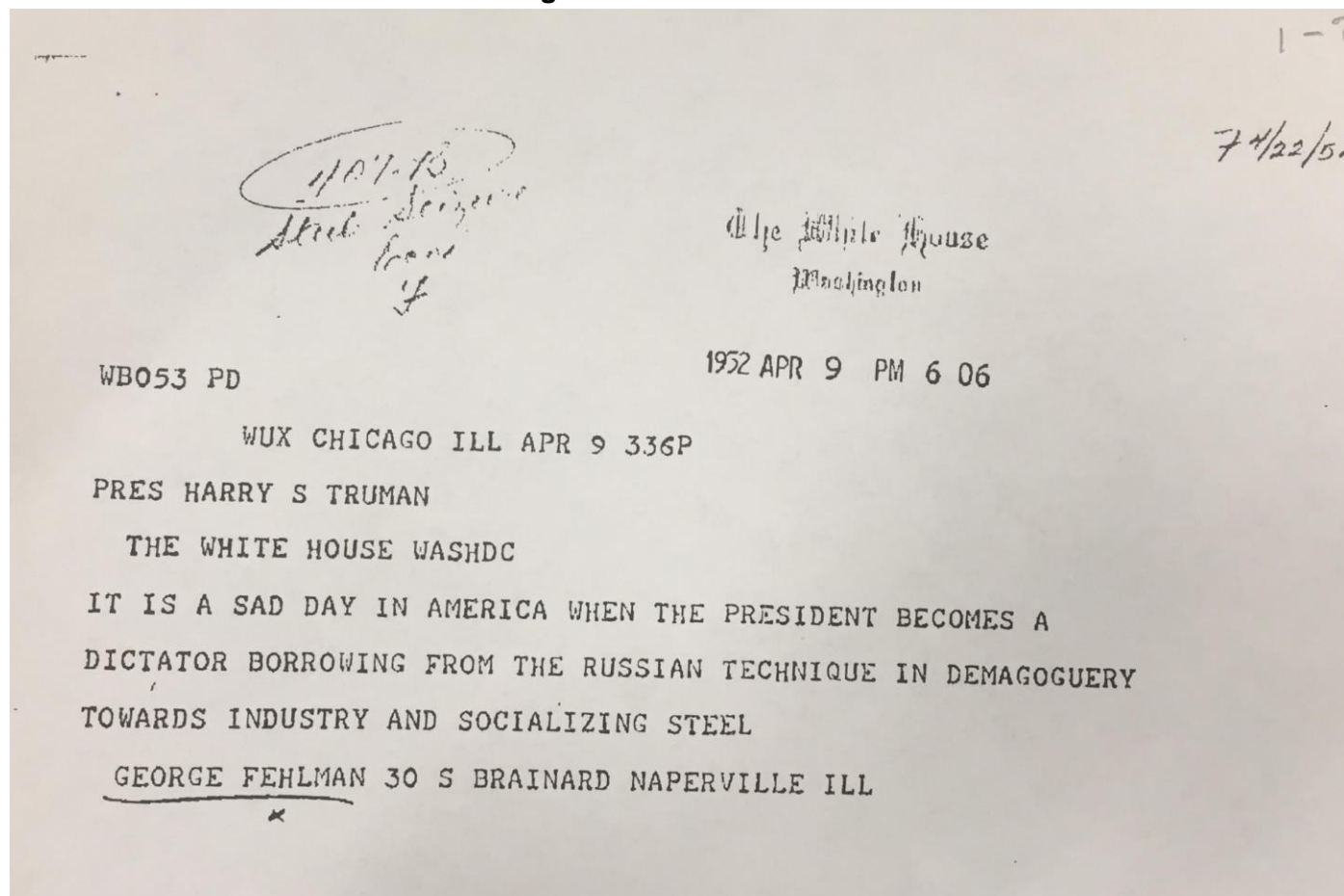
**Close Reading:**

- What is the main idea of this document?
- How does this document help explain the idea of separation of powers?
- What evidence does the author use to prove support for or argue against Truman's decision? How does this help answer the essential question?

