

STEEL

L.I. - P. & G. Friday, April 25, 1952.

In a Washington courtroom today, there was a bit of dialogue, between lawyer and judge -- which got right down to the brass tacks of our system of government. (The case being tried was -- the government seizure of the steel mills. The industry asking for a federal court injunction to make President Truman return the steel plants to their owners.) The argument for the Administration was presented by (Assistant Attorney General Holmes Baldrige,) who contended that the courts have no power to grant an injunction -- restraining the President of the United States. He (declared that, under the Constitution, the President has unlimited powers in an emergency,) ~~and that these may not be restricted by the Courts.~~

That was doctrine which made Federal Judge David Pine open his eyes a bit -- a doctrine of unlimited emergency powers of the President.

"Is that" he demanded, "is that your concept of our government?"

To which the Assistant Attorney General replied

Yes, it was.

Well, you can't blame the Judge for being a bit astonished. We are told, beginning with our school books, that ours is a government of checks and balances. The Constitution providing -- three branches ~~■ ■ ■~~ to check and balance each other. First, the Executive, -- the President. Second, the legislative -- Congress. Third -- the judicial, the courts, headed by the Supreme Court. It has been one of the prime developments of American Government that the Courts have the say on what is and what is not -- constitutional.

~~All of which appeared vividly~~ In that Washington courtroom today, the Judge <sup>went</sup> ~~the~~ <sup>going</sup> on with a question of number one significance. "Then the Constitution," he ~~denied~~ <sup>claimed</sup> "limits Congress, and it limits the judiciary, but it does not limit the executive?"

"That" responded the Assistant Attorney General "is the way we read the Constitution." <sup>R</sup> The Judge was still rather amazed. He said "he had" in his

words "never heard that expressed in any authoritative case before."

~~MM~~ Neither have most of us heard anything like that before. I don't suppose the administration means that an emergency can confer on the President absolute power -- like that of a Roman Emperor or a Bourbon King. It certainly would take an emergency of emergencies to justify any such thing in this country. Sounds rather ridiculous to mention the steel strike emergency in the same sentence with absolute power for the President. But all that might seem to be in the logic of today's courtroom dialogue, although it sounds -- fantastic.

# ULTIMATUM

The great "ultimatum" we heard about yesterday, continues to rouse wonder and perplexity. Today's dispatch from Washington states that, if you want to give people around the White House a bad case of the jitters, all you have to do is mention that word, beginning with "u" and ending with "m". They jump at the sound of it.

At the State Department, they are in an equal dither over -- the Truman "<sup>in the Iranian crisis.</sup>ultimatum" to Stalin. The Presidential remarks <sup>would have international</sup> ~~which would have~~ ~~XXXXXXXXXXXXXXXXXXXX~~ repercussions -- "ultimatum" being such a war-like word in diplomacy. However, the State Department is pacified ~~somewhat~~ by the fact that the ~~XXXXXXXXXX~~ Presidential declaration was corrected so fast -- at the White House. "Clarified" is the official word for it. The polite way of saying ~~that~~ there was no such "ultimatum". ~~XXXXXXXXXXXXXXXXXXXX~~

The President slightly in error.

Today, some illumination comes from Governor Byrnes of South Carolina, who was the Secretary of State at the time of the Iranian crisis, ~~1~~ half a

dozen years ago. He says the President, getting slightly mixed up, may have been thinking of a note that Byrnes gave Stalin in December of Nineteen Forty-five. Declaring -- that the U.S. would support an Iranian protest in the Security Council of the United Nations, if the Red Army troops were not withdrawn from Iran.

<sup>R</sup> Which was no "ultimatum" at all -- and which, moreover, conflicts with the clarification <sup>at</sup> ~~from~~ the White House. Where -- officials declare the President must have had in mind an American note to Moscow in Nineteen Forty-Six -- months after the communication handed by Secretary of State Byrnes to Premier Stalin.

