

Youngstown Co. vs. Sawyer

The dispute *Youngstown Co. vs. Sawyer* arose in April 1952. At this time President Truman ordered his secretary of commerce, Sawyer, to seize nation's steel mills. However his order was not based on any statute. President Truman decided not to ask congress for any special legislation and seized the companies based on his emergency powers as a commander in chief.

In *Youngstown Co. vs. Sawyer*, the steel companies did not deny the government the power to take over the properties but claimed that the 1952 seizure was done by the wrong branch of government and was therefore unconstitutional. The owners of the steel companies claimed that, ordering the seizure, president violated the constitution, which gives him executive, but not legislative power. According to steel companies, president, ordering the seizure, used the legislative power which is held by congress. On the other hand, the government held that president's order was necessary to avoid political catastrophe and his decision was made during the time of serious emergency therefore the president acted within his jurisdiction as the Commander in Chief. The case proceeded to the Supreme Court through the lower courts which ruled in favor of the steel companies. Finally the Supreme Court was left with the following question to answer: Did President Truman have constitutional power to order the seizure and operation of the steel companies? In a 6-to-3 decision the court ruled that president did not have such a authority.

The opinion of the court was delivered by justice Black and the rationale behind this decision consists of six different points that the justices make. First, in its majority opinion, the court expressed its belief that president's order has to be based on the law, act or statute that was previously made by the legislative branch of government (congress.) Since, in the case of president Truman's order no such statute was previously made, the court claimed that president's actions were not justified.

Secondly, in 1947, the Congress rejected the Taft-Hartley Act, which would authorize the government to seize properties during the times of emergency. In other words, the seizure of properties to prevent work stoppages was not only not authorized by Congress but also rejected by it. In this light, president Truman's actions was contradictory to the will of Congress.

Another argument of the Supreme Court, which opposed, Truman's actions was that president's power to issue the seizure cannot be found in the Constitution. In this argument, the court expressed its belief that in order for the president to have an authority to issue the order to seize the properties, such an authority has to be grounded in the text of the Constitution.

The court also rejected government's ideas that Truman's order cannot be justified as an exercise of president's power as a Commander in Chief. According to the court, taking possession of private property in order to prevent production stoppages should be the job of lawmakers, not of the Commander in Chief.

In another argument, the court held that Truman's order cannot be justified by the constitutional provisions, which grant a president the exercise of executive power. The court, interpreting the constitution, stated that the president's job is to execute the law, but not to make it. In the majority opinion, the justices state that the constitution rejects the idea of president as a law maker. Constitution limits president's legislative power to proposing and vetoing laws therefore Truman's order was unconstitutional since it implied the use of legislative power. Finally in their majority opinion, referred to the intent of the framers stating

that they intended the legislative power to be vested in the hands Congress at all times, which was another reason why justices opposed Truman's order.

However, Justice Jackson, in his concurring opinion presented a little different rationale. He claims that the range of president's powers is not fixed and depends on the Congress's stand on a given issue. In this light, he sets forth three hypothetical situations, in which the range of president's power is different. First situation concerns president acting with authorizations of congress and in such situation president's power is at its maximum. In the second scenario, a president is acting on his own and the congress neither denied nor granted him the authority. In such scenario president's powers may be questionable. The last and third scenario concerns president acting against the will of Congress and in such situation his power is supposed to be marginal. According to Jackson, president Truman's seizure is applicable to the third situation and by this Jackson questions or maybe even denies president Truman the authority to seize and operate steel mills.

Justice Jackson, in his concurring opinion expresses rationale that is mostly based on rejecting the claims of the defendant. Jackson's description of Solicitor General's claims could be divided, by the reader, into four major parts. In each, Jackson describes Solicitor's claim and then uses different arguments to illustrate his disagreement.

In the first part, Justice Jackson rejects Solicitor's argument that, according to the constitution, all the executive power should be held by the president. He uses the intent of the framers to discard this idea, stating that framers certainly did not want president to become a despot and therefore introduced checks and balances on president's power.

Another Solicitor General's claim about Truman's authority to seize steel mills was based on the text of constitution, which makes a president a Commander in Chief of Army and Navy. Since 1952 was the time of Korean War, the Solicitor General saw president having extended powers. Jackson on the other hand rejects this idea contrasting the constitutional notion about president being Commander in Chief with another textual reference from the constitution; Article I, section 8, which gives Congress the only authority to declare war. By doing this, he underlines the intent of framers, which limits president's power.

In his concurring opinion, Justice Jackson also cites Fifth Amendment, contrasting it with Solicitor's claim that the constitution makes a president a person, who guards the rightful execution of laws. Since Fifth Amendment protects life, liberty and property, Jackson builds on it his claim that 1952 seizure was unconstitutional.

Lastly Justice Jackson rejects Solicitor claims, that President Truman had authority to seize the steel mills because president's power accrued over time through tradition, customs and claims of proceeding administration. Justice Jackson also rejects the notion of dealing with an emergency by all necessary means ("necessity knows no law"). Jackson supports his arguments claiming that emergency powers are consistent with democracy only if they are not held by the Executive. Moreover he claims that the constitution already "evolved" in the direction, which allows expanding the executive powers in case of emergency. Justice Jackson using foreign examples indicates that extended "emergency powers" may be disastrous to democracy and may lead to tyranny and totalitarianism especially. Concluding his concurring opinion, justice Jackson held that checks and balances, parliamentary system and limits on executive are crucial to democracy.

On the other hand, justices Vinson, Reed, Minton presented very different views in their dissenting opinion. They held that president Truman had the authority to seize the steel mills because such authority was given to him by extraordinary political situation. The dissenting opinion criticized the ruling of lower courts claiming that awaiting for Congress to pass the appropriate legislation could have disastrous outcome. Justices who dissented also held that the constitution is to adapt over time especially to if various crises and emergencies

require that and therefore, according to them, president Truman should have granted the authority of seizure. Also, Justices, in their dissenting opinion remind about the past when presidents acted, at the times of emergencies, with extraordinary prerogatives and that retrospective view should also justify president Truman's actions.

In *Youngstown Co. v. Sawyer*, president Truman was not granted the authority of seizure of private properties. Such ruling makes this case very important from a constitutional standpoint, because it helped redress the balance of power and the system of checks and balances between different branches of government. The balance between different branches of government was upset after the Second World War, Great Depression and the postwar period. This case certainly helped to assure legislative and executive power of their proper role in the politics and became important for the American democracy.