

PROBLEMS OF THE PRESIDENT DURING A WAR EMERGENCY

29 May 1950

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Judge Samuel Irving Rosenman was born in San Antonio, Texas, 13 February 1896. He received his A.B. degree from Columbia University in 1915 and his LL.B. in 1919. In 1920 he was admitted to the New York bar, and from 1922-1926 he was a member of the New York State Legislature. From 1926-1928 he was bill drafting commissioner. In 1929 he became counsel to Governor Franklin Delano Roosevelt and remained in this position until 1932. He was appointed justice to the New York Supreme Court in 1932, reappointed in 1933, and later elected for a 14-year term. He resigned from this position to become special counsel to President Roosevelt in 1943. From April 1945 until February 1946 he was special counsel to President Truman. He was a member of the steel-labor conciliation board in 1949. He is a trustee of the Franklin D. Roosevelt Library (Hyde Park, New York), counsel and executive committee member of the Franklin D. Roosevelt Memorial Foundation, member of the New York State Bar Association, Association of the Bar of the City of New York, and a trustee of the Jewish Philanthropic Societies. He is presently with the firm of Rosenman, Goldmark, Colin and Kaye in New York.

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GENERAL HOLMAN: Gentlemen, the founding fathers of our Nation were men who understood adversity; they also understood leadership. But when the qualifications for the Presidency were written into the Constitution we find only three specific requirements: that the President be a natural-born citizen; that he shall have resided in the country for at least fourteen years; and that he be thirty-five years of age.

The magnitude and the complexity of the problems with which a war President would be confronted could have never been foreseen. But it was certainly expected that the President would be the Nation's leader in every sense of the word in both peace and war.

This morning we have the opportunity of hearing about some of the problems which have confronted our war Presidents. Our speaker is Judge Samuel I. Rosenman, who resigned from the Supreme Court of the State of New York to become Special Counsel to President Roosevelt, in 1943. He remained until President Roosevelt's death and served in like capacity with President Truman until February, 1946.

Judge Rosenman, it is a great honor to have you here with us today, and to welcome you to this joint assembly of the two colleges.

JUDGE ROSENMAN: I have been asked to come and talk to you about the problems of a President during a war emergency. I suppose the shortest statement about that would be that there are "plenty of them."

What I would like to talk about particularly are the problems which have to deal with the domestic aspect of the conduct of war. I do not feel qualified either by experience or training to talk about any military aspects or about any diplomatic aspects of the President's functions. I shall talk only about the kinds of problems that the President has to meet in connection with his job of running the war so far as domestic activities are concerned--such things as war production and distribution, the stabilization of the national economy, and coordination of administrative functions; another problem is maintaining the morale of troops and civilians.

While I was waiting downstairs in the conference room with your Commandant before coming up into this auditorium, I was deeply interested in the large placard on the wall which sets forth the mission of the Industrial College. The language all had to do with

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the future; the training of men for future staff assignments in all features of war work. That is, of course, as it should be. But, necessarily, it has been a part of your course to take a good look at the past, particularly the past of the last war. From the past you will get perhaps as good guidance for the future as anywhere else. By noting the mistakes that were made during World War II and planning to avoid them in the future--by planning to do the job better than it was done in World War II, your mission can be better fulfilled. It is so important that you be equipped to do the job better than we did it the last time. There will be tougher and deadlier weapons to deal with in the next war, if there be one; and--even more important--there will be less time within which to do it.

The problems of a President in any war emergency are really the problems of the entire Nation, because the entire Nation in wartime heads right up into the President's office. No matter how many intervening agencies you put between the President and the actual conduct of all phases of the war, in the last analysis it is going to be his responsibility. True, there are thousands of problems--even large and important ones--which get stopped on the way up, but the major policies and decisions all head right into his office. And he is held responsible even for the decisions which never reach him. Whenever you talk about the problems of a President in wartime, you must really think about the problems of the entire Nation.

To appreciate the magnitude and complexity of these problems, you must consider the nature of the American Presidency itself, the kind of office the President fills, and the many facets to his duties. What are they?

The function with which we are most familiar is that of the Chief Executive of the Nation, the general manager of the entire Executive Branch. But the President is many other people. He is the Commander in Chief of all the armed forces. He is the one who represents the United States, in the last analysis, in the conduct of all foreign affairs. He performs a major legislative role. By virtue of the fact that he sends legislative recommendations to the Congress, and that he has the power to veto bills, the President is an integral part of the legislative process of our democracy.