All of which produces new mystification -- nobody knowing what the President was really referring to yesterday. But it was not an "ultimatum", —  
ominous.

POLITICS \* FOLLOW ULTIMATUM

The news today -- buzzes with politics. One dispatch relating that Chieftains of the Democrats are worried about their Chicago Convention. They scheduled it for a nice quiet four-day affair, -- but that's no "ultimatum". They are afraid now that it may turn into one of those things -- resembling the marathon of Nineteen Twenty-four, when the Democrats took more than a hundred ballots, before they could select a *standard bearer.* ~~candidate~~

The word is that at least ten ~~xx~~ candidates for the nomination will be presented -- not one of them having as much as twenty-five percent of the votes.

(Senator Kefauver of Tennessee might well have the most, but, he faces heavy resistance from the party organization. Ambassador Harriman will be right up there among the leaders, even if he has nothing more than the backing of New York -- the Empire State going ~~xxx~~ to the convention with some ninety-six delegates. But nobody will have anything like a majority of one thousand two hundred and thirty.)

Harriman, by the way, is not being discounted. For example, Lyle Wilson, Washington correspondent for the United Press, today, points out that <sup>he</sup> ~~Harriman~~ is backed strongly by the group called "Americans for Democratic action". Which is a left wing of the Democratic party <sup>that</sup> ~~is~~ <sup>s</sup> ~~considering~~ itself ~~as~~ heir to the old New Deal of F.D.R., and the Fair Deal of Harry Truman.

Some may think it odd for left wingers to whoop it up for -- Harriman, ~~A~~ name -- so famous in old line American capitalism. Harriman, the railroad builder -- having been so complete an example of the multi-millionaire capitalist. However, ~~it is easy to recall that~~ F.D.R., idol of the left wing, also was a millionaire -- and Averell Harriman, son of the railroad capitalist has been a down-the-line supporter of Roosevelt and Truman policies. So -- watch Harriman. That -- that's an ultimatum.

(The pride of the Democratic south, opened his campaign for the nomination -- in formal style

today. At Atlanta, Senator Russell of Georgia, started out with a blast against Kefauver of Tennessee. The two are headline competitors in the Florida primary -- a popularity contest to be held on May Sixth. Kefauver in campaigning is hurling verbal thunders against Florida Governor Fuller Warren -- who (is not running for anything at all. But there is a <sup>bitter</sup> ~~bit of a~~ feud between the two following that famous Kefauver crime investigation which hurled blistering charges against the Florida Governor. Who now, naturally enough, ) supports Russell against Kefauver.

Russell today made ironical comment, saying: "I understand Senator Kefauver is running in Florida against Governor Fuller Warren. I had not heard any candidate by that name was in the race.)

On the Republican side, Senator Taft -- issues an "ultimatum", but not directed at Stalin. The Ohio Republican declares that if he is elected President he will bring a Southern Democrat into his Cabinet. Which statement was made in an address at



Little Rock, Arkansas today -- Arkansas being a fine place to say something favorable to the Southerners.

The Taft people, meanwhile, make a loud complaint against a pamphlet issued by the State Department and enclosed with passports issued for travel in Europe. The leaflet has a picture of General Eisenhower and gives glowing praise of General Ike as commander of the victory in Europe. Also, flattering words about the General's record in the formation of a West European Army. <sup>H</sup> Carroll Reese, one-time Republican National Chairman, who now runs the Taft Presidential Campaign in the South -- declares the pamphlet is a sign that the Truman Administration is trying to promote General Ike for the Republican nomination. <sup>H</sup> Well, there have been rumors that the White House might prefer Eisenhower on the Republican ticket -- General Ike being a supporter of <sup>our</sup> ~~the policy~~ ~~of aiding the free nations in the face of the Red menace.~~ Eisenhower, as the Republican candidate, would ~~mean -- that both candidates would be in favor of our~~

present foreign policy.

