

Youngstown Sheet & Tube Co. v. Sawyer
Reevaluating Presidential Power

A Primer

By Joshua Korman

On April 8, 1952, in response to an announced strike by the nation's steel workers during the Korean War, President Harry S. Truman ordered Secretary of Commerce Charles Sawyer to take over privately owned steel mills throughout the nation and operate them on behalf of the United States government. Truman and his advisors expected that his executive order would be challenged in court by the wealthy and powerful steel companies. Truman did not expect—really *no one* expected—that in less than two months, the United States Supreme Court, which was at that time made up predominantly of Truman's personal friends and former political allies, would rule against him in one of the most significant decisions ever to define the limits of presidential power.¹

Background

In the years following World War II, tensions between the democratic west and the communist east increased rapidly. The Soviet Block expanded threateningly towards Western Europe, while Mao Tse-tung and his communist army captured control of China in the east. At the close of the war, the Korean peninsula had been divided into two separate nations, the communist Democratic People's Republic of Korea in the north, and the capitalist Republic of Korea in the south. North Korean troops invaded South Korea on June 25, 1950. Within hours, Seoul, the capital of South Korea, had been captured. Truman quickly stated that the U.S. would send troops and supplies to aid the South Koreans. War was never officially declared; instead, the very war-like operation would be dubbed a "United Nations police action," with the United States supplying a huge portion of the military resources.²

By April 1952, the Korean War had been in full swing for nearly two years. There had already been over 100,000 American casualties, and settlement negotiations did not seem promising. The war resulted in many unpopular effects at home: a military

draft, wage and price controls, and rapid inflation. In his last two years as President, Truman's popularity—and also his political influence—plummeted. Many Washington insiders were frustrated at what they believed was the President's usurpation of Congress's authority to declare war, and some members of an increasingly disgusted general population began referring to Korea as "Harry's War."³

The steel industry was producing steel in record amounts as a result of the war, and the companies were making very large profits. Nevertheless, steel workers—unlike workers in other industries—had not received a pay raise since 1950. In November 1951, the United Steel Workers (part of the CIO headed by Phil Murray) called for a 35 cents per hour pay raise for workers. When negotiation efforts failed, labor leaders declared that a strike would commence after the union's contract expired on December 31.⁴

Truman's advisors unanimously warned him that the strike would present a grave danger to national security. Supplies of certain ammunitions were already low, and construction of power plants, railroads, ships, and machine-tools might all stop with a steel strike. A shortage of steel would almost certainly impact the United States' ability to produce atomic weapons at a key point in the nuclear arms race with the Soviets.

On December 22, 1951, Truman referred the dispute to the Wage Stabilization Board and convinced the union to hold off on a strike until April 8. From January 10 – February 26, 1952, the Wage Stabilization Board held extensive hearings. On March 20, the board proposed a 26 cents per hour wage increase, which the union would have accepted, but the companies would not—unless they could charge \$12 more per ton of steel than the rate then permitted by the government.⁵

Truman was furious with the steel companies' refusal to accept the recommendations of the Wage Stabilization Board. "The nation was drafting its men to serve on the field of battle, and I thought that the ammunition and arms manufacturers and their raw-material producers ought not to use the emergency to insist on extra profits," Truman later wrote in his memoirs.⁶ Truman also worried that giving into the steel companies demands would make the entire price stabilization program an easy target for other industries.⁷

Negotiation attempts by presidential assistant Dr. John Steelman with labor, management and government officials met with failure. On April 7, labor leaders

announced that a strike would begin as of the following midnight. To prevent this, Truman could have sought an injunction against the union under the Taft-Hartley Act, blocking the strike for 80 days. Truman and his staff never gave serious consideration to using Taft-Hartley, a bill that Truman had vetoed. He also could have asked Congress for a specific resolution authorizing a seizure of the steel mills, but he declined to do so, believing that Congress would not act quickly enough.