We are apt to lose sight of the fact that the President is also a political leader. He is the titular--and the active--head of the political party which nominated him. He is generally a creature of politics, in the better sense of the word, with a long political career behind him. He is elected through our political system, and is held responsible for leadership in his own political party.

He and the Vice-President are the only persons who are elected by all the people of the United States. We must remember that the President is a national leader, that he represents everybody in the

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United States. He represents every group of our people; the wage-earner, the farmer, the people in big business as well as in small business. He represents all sections of the country--not any one district or one State or even one region. Often we are apt to be impatient with the President in not taking a certain action which would clearly benefit a great many people--forgetting that in deciding whether to take such action he has to decide the effect of it on all other groups and sections of the country.

When the President makes decisions, they have to be affected by all the facets of his power and by all the functions which he performs. He has to make his decisions vis-a-vis the Congress, vis-a-vis the press and radio of the Nation, and vis-a-vis general public opinion as it exists at the time of making the decision.

We must remember that his decisions are affected by political considerations, and by pressure groups. I know that, during a time of grave emergency, political considerations naturally lose a great deal of their vitality. But they are present--even in wartime. Remember that President Franklin D. Roosevelt ran for office twice during a war. The first time, in 1940, we were not actually in the war yet, but we certainly were in a cold war with Hitler. The second time, in 1944, the campaign was held during the fighting war. Remember, too, that President Truman ran for office in 1948 during the existence of a bitter cold war. Every Presidential campaign is political, and no President can lose sight of politics completely between campaigns, whether a war is on or not. Therefore, when the President deals with problems even in an emergency, he cannot completely escape all political considerations.

To be really effective in running the almost overwhelming job he has, he must have all the help and advice, and all the sources of information which can possibly be made available to him. He must be staffed as efficiently as is humanly possible; only by the help and advice of expert staffing can he possibly perform the managerial duties which are his.

But one important thing we have to consider whenever we try to set up an administrative organizational chart in the President's office for running a war--the President is the President. He was elected by the people of the United States. He was the only one elected. We cannot prepare a chart or suggest an administrative agency which has the effect of the President abdicating his office. We can give him assistance, we can give him people to work with him, but we can never set up a body above him to take his power away, to make decisions above and beyond his own. That explains why a great many organizational proposals in the past have failed of adoption--they sought to set up agencies almost independent of the President himself.

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During a war emergency you will always get demands from the public and from the press, that the President virtually give up his power--that he delegate it to one man or to a small group of men to do the job for which the President himself was elected. By the very nature of our form of government, that is impossible. And yet demands have come in the past--and will come in the future. During the First World War there was considerable agitation in the Congress of the United States that President Wilson permit a committee of the Congress to take over most of the management of the war. In Lincoln's day, he had continual fights with his own Cabinet and with the Congress about the conduct of the war, and constantly had to quiet demands that he delegate to someone else the job of running the war. And in the days of President Roosevelt, during the Second World War, there were repeated demands that he appoint someone with full power over production, or over food, or transportation, or indeed over the entire conduct of the war.

It is not an accident that those demands come generally from political opponents of the President then in power. They very seldom come from those who agree with the President's social, political, and economic views.

Over-all organizational plans have failed of adoption in the past. I think they will fail in the future if they, in effect, seek to have the President abdicate his powers and turn them over to someone else. Every time a major decision is made on some domestic problem of the war, there is involved some social policy or objective, or some consideration of economics or politics. These considerations the President then in office will want to decide for himself and not leave to someone else. That is what he was elected to do--and will insist on doing himself.

I think we make a mistake if we try to set up organizations which, in any form, reduce the President's power. You can provide for full delegation of power by the President, subject always to his review and supervision. But do not try to set up one man or one agency with power removed from close Presidential supervision, with power to make decisions which conflict with the broad views and objectives of the President. It will never work, in my opinion.

Let us now consider the sources from which this many-headed person--the President of the United States--draws his power. For he is a very powerful person. He is perhaps the most powerful person in any democracy in the world.

1. He is powerful as a result of the statutes of the United States which give him many powers and functions and responsibilities.

2. He is powerful as a result of the fact that he appoints all the top policy-making officials in the Federal Government.

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3. He is powerful also because of his moral force throughout the world. He is the elected head of the strongest Nation in the world; that gives him great moral stature and position with the other nations of the world.