### Source 4

George Fehlman to Harry S Truman, April 9, 1952; OF 407-B: Steel Seizure; Truman Papers.

#### Telegram to the President



#### Guided Questions for Source 4

##### Sourcing Questions

- Do you trust this document to help you answer the question? Why or why not?

##### Close Reading Questions

- What is the main idea of this document and how does this tie in to separation of powers?
- Why is Truman being compared to a Russian dictator in regards to this situation?
- What evidence does the author use to prove support for or argue against Truman's decision? How does this help answer the essential question?

## Source 5

Frank McCulloch to Walker Smith, with attachments, April 26, 1952; "The Constitutional Issues of the Steel Case" by Urban A. Lavery, April 25, 1952; Steel: District Court Memo-Points of Authority Opposition to Plaintiffs Motion for Injunction; Justice Department Files; Baldrige Papers.

### The Constitutional Issues in the Steel Case (excerpted)

#### THE CONSTITUTIONAL ISSUES IN THE STEEL CASE

By

URBAN A. LAVERY

of

The Chicago Bar

April 24, 1952



In the flood of comment in the press and over the radio, and in Congress, about the President's seizure of the Steel Industry, it is unfortunate that neither side has attempted to inform the public, in any adequate fashion, about some of the long-settled Constitutional issues involved. After all, the public interest is dominant in this controversy; and the almost complete lack of correct information about its legal and historical aspects is most regrettable. The following comment is submitted in the hope that it may help to bring this important subject into better focus.

#### The Constitution and the President

Two direct grants of power to the President, in the Constitution, are here involved. Both of these grants of power are entirely unlimited and unrestricted--at least so far as the language of the Constitution itself is concerned. They are found in Article II, "THE PRESIDENT", and read as follows:

"Section 1. The Executive Power shall be vested in a President of the United States of America."

"Section 2. The President shall be Commander in Chief of the Army and Navy of the United States \* \* \*."

The important thing to remember is that neither Congress nor the Courts are given any control or supervision whatever, in either of the above matters. If that doctrine sounds autocratic the Founding Fathers are to blame. It is a doctrine long ago announced by Chief Justice Marshall, and often repeated by the Supreme Court.

#### Chief Justice Hughes on the Subject.

What is undoubtedly the best discussion in the Books on this general subject is found in a leading Address by the late Chief Justice Hughes, entitled "WAR POWERS UNDER THE CONSTITUTION."<sup>1</sup> Hughes begins his paper by discussing the pertinent topic "DISTRIBUTION OF POWERS", and on that point he says:

"The war powers under the Constitution are carefully distributed. \* \* \* To the President was given the direction of war as Commander-in-Chief of the Army and Navy. \* \* \* The prosecution of the war demands in the highest degree the promptness, directness, and unity of action in military operations which alone can proceed from the Executive. This exclusive power to command the Army and Navy and thus to direct and control campaigns, exhibits not autocracy, but democracy fighting effectively through its chosen instruments and in accordance with established organic law."

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"Citizens Rights of Property"

Hughes devotes a substantial part of his Address to the above topic, and makes clear his approval of that Lincoln Doctrine about the right to seize and use private property. He points out, however, that where there are "deliberate appropriations" of private property, away from "the place where the conflict rages", compensation must be made. On this point he quotes from the case of United States v. Russell, 13 Wall. 623 (decided in 1868), which we now discuss in summary fashion.

In that case Russell was the owner of three steam boats which had been seized and used by the United States during the Civil War. The Court of Claims had allowed him compensation for their use but the Government appealed. The Supreme Court affirmed the allowance of compensation and said in language which is quoted in part by Hughes:

"Extraordinary and unforeseen occasions arise however, beyond all doubt, in cases of extreme necessity in time of war, or of immediate and impending public danger, in which private property may be impressed into the public service, or may be seized and appropriated to the public use. \* \* \* Exigencies of that kind do arise in time of war, or of impending public danger. \* \* \* The Government is bound to make full compensation to the owners."