Truman's advisors urged him to seize the mills based on his inherent authority under the Constitution as chief executive and commander in chief of the army and navy. To Harry Truman, that was not a stretch—he could not imagine that the President might not have such power. “The President has the power to keep the country from going to hell,” he told his staff, simply.⁸

Truman hoped that the threat of a government imposed wage increase while in possession of the mills would pressure the steel companies into a quick settlement on union-favorable terms without adversely affecting the government's price stabilization policy.⁹ While not particularly happy about either option, the union preferred to work under a government seizure, rather than under a Taft-Harley injunction—the seizure at least allowed for the *possibility* of increased wages.¹⁰

At 10:30 PM on Tuesday, April 8, 1952, Truman addressed the nation via television and radio. The President announced that he had signed Executive Order 10340, directing Secretary of Commerce Charles Sawyer to take over 88 of the steel mills and begin operating them on behalf of the U.S. government. Sawyer immediately sent telegrams to the steel companies, stating that he would take possession of the mills at midnight. The companies were to continue to function as normal, and the presidents were to stay on as “operating managers”—the only initial differences would be that the government would keep a separate set of books while the seizure was in effect and the mills would be expected to fly the U.S. flag. Sawyer sent an additional telegram to Phil Murray, formally advising him of the seizure and urging union members to continue coming into work. Murray promised to cooperate with the government and called off the strike.

Clarence Randall, head of Inland Steel, described his reaction to Truman's speech in his memoirs: “I felt physically ill.... One man had coldly announced that his will was

supreme, as Caesar had done, and Mussolini and Hitler.”¹¹ Randall, as a representative of the steel industry, was also given a turn to address the country the following day. He accused Truman of “tyranny” and transgressing his oath of office to repay a political debt to Murray.¹² The steel companies followed Randall’s speech with an expensive public relations campaign intended to convince citizens that it was the abuse of executive power that they should be concerned with rather than the merits of the underlying labor-management dispute.¹³

Nearly every major newspaper in the country lambasted Truman for his decision, many also likening his action to that of a dictator. Many in Congress, especially the Republicans, also loudly criticized the President and dubbed his actions an abuse of executive power.

The Court Case Begins

Less than an hour after Truman concluded his speech, attorneys for the Youngstown Sheet & Tube Company and the Republic Steel Corporation were in front of Federal District Judge Walter Bastian’s Washington, D.C. home, with a written motion requesting a temporary restraining order already in hand. Bastian refused to consider the motion without giving the government an opportunity to present its side, and he set a hearing for 11:30 the next morning. The judge presiding was Alexander Holtzoff, a former Justice Department official and Truman appointee. Holtzoff refused to issue a temporary restraining order, stating that he was extremely hesitant to nullify an action of the President and that the threat of immediate harm to the steel companies was too remote.¹⁴

The following day, four steel companies requested a hearing on the merits. The case was then transferred to Judge David A. Pine, a Roosevelt appointee. The steel company attorneys asked that a trial on the merits be scheduled for the earliest date possible. But the Justice Department resisted, saying that they needed time to prepare for a trial. In response, Pine advised the steel companies to file motions for preliminary injunctions. Between April 10 and April 24, seven steel companies filed separate complaints for permanent injunctions, along with motions for preliminary injunctions. A consolidated hearing on all of the motions for preliminary injunctions was set for April

24. Twenty-one attorneys from leading New York and Washington law firms appeared on behalf of the steel companies. The Department of Justice was represented by three lawyers: Assistant Attorney General Holmes Baldridge, Marvin Taylor and Samuel Slade.

In their briefs, the steel companies argued that the President had seized the mills without any authority, claiming that they would suffer irreparable injury as a result, and asking the judge to find the executive order and consequent seizure unlawful and enjoin the government from acting upon the same. The government contended that the steel strike represented a grave national emergency, the President had acted as per his inherent power under the Constitution, and that the steel companies did not have a right to injunctive relief as they had not exhausted other legal remedies or proven irreparable injury.¹⁵

At oral argument, both sides anticipated that the judge would focus on the appropriateness of injunctive relief rather than the underlying constitutional question. After much prodding by Pine, Charles Tuttle, counsel for the Armco Steel Corporation, finally challenged the government's claim of executive power.¹⁶