But his power is far from unlimited. Often it is too circumscribed. Even during an emergency, the President has been greatly limited in his power. We must always bear that in mind in studying proposals of administrative organization for war. The Congress of the United States has frequently and drastically limited the President's power. Perhaps the best recent example of the unfortunate limitation by the Congress of Presidential power was in connection with President Roosevelt's efforts to prevent inflation in 1942 and 1943.

If you will recall, there were two factors during those years--and I shall discuss them both later--which made it very difficult to maintain a stabilized economy. One of them was the lack of power to freeze wages, and the other was the lack of power to freeze farm prices at or below parity. If there had not been these limitations on the President's power, a much better job of stopping inflation could have been done.

The power of the President is also frequently limited by the force of public opinion. The fact that the President did not go further and faster back in 1939 and 1940 was due in large part to public opinion in the United States. The people were overwhelmingly opposed to war. They were anxious to do some wishful thinking as long as they could--hoping that they were not going to get into war.

Another example was the refusal of the local draft boards during the war to draft fathers in preference to essential workers and technical personnel. The President and the War Manpower Commission had concluded that it was necessary that fathers be drafted in furtherance of the war effort, but the local boards, reflecting public opinion, just refused to go along--and took essential workers instead.

The hurried and disorderly demobilization of 1945 and 1946 was another instance of what can be done by the demands of public opinion. The people demanded that the boys be allowed to come home as rapidly as possible, in accordance with time served, irrespective of the effect of their release on the efficiency of the fighting forces. The President and all the military leaders were opposed to that kind of demobilization but had to give way to popular opinion.

No President can go very much faster than the force of public opinion he has reasonably close in back of him. I think, however, that the factor that limits the President's power and efficient functioning more than anything else is the very magnitude of the job he has to do--the fact that he is just one human being with a task almost

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impossible for any one man to perform. Unless one has actually worked in the White House, he can have no idea of what the President has to do, no conception of the overwhelming tasks that come to his desk. The normal routine of the President includes seeing his own staff, department heads, Congressmen, and other visitors throughout the day; perhaps a Cabinet meeting or press conference in the afternoon; answering piles of mail; reading over at night the countless memoranda which come to him, and innumerable other jobs.

That daily routine, that grueling work which is the President's --and I have seen it first hand for many years--makes it impossible for him to do a small fraction of the over-all thinking and over-all planning he would like to do and has to do.

So, the idea of the President getting away from his desk for a few days, or a few hours, and really thinking about the general problems that lie ahead around the corner, is just about impossible. The only time he can do any of that is when he is actually off on vacation, and even then, the opportunity is only intermittent and does not begin to solve the problem.

One of the great needs of the President's office is to have a set of advisers, divorced from any administrative work or other duties, whose sole purpose would be to think. They should spend their time looking at the problems of the entire globe (everything the President does nowadays affects the entire globe). They should survey all the political, economic, social and international problems of peace and of possible war. They should be devoted to thinking in terms of postwar, readjustments; in terms of the means of arriving at a permanent peace; and in terms of rendering assistance to other parts of the world. They should appraise these problems in terms of our own resources, what we can best do with them, and how we can use our resources for the greatest benefit of all the world including ourselves. In a word, their field of attention would cover the problems of war and peace--domestic and foreign; it would include everything that affects our security--economic, military, and physical. That is a job which fundamentally is the President's. But it is a job which the President is not equipped at present by staff to do.

There are certain essentials to be considered in setting up such a board. It should consist of people who are wholly in sympathy with the President's political and social objectives. I do not think of it as a bipartisan board at all. I think of it as a group of men of substantial public stature, whose views are acceptable to the President, and in whom the President has unlimited confidence. For that reason, I do not think that the members of this board ought to be obliged to be confirmed by the Senate. Of course, these men should serve on a full-time basis and should have no other administrative duties of any kind. They should be free of any other duty--except only that of thinking and planning and advising the President.

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Here, too, I am guided by the realization that the President's power must always remain the President's power. These people whom I envisage as a "think board" should have no power to act or to direct action. They should have no power to make any decisions. Their function should be solely to advise the President on over-all domestic and world problems. The members must have the complete confidence of the President, and free and complete access to him at all times. Unless they have that kind of access, if they have to call up the secretary and make an appointment to see the President eight or nine days later, they cannot possibly perform the function I have in mind. This board should have a counsel, charged with the function of arranging and laying out agenda for the board and preparing reports for the President. This counsel, too, must have access to the President, the same as the President's own counsel.