Thus we find the Supreme Court and Lincoln and Hughes all in agreement that when "extraordinary and unforeseen occasions arise", whether in time of war or "of immediate and impending public danger," the power exists in the Executive to seize and use private property. The right of compensation follows as a matter of course.

### Guided Questions for Source 5

**Sourcing:**

- Do you trust this document to help you answer this question? Why or why not?

**Close Reading:**

- What is the main idea of this document?
- What evidence does the author use to prove support for or argue against Truman's decision? How does this help answer the essential question?
- How does this document explain the idea of separation of powers?

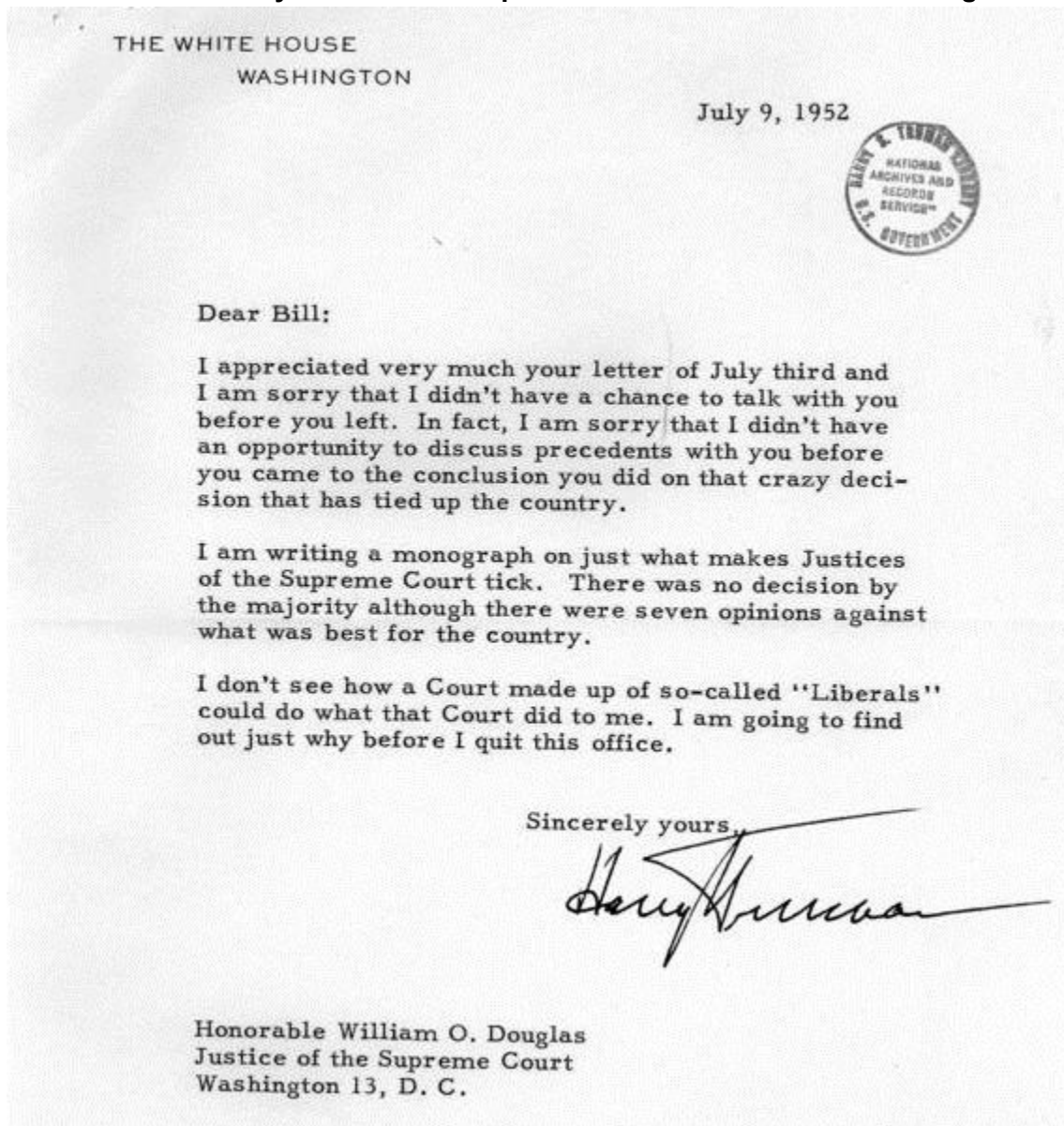
**Contextualization:**

- How does the historical issue of *United States v. Russell* help us answer the essential question?

## Source 6

Harry S Truman to William O. Douglas, July 9, 1952; Box Number 101, President's Secretary's File.

### Letter from Harry S Truman to Supreme Court Justice William O'Douglas



### Guided Questions for Source 6

#### Sourcing:

- Do you trust this document to help you answer this question? Why or why not?

#### Close Reading:

- What is the main idea of this document?
- What evidence does the author use to prove support for or argue against Truman's decision? How does this help answer the essential question?
- How does this document explain the idea of separation of powers?
- What does Truman mean when he says, "There was no decision by the majority although there were seven opinions against what was best for the country?"

## Source 7

**Executive Order No. 10340, April 8, 1952; 1952 Government Seizure... Significant Documents; Basic Steel Strike and Seizure; Secretary of Commerce; Sawyer Papers.**

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### **Executive Order No. 10340: Directing the Secretary of Commerce to take possession of and operate the plants and facilities of certain steel companies (Excerpt)**

WHEREAS a continuing and uninterrupted supply of steel is also indispensable to the maintenance of the economy of the United States, upon which our military strength depends; and