In response, Baldridge asserted that "there is no power in the Courts to restrain the President."¹⁷ Baldridge also claimed that any action taken by a president to protect national security in a time of national emergency was legal. Pine asked him if that meant the President's power was unlimited. The Assistant Attorney General asserted that there were but two limitations: voting and impeachment.¹⁸ At the conclusion of his argument the following day, Judge Pine told Baldridge that it sounded as if he was making an argument in favor of expediency. "Well, you might call it that, if you like," Baldridge replied. "But we say it is expediency backed by power." His expansive claims regarding executive power shocked nearly everyone in the Truman administration, who were not at all happy about having been committed to such an extreme position.¹⁹

On April 29, Judge Pine handed down his decision, enjoining the seizure. The steelworkers called a strike before the injunction was even signed. The following day, Judge Pine denied the government's application for a stay of the decision pending appeal. The government applied to the Court of Appeals for the D.C. Circuit for a stay of the district court's order pending appeal to the Supreme Court. Sitting *en banc*, the Court of

Appeals, by a 5-4 vote, granted a 48-hour stay (with no conditions preventing the government from increasing wages despite vigorous debate on that point). On May 1, at President Truman's request, the union called off the strike.

On May 2, both the steel companies and the government filed petitions for certiorari at the Supreme Court. The next day, labor representatives and industry executives came to the White House for negotiations, where they quickly came to an agreement in principle, before taking a brief recess to discuss the agreement with the others in their respective groups. During the break, word reached the White House that the Supreme Court had granted certiorari, setting the case for argument May 12. The Court continued the stay of the district court order but added the stipulation that the government could not consent to a wage increase. When the parties returned to the negotiating table, the steel companies' were no longer willing to make any concessions.²⁰

In Front of the Supreme Court

Truman was confident that the Supreme Court would rule in the government's favor. In fact, it is difficult to imagine any make-up of the Court at any point during the nation's history that would have been more likely to uphold the power claimed by a particular president than that court dealing with that president at that time.

All nine justices had been appointed by either Truman or Roosevelt. Eight were Democrats. Nearly all of them had worked in the executive branch of the federal government. During Truman's extremely difficult Senate reelection campaign in 1940, Hugo Black and Sherman Minton had been two old friends who had rallied around him.²¹ On April 8, the day that Truman announced the seizure, he had been scheduled to have lunch at the Supreme Court at the invitation of Justice Minton.²² Justices Tom Clark and Robert Jackson had both served as Attorney General prior to their appointments to the Court. Jackson had forcefully advocated in favor of President Roosevelt's right to seize private factories, and much of Truman's legal position had been based on a memorandum written by Clark while at the Justice Department. Even Justice Harold Burton, the only Republican on the Court, had been an ally of Truman's while serving on the Senate Special Committee to Investigate the National Defense Program.

Chief Justice Frederick Vinson had been Truman's Secretary of the Treasury, and he often provided behind-the-scenes advice to the President even after he had been appointed to the Court. Truman had urged Vinson to run for President in 1952, promising his support, though Vinson declined to do so. Most significantly, Truman privately consulted Vinson about the legality of the seizure ahead of time, and Vinson advised the President that it would likely be upheld.²³

But it was not just the long-standing relationships between Truman and the Justices that made most people believe the President would likely receive a favorable outcome. The typical jurisprudence of the Court at that time led people to expect a pro-executive outcome as well. The Vinson Court had previously expressed a strong commitment to judicial restraint in dealing with actions of the executive branch—particularly at the federal level, and most especially when it came to dealing with matters of national security.²⁴

There were only nine days in between the time the Supreme Court granted certiorari and oral argument. The lawyers on both sides rushed to get ready in time. The Court allotted five hours for oral argument—more than double the typical amount—also allowing the steelworkers and railroad unions to speak as friends of the Court. On May 12, all nine justices sat on the case at noon; none had disqualified himself. The 300 seats in the room reserved for the public had all been filled, mostly by lawyers and congressmen.

The steel companies decided this time to have just one attorney present the argument on behalf of the entire industry—79 year old, white haired, John W. Davis, the unsuccessful Democratic Presidential candidate of 1924. Davis had been Solicitor General under Wilson, and was one of the most renowned advocates before the Supreme Court. This would be his 138th appearance there.²⁵ Over 40 lawyers representing the various steel companies sat silently behind him. Davis framed the issue as a grave Constitutional crisis, noting that the effects of a steel strike would be temporary; the effects of giving the chief executive such incredible power would not be.²⁶ The Justices sat nearly silent as they listened to Davis.