This is generally the kind of board Mr. Bernard M. Baruch has recommended several times--and he speaks from an experience in and wisdom of war emergencies which are profound indeed. Back in 1945, on his recommendation, President Roosevelt, facing all the domestic and international problems which were going to come with victory, was ready to set up such a board. Mr. Baruch, Mr. Byrnes, and a few others were going to be on it. I think that under the proposed plan I was to have been appointed counsel to that board.

I realize that the idea of planning has been unpopular in the past in many quarters--and still is. We used to have planning boards; but in recent years--due to some past mistakes--planning boards are not now too cordially received. But in order to see clearly ahead and to prepare for all domestic and international situations in terms of a broad world strategy, such a board is an essential part of the President's office. It is necessary if we are to stop the present practice of government acting only in times of crises. In the last decade and a half, the Government has been in the habit of taking bold action only when a crisis is actually upon us. That is generally because every crisis takes so much time and energy that no one is looking ahead in advance for the next crisis--in an attempt to head it off. What is essential, to my mind, is to have some wise souls around who are thinking ahead of these crises, in advance of their happening, laying plans to meet them as they come. The essence of statesmanship is to see around the corner of the road and prepare to meet what lies there. A "think board" would spend a lot of its time looking around the corner.

Possibly it was to meet this need that the Congress set up the National Security Council in 1947. However, I do not believe the National Security Council meets that need. In the first place, everybody on the Council except the chairman is such a busy person with his own government responsibility, that he has no more time than the President has to perform this function I am discussing. The members of the Security Council, other than the Vice-President, are all heads of departments. The daily running of any department of the Government

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takes a man's full time--attention, thought, and energy--even though he has undersecretaries who can take care of details. Besides, every member of the Council has to sit on many other boards. They cannot possibly even attend all the meetings.

Although it would be impossible to do so at this time, the ideal solution would be to now set up a new board for the purposes I have in mind. As a second-best solution, I suggest that there should be added to the present Security Council a few men possessing the characteristics and having the qualifications I have just mentioned. They should be men who have the complete confidence of the President, who are sympathetic with the President's policies, who are, so to speak, friends of the President so there will be this complete access which I believe so necessary.

The great domestic, nonmilitary problems which affect a President's office during wartime can be broken down into four major headings. First of all is the problem of production. Second is the problem of economic stabilization--the avoidance of inflation. Third, the problem of morale and information. And, fourth, the problem of coordination of all the agencies and all their activities.

In looking at World War II, I think we have learned one great over-all lesson. We must now take advantage of that lesson. We know now that in solving these four major categories of problems, we went too slowly. We progressed gropingly, almost falteringly. There are reasons for it--and good excuses. We did not have the experience with which to cope with a war of the size and speed of World War II. The very nature and character of the American people made our progress very slow. In addition, pressure groups, especially in the early days of the war, stopped or delayed certain congressional action and administrative action which would have speeded up the conversion to all-out war. The President was reluctant to delegate authority at the beginning. In all quarters there was a lot of unrealistic, wishful thinking about the war--all of which helped to slow us up. All democracies, if they had their choice, would progress from peace to war very slowly. Because of that kind of public opinion, we went from a peacetime economy, from peacetime freedom, to wartime controls very slowly.

We now know that we must be equipped during the next emergency to do this same type of conversion to war--not merely more quickly than last time; we must be equipped to do it at once. We must be so organized that, over night, if the emergency should come, we would be able to put into effect all the controls and all the administrative machinery which past experience has shown to be necessary.

In war production, for example, you will remember how slowly we moved forward. We were slow with the administrative set up to get maximum production, and we were slow in adopting the controls which were

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necessary to get maximum production. From your studies in this course, I know you are familiar with the halting nature of the progress. In administrative setup we started with the Advisory Commission to the Council of National Defense, then went to OPM, then SPAB, and finally to the War Production Board. And in setting up the controls we also went very slowly. The First War Powers Act was not passed until after Pearl Harbor. The Second War Powers Act, which provided some real priorities and allocations powers, did not come until five months after Pearl Harbor. It was not really until 1943, that, by materials and requirements controls, in the WPB, we got the kind of controls we really needed to conduct global warfare.

During that slow process you all know the myriad agencies that were created: NHA, OSRD, ODT, BEW, OLL, WLB, WSA, WMC, WFA--and many others. I do not want to take the time to name them all. You are all familiar with them by this time. We just cannot afford either the time or the cost of doing the same thing the next time. We must be prepared to get into the position we finally attained in 1944--not soon but at once. I shall discuss this in greater detail later on.