WHEREAS a controversy has arisen between certain companies in the United States producer and fabricating steel and the elements thereof and certain of their makers represented by the United Steel Workers of America, CIO, regarding terms and conditions of employment; and

WHEREAS a work stoppage would immediately jeopardize and imperil our national defense and the defense of those joined with us in resisting aggression, and would add to the continuing danger of our soldiers, sailors, and airmen engaged in combat in the field; (...)

NOW, THEREFORE, by virtue of the authority vested in me by the constitution and laws of the United States, and as the President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. The Secretary of Commerce is hereby authorized and directed to take possession of all or such of the plants, facilities, and other property of the companies named in the list attached hereto, or any part thereof, as he may deem necessary in the interest of national defense; and to operate or to arrange for the operation  
(...)
5. Except so far as the Secretary of Commerce may otherwise direct, existing rights and obligations of such companies shall remain in full force and effect, and there may be made, in due course, payments of dividends on stock, and of principal, interest, sinking funds, and all other distributions upon bonds, debentures, and other obligations, and expenditures may be made for other ordinary corporate or business purposes.

Thereof and to do all things necessary for, or incidental to, such operation.

### **Guided Reading for Source 7**

<b>Sourcing:</b> <ul style="list-style-type: none"><li>- Do you trust this document to help you answer this question? Why or why not?</li></ul>	<b>Close Reading:</b> <ul style="list-style-type: none"><li>- What is the main idea of this document?</li><li>- What evidence does the author use to prove support for or argue against Truman's decision? How does this help answer the essential question?</li><li>- How does this document explain the idea of separation of powers?</li></ul>
<b>Corroboration:</b> <ul style="list-style-type: none"><li>- Why do you think paragraph 5 is included in the executive order? How does this fit in with Document 5's section on the "Citizen's Right of Property?"</li></ul>	