Solicitor General Philip Perlman spoke on behalf of the government. The Justices peppered him with questions almost immediately—many concerning the Taft-Hartley

Act. Perlman urged the Justices to distinguish the circumstances of this case from those surrounding a typical presidential action. This was a move imperative to prevent a national catastrophe, and the United States was in the middle of a war. Jackson noted that Congress had specifically disclaimed the Korean conflict as a war. Frankfurter added, “You cannot say that you are not in a war on one hand and on the other, say that the President is exercising his war powers, when he is not.”²⁷

While Davis had over an hour of time left for rebuttal, he spoke only briefly, reiterating his point that the President had overstepped the bounds of the executive branch of government, and that as a consequence his clients had been deprived of their property.²⁸ The Justices retired.

The Court’s Many Opinions

The Justices met for about four hours behind closed doors on May 16.²⁹ A consensus emerged quickly as to what the result should be, but there was quite a lot of debate as to the justification for that result. At the suggestion of Justice Frankfurter, in a highly unusual step, every member of the majority wrote his own opinion.³⁰

When the court convened at noon on June 2, Chief Justice Vinson called upon Justice Black to read the opinion of the Court. The Court invalidated the seizure, with six Justices voting in favor of sustaining Judge Pine’s injunction.

Black identified “two crucial issues.” First, was it appropriate for the Court to make a final determination regarding the constitutionality of the President’s action when the case had proceeded no further than the preliminary injunction stage? If the answer to that question was yes, then second, was the President’s action constitutional? Stating that previous cases had cast doubt on the steel companies’ right to recover in the Court of Claims should the courts later decide that the properties had been unlawfully seized for government use, and that the steel companies were facing many present and future damages that would be extremely difficult to calculate, Black concluded that the constitutional question was ripe for determination.³¹

As there was no statute giving the President the authority to seize the mills, either expressly or by implication, the only source of that power could be the Constitution, wrote Black. He then concluded that the seizure was not a proper exercise of the

president's authority as commander in chief, because preventing a labor dispute at home was "a job for the Nation's lawmakers, not for its military authorities."³²

Black next addressed the government's contention that the order was valid under the President's executive powers:

Nor can the seizure order be sustained because of the several constitutional provisions that grant executive power to the President. In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad.... The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress – it directs that a presidential policy be executed in a manner prescribed by the President.... The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times.³³

Accordingly, the judgment of the district court was affirmed.

But it is probably not Black's opinion—the Court's decision—which has been most often quoted by later courts and historians. Those distinctions likely belong to the concurrence of Associate Justice Robert H. Jackson—a man Truman and many observers had considered to be among the most likely to side with the President. To Jackson and other concurring Justices, the rigid view held by Black and Douglas that there were no circumstances ever that would allow an executive to act in a manner typically consistent with the duties of the legislative branch was just too simple.³⁴

Jackson then defined three general situations and their consequences on a judicial review of presidential power:

1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate....
2. When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and the contemporary imponderables rather than on abstract theories of law.

3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system.³⁵

According to Jackson, the first classification could be ruled out by the government's own admission, and the second could be ruled out because Congress had passed at least three statutory policies inconsistent with the seizure. When Congress had provided a procedure for dealing with certain situations, the executive could not simply ignore that procedure.³⁶

Noting that many would think that it would be wise for the Court to recognize some form of presidential emergency powers, Jackson stated that he believed the forefathers deliberately chose not to create such powers. "They knew what emergencies were, knew the pressures they engender for authoritative action, knew, too, how they afford a ready pretext for usurpation. We may also suspect that they suspected that emergency powers would tend to kindle emergencies."³⁷

Justices Frankfurter, Douglas, Burton and Clark also wrote concurrences—Clark concurring only in the judgment, not the opinion, of the Court. Frankfurter noted that at numerous times since 1916 Congress gave the executive branch authority to seize private property in similar circumstances to this case, but after an exhaustive analysis, concluded that every one of those seizures had been given only for a limited time or a defined emergency, usually triggered by the occurrence of detailed conditions.³⁸ Like Jackson, both Frankfurter and Burton placed great weight on the fact that Congress had considered including a seizure provision under Taft-Hartley but then decided not to.