The second major problem of a President in wartime is the stabilization of the economy to prevent inflation. There, too, we did a slow job--although a comparatively fine one--in World War II. We did not do so good a job as we should have done. Even by the end of the war, we did not yet have the control over farm prices and food prices that we should have had. We were not able to control wages the way we should have. The lesson here, too, is that we must avoid delay in providing the administrative machinery and controls to stabilize the economy.

The same thing was true of morale and information. You all remember how slow the progress was in that field. After we went through the Division of Information in the Office of Emergency Management, the Office of Facts and Figures, the Coordinator of Information, and the Coordinator of Inter-American Affairs, which controlled information in South America, we finally came to OWI. Here, too, the requirement is the same: We must avoid that delay during the next emergency.

The solution of the fourth major problem--that of coordination of the different agencies, both at home and abroad--was also a slow process. It was a long time before we got fully organized in the foreign field with a Combined Shipping Board and a Combined Raw Materials Board, with a Combined Food Board and a Combined Production and Resources Board. It was not until 1943 that in the domestic field we finally set up as a coordinating agency the Office of War Mobilization. Here, too, we must be prepared to act more quickly next time, to get the advantage of the coordination of the different facets of the war problem.

Therefore I think that the greatest need today is to get legislation prepared and passed tomorrow, if possible, to authorize the President to set up administrative agencies and give them the necessary powers of control over the national economy. Those powers should be placed on the statute books now--to become effective only, of course, when the Congress itself, by future resolution, declares the existence of an emergency serious enough to warrant them. That would save the two or three years of slow development which occurred in World War II.

That kind of legislation would be a formal, effective notice to Russia, or to any other country with aggressive tendencies, that we really mean business. It would put them on notice that we do not expect to go through a two-year delay, which they know we cannot afford.

Such stand-by legislation not only would reduce delay; it would reduce considerably the cost of fighting a war, particularly the cost of inflation. If we have learned one thing, we have learned that victory does not come necessarily to that country which has the largest army, navy, or air force; that it may come, and in the long run will probably come, to that country which has the greatest productive capacity with which to turn out the weapons for that air force, or army, or navy.

It we want to increase our security from attack, one way of doing it is to settle upon these organizational and control features of the next wartime economy. We are now spending fourteen-billion dollars a year for our armed forces. It does not make sense to spend these billions of dollars for a large Army, Navy, and Air Force without at the same time doing all the things which we have found necessary in order to equip them quickly with the fighting weapons and supplies they need.

We have learned from the past what the essentials of such stand-by legislation should be. It should give the President power to exercise complete control over all materials needed for war; complete control of war plants; power to shut down nonessential plants if necessary. It should give him complete manpower controls, not only through a selective service law but through "work-or-fight" legislation, or national service legislation. It should provide for taking profits out of war. It should provide for power to control the price of everything, including wages and farm prices. It should permit rationing of scarce commodities. It should provide for high wartime taxes and compulsory savings to prevent too drastic a rise in the purchasing power of the civilian economy. It should provide the machinery and controls for foreign economic warfare, such as we had at the end of the late war. It should provide for an adequate civil defense organization, and for an adequate morale and information organization.

The important thing is that such legislation should provide for all these things--not just for a few; for the mobilization of a nation in these days means a complete, total mobilization of everything and everybody.

The fact that we now have a selective service stand-by law going through the Congress and no other stand-by legislation is quite shocking. Why should we have stand-by legislation to take men out of school and jobs and put them in the armed forces, and not have stand-by legislation to take capital, plants, profits, critical materials, and all the other things that are necessary to the conduct of a war? I see no sense or justice in stand-by legislation for human beings and no stand-by legislation for all the other things required to win a war.

With such legislation, the National Security Resources Board, without delay, could proceed to set up the administrative machinery for using these powers. Any plan for an administrative organization, must, however, be a flexible one. You cannot just put a plan on paper and say, "This is it! Come the emergency, we must do just this." Past experience has shown that you cannot make that kind of a plan--and use it. For instance, when the Industrial Mobilization Plans were laid--such as they were--before the late war, there were many things which came about which the planners never could have contemplated. For example, it was never expected that for the entire period of the war we were going to be the so-called "arsenal of democracy"; that we would have to produce for everybody rather than have some of the production come to us from abroad, as it did during the First World War. We had no idea when we were planning for World War II that we were going to have to fight a defensive war for more than a year; or that there would be all the lend-lease necessities. Nor did we have any concept of the nature of the combat, the character of the weapons likely to be employed, or the geographical extent of the war.