But that is not the reasoning presented by the Taft Campaign Manager in the South. Carroll Reese argues that the Democratic Administration wants General Ike to be the Republican candidate because he would be easy to beat. They don't want Senator Taft on the G O P ticket, because he would be too tough an opponent. <sup>So that's</sup> ~~And there's~~ the logic -- they like Ike because they think they can lick Ike. That's the ultimatum.

I ran into Rep. Sen. Homer Capehart, of Indiana, out here in Utah today, on a political speech making <sup>tour</sup> ~~for Taft~~. I asked him if he had any ultimatums to hurl at anyone. The nearest he could come to an ultimatum was to <sup>say</sup> ~~promise me~~ that Taft would be nominated and elected.

## KOREA TROOPS

For the first time, tonight, we have a glimpse of what went on behind the veil of secrecy at Pan Mun Jom. The Reds, in rejecting a U N compromise proposal on prisoners of war, have called off the cover of concealment -- the news blackout that had been going on for weeks. Whereupon, the U N armistice delegation revealed - the following:

During the secret negotiations -- the Reds yielded some ground in their demand - that all prisoners be handed back, whether they like it or not. They ~~are~~ agreed that prisoners should be repatriated -- unless they resist ~~from~~ forcibly.

Today, a U S. Army spokesman was<sup>S</sup><sub>A</sub> asked what was meant by "resist forcibly."

He answered by saying: "Those who would slit their throats, or drown themselves, or would have to be prodded by a bayonet."

It was the first indication that the Reds might wink at some prisoners of war -- not going back. But - the secret negotiations broke up in disagreement.

Caused apparently - by some figures that surprised the American officers themselves. *(When our people)*

~~They~~ investigated, and made lists of prisoners willing to go back to Communism, And - those who are not, They found that, out of the total of one hundred and seventy, thousand, only seventy thousand were willing to return to Red territory.

Among the Chinese prisoners of war the percentage was even less. Of twenty thousand, only five thousand said they were willing to go back to Red China. Fifteen thousand said: No.)

Those figures annoyed the Red negotiators no end. They charged that the Allies were trying to ~~to~~ "gather cannon fodder" by retaining more than a half of the captives. Which broke up the secret negotiations.

This leads to a U N proposal that the prisoner negotiations be resumed at the top level - the ~~the~~ secret negotiations having been conducted by subordinates. At last reports, a Red reply was awaited.

## KOREA-CRUISER

Off the coast of Korea, an American Cruiser sustained an explosion, the violence of which is expressed in <sup>bitter!</sup>~~verbal~~ drama -- by the casualty list. The Cruiser St. Paul was bombarding Red positions on shore, when there was a blast in the forward turret of the warship -- ammunition blowing up. Thirty lives lost -- nobody injured. That is, there were no survivors, merely injured, in the turret.

The Navy says the explosion was not because of enemy action -- <sup>but</sup> an accident when a powder bag caught fire, apparently.

## FLOOD

Tonight we can say -- goodbye. But it is not -- a fond goodbye. (We can say -- "solong and get lost." Parting ~~xxx~~ salutation to that Missouri River flood.

The crest has passed Kansas City, where the levees held in fine style.) ~~The flood rose to more than fifty feet -- the mighty weight of water pressing vainly against the dykes.~~ Today the level of the river was dropping -- the crest pouring down stream, where the channel of the Missouri widens out, ~~and~~ the flood water has plenty of space to pass through, <sup>and</sup> ~~so~~, even unprotected farm lands down stream are not too badly menaced.

The Missouri flood began away to the north, in Montana, and wrought havoc in one state after another, ~~down its immense length.~~ But <sup>Now</sup> the crest will pour into the Mississippi -- which Father of Waters has also been misbehaving. But, so far as the Missouri <sup>flood</sup> is concerned, the parting salutation <sup>to that</sup> is "goodbye and get lost." And Now Nelson?