Justice Douglas' opinion echoed many of the same notes as Black's. He asserted that decisions of this nature had deliberately been left to Congress, not because that was more efficient, but specifically the opposite—that Congress took more time to deliberate and decide.³⁹ He quoted Justice Brandeis famous lines of dissent in *Myers v. United States*: "The doctrine of the separation of powers was adopted by the Convention of 1787 not to promote efficiency, but to preclude the exercise of arbitrary power."⁴⁰

Chief Justice Vinson dissented, joined by Justices Minton and Reed. Vinson's dissent was longer than any other opinion and void of the flowery and academic language that peppered the others. Very deliberately, Vinson plodded through what he felt were similar actions that had been taken despite a lack of congressional authority by Presidents Washington, Adams, Jefferson, Monroe, Jackson, Lincoln, Hayes, Cleveland, Wilson and both Roosevelts.⁴¹ Vinson noted that the government affidavits explaining the grave threats to national security had not been contradicted, and that such a threat could not be ignored in context.⁴²

Vinson argued that, even though Congress had not specifically passed a statute allowing the seizure, it had ratified various treaties and passed numerous appropriations for military spending that relied on steel, which triggered a corresponding executive duty to give effect to those statutes and treaties on the part of the President.⁴³ In contrast, Vinson emphasized the frequent use of the word "may" in the Taft-Hartley Act in describing steps a president could take, contending that such language rendered use of the provision optional, and that no statute specifically forbade the President from seizing the steel mills.⁴⁴

Epilogue

Youngstown would go down in history as probably the most important decision rendered by the Vinson Court and one of the most important cases ever in examining the limits of presidential power. It provided a useful analytical framework in dealing with the later cases surrounding President Richard M. Nixon, a man Truman already detested in 1952.⁴⁵ There are three aspects of the steel seizure case which really stand out: the court's awkwardly divided opinions, the fact that the decision to curb the president was made by individuals who had extraordinarily close personal ties to him, and just how quickly everything happened. Less than two months had passed between Truman issuing his Executive Order 10340 and the Court's decision.

Immediately following the announcement of the Court's decision, the President ordered Sawyer to return the steel plants to their owners. The steelworkers began to strike. Industry executives were jubilant. Clarence Randall announced, "This is a great day for America. The whole country will take new hope for the future."⁴⁶ Many of the

steel workers were also relieved. Now they had their chance to strike and see what kind of deal they could get. Only the White House and military officials seemed concerned.

Truman considered using the Taft-Hartley Act to end the strike at that point, but decided not to, believing that the union would resent it. On June 10, Truman again asked Congress for a law allowing seizure; Congress again refused to act. The President said he would invoke Taft-Hartley only if required to do so by Congress. Instead Congress simply passed a request that he do so. Truman would not budge. Eventually, on July 24, the two sides finally reached an agreement.

The steel strike, which began after the Court announced its decision, went on for seven weeks—the longest and costliest steel strike in U.S. history. Losses included: 21 million tons of steel, \$400 million in wages, 600,000 steel workers out of work, and more than 1,400,000 workers in other industries out of work due to the lack of steel; production of military armaments had been cut by a third.⁴⁷ General Van Fleet, upon returning from Korea in March 1953, reported that the troops had been short of ammunition in the summer and early fall of 1952.⁴⁸

Ultimately, the parties settled for a 21 cent per hour raise for the workers and an increase in the price of steel by \$5.20 per ton—which was very close to the settlement that had been reached but not formalized the day the Supreme Court announced it was granting certiorari.⁴⁹

Upon hearing the Court's decision in June, President Truman was shocked and emotional. He saw it as a personal rebuke and was very angry at the Justices for endangering the country. Truman would remain irritated about the decision for a long time, never agreeing with it. "I would, of course, never conceal the fact that the Supreme Court's decision, announced on June 2, was a deep disappointment to me," Truman later wrote. "I think Chief Justice Vinson's dissenting opinion hit the nail right on the head, and I am sure that someday his view will come to be recognized as the correct one.... I could not help but wonder what the decision might have been had there been on the Court a Holmes, a Hughes, a Brandeis, a Stone."⁵⁰ It was Tom Clark, Truman's former Attorney General whose strongly worded memorandum had provided the basis for the Justice Department's legal position, that Truman remained the angriest at, claiming later

that appointing “that damn fool from Texas” to the Supreme Court was the biggest mistake he had made as President.⁵¹