So any plan must be flexible--one which can be changed as needed, as times and conditions change.

In connection with that plan, one of the important things to be decided is whether we should expand our old agencies and departments to meet the new needs of war, or whether we should create new agencies for war purposes. Everybody who in 1940, 1941, and 1942 was in the White House, or in the Bureau of the Budget, or in other parts of the Government associated with the administrative work of those days knows what a tough problem that is, and how difficult it is to decide what functions should be assigned to old agencies or new ones.

If we are going to use the old agencies we have to reorient our thinking about the nature of a Cabinet department. The departments as now set up are organized solely for peacetime. If we are to use

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them for the new needs of war, we have to change them--not only in their staffing, but in their general functions and outlook. We found in World War II that it was sounder and quicker to take the newer functions which had to do with war and set up new agencies to carry them out.

Old agencies do not assimilate new functions readily. The personnel of a peacetime department is a different type from the kind we got into the new, exciting agencies like OPA, WPB, BEW, and UNRRA during the late war.

We should not be too pessimistic about a democracy's ability to plan for war. The popular concept that dictators can always plan for long wars and set up adequate administrative organizations in advance to do it is not entirely correct. Studies made by our Intelligence and the documents captured in Japan and Germany would indicate that even the dictators failed to organize properly in advance for a sustained war; that they relied principally on blitzkrieg tactics and a short war--and planned accordingly; that it was not until after the siege at Stalingrad where the Germans were turned back that Germany really began to plan for a long, all-out conflict. And before Guadalcanal and Midway, the Japanese were not thinking of a long-term conflict and had not properly planned for one.

Although the dictator countries do not always plan adequately in advance, they at least have the advantage of being able to strike by surprise and to pick their place of attack. Therefore, it becomes even more important for democracies, which do not strike by surprise, to be equipped to meet a surprise attack.

We do not preserve peace by merely discussing moral principles or by talking about outlawing war. The only way we can keep the peace is by strength. We can maintain our strength in a number of ways: a strong Army, Navy, and Air Force; high productive capacity; sound economy; and high morale. But we must remember that we can maintain our strength also by performing the mission of this college--the mission of mobilization; the mission of being prepared to meet an enemy industrially and to meet it efficiently. That comes from planning, the kind of planning you are doing. It can come from stand-by legislation, which serves notice on the enemy that on the declaration of an emergency by the Congress we are all set and ready to go.

(After the intermission and before the formal questions began.)

Before there are any questions from the floor, there is one thing I want to add, as a result of a little chat I just had during the intermission with Colonel McKenzie.

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I was talking about this "think board" as being composed of people who are friends of the President and who believed in his social and political objectives. Colonel McKenzie asked me how the minority view would ever be expressed in such a board; I should like to answer that now.

The President gets the minority view of the country very accurately and fully--not only from his visitors but also from the people whom he consults. He gets it from the press. He gets it from congressional debate. He gets it from the letters he receives. So I think it can be said the President knows what his opponents are thinking and what they are saying. Sometimes he may yield to it; more frequently he does not. But the President knows generally what is going on in the opposition, and how its members are thinking. The members of this board, which I call the "think board," would know, too, and in the same way. It would be their function to talk to people. They could talk to many more people than the President, because they have more time in which to do it. They could talk to opposition leaders in the Congress. They could talk to editorial writers, radio commentators, and experts from different fields in a way the President could not do, because he is so harassed with other duties. So the "think board" could get the minority view just as well as--in fact, much better than--the President.

It would be the job of the board members, I think, in talking with the President, to say, "These are our recommendations, but we want you to know that there is a certain body of opinion and some experts who believe so and so." The final decision in any case must be made by the President, not the "think board." It must be the decision of a man who was elected by the majority of 150 million people. The function of the board would be to report that minority view to the President, along with its own recommendations.

COLONEL MCKENZIE: Thank you, Judge.

Gentlemen, we will now entertain your questions.

QUESTION: I have two questions which, unfortunately, are a little bit disassociated.

The first one relates to this "think board." Once the President has reached a major decision as a result of its advice, it then becomes necessary to get out clear Executive orders for the guidance, instruction, and direction of the operating agencies.

In the formulation of such orders, invariably minor decisions are encountered in the carrying out of the major decision. So my first question is this: Would you have the President delegate to this "think board" the making of some of the minor decisions without bothering him with the routine supervision of the preparation of Executive orders?

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JUDGE ROSENMAN: It was my experience--I suppose it is still a fact--that the Bureau of the Budget has men in it who are qualified by experience and training to draw up Executive orders. The major policy decision having been made, I believe the "think board" should undertake to get that conclusion put into an Executive order by the staff of the Bureau of the Budget.

Even the minor decisions are submitted to the President when he signs an order. I had some experience in getting Executive orders signed in the late war, in connection with a great many of the agencies, like NHA, OWI, WPB, WMC, SPAB, and a great many others. I found that, once you get the major decision made by the President in advance, and you get up an order with the help of the Bureau of the Budget, when you submit this order to the President for signature you can get quick decisions on minor issues by merely pointing them out to him in the appropriate paragraph of the order. If he signs, he approves. If he does not sign, he states which one he does not approve and a new order is written.

QUESTIONER: My second point is this: In regard to getting the necessary war powers legislation, as you outlined it, without delay, we have discussed that a great deal and are agreed as to the necessity for it; but we are troubled a little bit about the possibility of much more yielding to minority group pressures in time of peace than would occur in time of war. That is, we believe that in a war emergency, Members of Congress will be much more inclined to turn the cold shoulder to pressure groups, whereas in time of peace they will be influenced by them. Undoubtedly, the pressure groups would descend upon Washington, as soon as the Bureau of the Budget submitted such legislation and knowledge of it became public property.

JUDGE ROSENMAN: I think you are right. I think the pressure groups would come. The pressure groups were pretty successful even in the late war, particularly the farm groups. When the President tried to get complete stabilization powers, you remember all sorts of hedges to protect the farmers were written into the Price Control Act and into the Stabilization Act.

Of course, that pressure will be greater in peacetime. But the Congress should realize--and perhaps some educational work could make the pressure groups realize too--what we are trying to do in this stand-by legislation. We are now drafting fellows away from college and away from the farms to put them into the Army on a stand-by basis. We now have the legislation--or we will have in a few days--to permit us to grab people and take them out of school, out of college, out of jobs and put them into the Army, as soon as the Congress some day in the future declares such an emergency.

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exists as to warrant it. Just as we are going to be able to take young men, we should be able to take farm products and critical materials, and to do away with the civilian businesses that are unessential, when the emergency comes.

It is going to take courage. It took courage in the days after Pearl Harbor. We developed more courage slowly through a period of more than two years. It is from that tragic experience, especially since we know we shall not have the two years, we should learn we just cannot take the time again. We have to be tough even before the emergency comes.

An Admiral here in the audience, who was in the White House with me, during part of the war, called my attention during the intermission to a passage from Santayana to the effect that one who neglects the lessons of the past is condemned to live through them again. I don't think we can afford to be condemned to live through these mistakes again. We have to do the job now.

COMMENT: I do not want to pursue the discussion of this "think board" too much, but I would like to advance a thought with regard to making it bipartisan.

You twice indicated you do not believe in that. But it seems to me you have already mentioned how important public opinion is; that we would have the country at large better able to accept opinions of the board if the minority felt that they were represented by having some members of the opposition party in this "think 'tank'". It occurs to me that we had a precedent for this when, in 1940, President Roosevelt appointed Secretaries Stimson and Knox to his Cabinet.

JUDGE ROSENMAN: I think the appointment of men of the caliber of Stimson and Knox could very well be repeated on the "think board."

You see, I like to think of this "think board" as an arm of the President; as a part of the White House staff. These men would have to be in sympathy with the President's general objectives. By that I do not mean they would not dare disagree with any particular method he wants to pursue. I do not think they should be automatons or puppets. If they were, they would not meet the other qualifications I have for them, namely, that they have substantial public stature. These would be people, however, who do not act through themselves the way Secretary Stimson or Secretary Knox did; they would act only through the President. In fact, they would not act at all. They are there to occupy an advisory position to the President.

From my own experience, I would say it would not work if someone wholly out of sympathy with the Fair Deal or New Deal were

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to be on that board. I think he would be wholly ineffective. If he disagreed with the majority, it would be set down as politics. The discussions in the board would be more political than they should be. I repeat: You cannot avoid politics entirely during a war emergency.

I do not think that a mixed board, or a debating society, would perform the function I am thinking of. I think that three or four good Fair Dealers of public stature could go out and get the minority view. If they are men of the caliber I have in mind, they would be impressed with any good minority view and give it due consideration. Possibly they would adopt part of it. But I want people who can go in to see the President any time they choose, people with whom he would feel complete "rapport."