In order to smooth over relations with the President, Justice Black invited Truman and the other Justices to a party at his home in Old Town Alexandria. According to a story that was famously relayed by Justice Douglas, after the drinks had been poured, Truman turned to Black and announced, “Hugo, I don’t much care for your law, but, by golly, this bourbon is good.”⁵²

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APPENDIX A

Harry S. Truman⁵³ 33rd President of the United States

Harry S. Truman (born: May 8, 1884) was raised in western Missouri and spent much of his early adult life helping his father work the family farm. He was a member of the Missouri National Guard, and when the U.S. entered World War I in 1917, Captain Truman became known for his cool-headed decision making under the most violent and terrifying circumstances. Following the war, Truman married Bess Wallace, whom he had known since childhood, and opened a haberdashery, though the business soon folded.

In 1922, Truman was elected as one of three judges for the Jackson County Court (an administrative, not judicial, position). He lost re-election in 1924, but was elected presiding judge in 1926 and re-elected in 1930. During this time, Truman became known for his close friendship with the notorious Pendergast family that controlled Kansas City's political machine, though Truman's own honesty and integrity have never been seriously questioned.

Truman was elected to the U.S. Senate in 1934, where he spent most of his first term in obscurity. In 1940, he won a very close reelection race, in which virtually no one considered him a serious contender. He rose from insignificance in the Senate with the launch of his Special Committee to Investigate the National Defense Program, which saved the government billions in profiteering and expense overages during World War II.

In 1944, because of his mid-western roots, Truman was nominated to run for vice-president under Franklin D. Roosevelt, despite the fact that there were close Roosevelt allies who were perhaps more qualified for the position. While Roosevelt had a greater hand in selecting Truman than most people believed, he had very little communication with the Vice President after he took office and did virtually nothing to prepare Truman to be able to lead the country, which was at a critical moment in the war. On April 12, 1945, only 82 days after Truman had been sworn in as Vice President and merely weeks away from Allied victory over Germany, Roosevelt died, and the relatively unknown farmer from Missouri was sworn in as the nation's 33rd president.

Truman surprised many people with the immediate authority he brought to the office. "I am here to make decisions, and whether they prove right or wrong I am going to make them," he said.⁵⁴ During his first year in office, Truman presided over the final defeat of the Nazis, participated in the Potsdam conference with Churchill and Stalin to lay the groundwork for governing post-war Europe, made the decision to drop two atomic bombs on Japan, and oversaw U.S. participation in the Nuremberg trials and the founding of the United Nations.

Following the end of the war, U.S. relations with the Soviet Union became increasingly strained. In 1947, Truman laid out a philosophy that later became known as the "Truman Doctrine" and would dominate American foreign policy for several decades: "I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures."⁵⁵

In 1948, Truman offered to step back and run for Vice President, if General Dwight D. Eisenhower would run for President on the Democratic ticket; Eisenhower

declined. Truman then pulled off a surprise re-election victory over Republican Thomas Dewey.

When the North Koreans invaded South Korea in June 1950, Truman's commitment to pushing back the communists was immediate and unequivocal. According to his daughter Margaret, upon hearing of the North's invasion, the President sincerely believed that it was the beginning of World War III—a war between the U.S. and the U.S.S.R., Korea simply being the first front.⁵⁶ “If we are tough enough now,” Truman said, “there won't be any next time.”⁵⁷ Neither Truman nor his military advisors were truly prepared for the savagery the U.S. would encounter on the Korean peninsula.

After the inauguration of President Eisenhower in 1953, Truman retired with his wife to Missouri to work on the creation of his presidential library and the writing of his memoirs. He died on December 26, 1972 at the age of 88.

APPENDIX B ⁵⁸

The Vinson Court Justices - 1952

Chief Justice Frederick Moore Vinson

Born: 1/22/1890; Louisa, Kentucky

Years on Court: 1946-1953

Appointed by: Harry S. Truman

Background: Congressman; Judge, U.S. Court of Appeals for District of Columbia;

Director of the Office of Economic Stabilization; Secretary of the Treasury

Associate Justice Hugo Lafayette Black

Born: 2/27/1886; Clay County, Alabama

Years on Court: 1937-1971

Appointed by: Franklin D. Roosevelt

Background: police court judge; prosecutor; private law practice; U.S. Senator from Alabama⁵⁹

Associate Justice Stanley Forman Reed

Born: 12/31/84; Minerva, Kentucky

Years on Court: 1938-1957

Appointed by: Franklin D. Roosevelt

Background: Kentucky Legislature; corporate attorney; counsel to Federal Farm Board; U.S. Solicitor General

Associate Justice Felix Frankfurter⁶⁰

Born: 1882; Vienna, Austria

Years on Court: 1939-1962

Appointed by: Franklin D. Roosevelt

Background: Counsel to President Wilson's Mediation Commission on labor problems; Harvard faculty; behind-the-scenes advisor to FDR

Associate Justice William Orville Douglas

Born: 10/16/1898; Maine, Minnesota

Years on Court: 1939-1975

Appointed by: Franklin D. Roosevelt

Background: Columbia and Yale faculty; Chairman of the Securities and Exchange Commission

Associate Justice Robert Houghwout Jackson

Born: 2/13/1892; Warren County, Pennsylvania

Years on Court: 1941-1954

Appointed by: Franklin D. Roosevelt

Background: “county-seat lawyer;” General Counsel to the Bureau of Internal Revenue; Solicitor General; Attorney General; chief prosecutor for the United States at the Nuremberg war crimes trials (while he was serving on the Court)

Associate Justice Harold Hitz Burton

Born: June 22, 1888; Jamaica Plain, Massachusetts⁶¹

Years on Court: 1945-1958

Appointed by: Harry S. Truman

Background: Ohio House of Representatives; Mayor of Cleveland; Republican Senator from Ohio (member of Truman Committee)

Associate Justice Tom Campbell Clark

Born: 9/23/1899; Dallas, Texas

Years on Court: 1949-1967

Appointed by: Harry S. Truman

Background: civil district attorney; various positions at the U.S. Department of Justice; Civilian Coordinator of the Western Defense Command (handled Japanese internment during WWII); Attorney General

Associate Justice Sherman Minton

Born: October 20, 1890; Georgetown, Indiana

Years on Court: 1949-1956

Appointed by: Harry S. Truman

Background: U.S. Senator from Indiana (assistant Senate majority whip); presidential assistant to FDR; Judge, U.S. Court of Appeals, 7th Circuit

APPENDIX C

Steel Seizure Case Timeline

November, 1951: United Steelworkers of America, CIO announce that they plan to strike after their contracts with the major steel companies terminate on December 31, 1951.

January 10-February 26, 1952: Wage Stabilization Board holds extensive hearings.

March 20, 1952: Wage Stabilization Board submits its report and recommended settlement to the President.

April 7, 1952: Steelworkers announce their intent to strike beginning April 9.

April 8, 1952: President Truman, in a national television and radio address, announces that he has signed Executive Order 10340, directing Secretary of Commerce Charles Sawyer to seize the steel mills as of midnight; the steel companies file motions for a temporary restraining order only 27 minutes after Truman concludes his speech.

April 9, 1952: Hearing on the motions for temporary restraining order take place in federal district court, Judge Alexander Holtzoff presiding; the steel companies' request for a temporary injunction is denied.

April 10, 1952: Steel companies request a trial on the merits; Judge David A. Pine assigned.

April 10-24, 1952: Seven steel companies file complaints requesting permanent injunctions and motions for preliminary injunctions.

April 24-25, 1952: Hearing on motions for preliminary injunctions, Judge Pine presiding.

April 29, 1952: Judge Pine issues decision, enjoining the steel seizure; steelworkers call for strike immediately.

April 30, 1952: Judge Pine signs the order for injunction, denies the government's application for a stay of the decision pending appeal; argument in front of Court of Appeals sitting *en banc* for stay pending appeal to the Supreme Court; stay granted.

May 1, 1952: At President Truman's request, Phil Murray again calls off the strike.

May 2, 1952: Both steel companies and government filed petitions for certiorari in front of Supreme Court.

May 3, 1952: The Supreme Court grants a writ of certiorari; on the verge of an agreement, settlement negotiations break down.

May 12-13, 1952: Oral argument before the Supreme Court.

May 16, 1952: Justices vote on the case at conference.

June 2, 1952: The Supreme Court announces its decision; Truman orders Sawyer to return the steel mills immediately; strike commences.

June 10, 1952: President makes final appeal for Congressional action.

July 24, 1952: Steel strike ends, settled at the White House for similar terms to those nearly agreed to on May 3.

NOTES

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- ¹ *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952).
- ² Michael R. Belknap, The Vinson Court: Justices, Rulings and Legacy (Denver: ABC-CLIO, 2004) 19.
- ³ Belknap, 20.
- ⁴ David McCullough, Truman (New York: Simon & Schuster, 1992) 897.
- ⁵ McCullough, 897.
- ⁶ Harry S. Truman, Memoirs by Harry S. Truman; Volume Two: Years of Trial and Hope (Garden City: Doubleday & Company, Inc., 1956) 468.
- ⁷ Truman, 472.
- ⁸ McCullough, 897.
- ⁹ Maeva Marcus, Truman and the Steel Seizure Case: The Limits of Presidential Power (New York: Columbia University Press, 1977) 83.
- ¹⁰ Marcus, 79.
- ¹¹ Marcus, 88 (quoting Clarence Randall, Over my Shoulder: A Reminiscence).
- ¹² Alan F. Westin, The Anatomy of a Constitutional Law Case: Youngstown Sheet and Tube Co. v. Sawyer (New York: The Macmillan Company, 1958) 18-19 (quoting speech of Clarence Randall given April 9, 1952).
- ¹³ Marcus, 93.
- ¹⁴ Marcus, 108.
- ¹⁵ Marcus, 110.
- ¹⁶ Marcus, 116.
- ¹⁷ Marcus, 117.
- ¹⁸ Marcus, 119.
- ¹⁹ Marcus, 124.
- ²⁰ Marcus, 146-148.
- ²¹ McCullough, 245.
- ²² McCullough, 896.
- ²³ McCullough, 897.
- ²⁴ Belknap, xii.
- ²⁵ Marcus, 168.
- ²⁶ Marcus, 170.
- ²⁷ Marcus, 173.
- ²⁸ Marcus, 174.
- ²⁹ Marcus, 195.
- ³⁰ Belknap, 96.
- ³¹ *Youngstown* at 584-585.
- ³² *Youngstown* at 587.
- ³³ *Youngstown* at 587-588.
- ³⁴ *Youngstown* at 635.
- ³⁵ *Youngstown* at 635-638.
- ³⁶ *Youngstown* at 639.
- ³⁷ *Youngstown* at 648-650.
- ³⁸ *Youngstown* at 609-614.
- ³⁹ *Youngstown* at 615.
- ⁴⁰ *Myers v. United States*, 272 U.S. 52, 293.
- ⁴¹ *Youngstown* at 683-700.
- ⁴² *Youngstown* at 678.
- ⁴³ *Youngstown* at 701-704.
- ⁴⁴ *Youngstown* at 702, 704-708.
- ⁴⁵ Marcus, 248.
- ⁴⁶ Marcus, 213-214.
- ⁴⁷ McCullough, 901.

⁴⁸ Truman, 477.

⁴⁹ McCullough, 902.

⁵⁰ Truman, 476.

⁵¹ McCullough, 901.

⁵² McCullough 901.

⁵³ In addition to David McCullough's Truman, much of the information for Appendix A is derived from the "Biographical Sketch of Harry S. Truman" on the Truman Presidential Museum & Library website: <http://www.trumanlibrary.org/hst-bio.htm>, April 1, 2007.

⁵⁴ McCullough, 384.

⁵⁵ McCullough, 548.

⁵⁶ McCullough, 775.

⁵⁷ McCullough, 785.

⁵⁸ Unless otherwise noted, information for Appendix B is derived from Belknap, 35-88.

⁵⁹ Leon Friedman & Fred L. Israel, eds. The Justices of the United States Supreme Court: Their Lives and Major Opinions, Volume III (New York: Chelsea House Publishers, 1997) 1153-1159.

⁶⁰ Friedman, 1199-1207

⁶¹ Friedman, Volume IV, 1323