QUESTION: My question concerns the setting up of emergency agencies. If you set up an emergency agency, as a general rule you either have to utilize or cut across the functions of some existing Executive department. Now, have you any suggested pattern for the relationship between that agency and its head and the existing department?

JUDGE ROSENMAN: We found in the late war that it would be very hard to set up a relationship.

When you set up any new agency, you generally take some of the functions of an established department away from it. I went through many troublesome days and nights talking with department heads who did not like that; they did not want to have any power taken away from them. But it has to be done.

If you will look at the special war agencies which were set up during World War II, you will find that their relationships with existing departments were not very strong. For example, the WPB had very little to do with either Commerce or Labor, yet it had to do with the functions of both. But it dealt independently. I still believe that this should be repeated.

When we come to personnel, staff personnel--second- and third-echelon personnel--can very well be taken from old-line departments and brought over to new-line agencies. They know their way around Washington. They know where to go for information and for help.

But my chief objection to trying to turn these new emergency functions over to old-line departments is that the old-line departments are not equipped by the temperament of their personnel to handle these huge jobs. With some exceptions, the wartime agencies of the late war called for a new kind of personnel from the civilian world. You can get personnel during times of war--this is a trite saying, I know, but I am sure you will all agree with it--that you can't get in peacetime. Some of these large production jobs and procurement jobs

require men who have been trained in that kind of work. Usually, you won't find those men in the old-line departments.

Of course, there are exceptions. Without trying to cast reflection on anyone, the kind of head of a department you find in peacetime is, generally speaking, not always the man best qualified to do the emergency job in wartime--and vice versa. The man who does a fine emergency job in wartime might not necessarily be qualified to be the head of an old-line department. I think the two jobs call for different kinds of temperament, ability, and experience. I do not think we have to be afraid of cutting across old-line departments. We just have to do it--and take the abuse.

QUESTION: That was one of my questions, so I'll reduce mine to one.

Some of us are disturbed over the fact of not what type of legislation might be obtained if it were put up in peacetime, but that type of thinking might keep us from getting any legislation. We had a Mobilization Plan in 1947 which was not used. We now have some of the most eminent people in our country believing in the view you just stated, namely, that we should have a plan now; we should have emergency powers now. How are we going to get them?

I think it is fair to say that certain key individuals, including some of the personnel from the NSRB, believe it unwise to go after this emergency legislation now. If that is not the organization to push it, who can push it and get it done? How can the military help to get it done?

JUDGE ROSENMAN: You mean they will not go up to the Halls of Congress?

QUESTIONER: Yes, sir.

JUDGE ROSENMAN: Well, I think the initial step will have to be taken by the President. I can imagine he might be reluctant to do it because he would be asking for tremendous power. And yet, in the Selective Service law--for which he has asked--he also has tremendous power, the power to draft human beings.

This is really a function of the Congress. I think the NSRB, the National Security Council, the President, public-spirited citizens--all will have to join in having it passed, the same as they did following Pearl Harbor. I think it is essentially the President and the Congress: the President to recommend; the Congress to adopt.

Members of the NSRB, outside of the chairman, are mostly department heads. That setup is inadvisable. Outside of the chairman, not one of the men on the board has the time to devote to this.

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The chairman might be the actual proponent of the legislation; but eventually it would be up to the President and the Congress.

Now, as someone here mentioned, it is going to be tough to pass such a bill because of pressure groups. It was tough to get ECA funds, but we finally got them. We got them on the statement that we are in danger; and that we must be prepared--that we must be prepared with funds to help western Europe so that western Europe can help us against Russia. It is essential that we be prepared in other ways. One way is by having the administrative setup to run a war, and the power to control the economy and production of the United States. It will be tough to get a bill like this through the Congress. Labor might object, and farm groups might object. But there it is; it has to be done--just as we must have men in uniform, just as we must help western Europe. One is just as important as the other.

QUESTION: In asking my question, I would like to state that I have not formed an already-fixed opinion merely for the sake of argument, although I would like to take a view slightly opposite from yours in going back to this matter of using the old-line agencies.

Admitting we do need the type of "think board" you spoke of, and perhaps a strengthened NSRB, why isn't it possible to revitalize the existing government agencies so that they can function effectively in time of war? After all, there isn't so much difference between peace and war as we want to think. It is merely a question of dropping a lot of things that we do in peacetime and getting down to doing a better job.

In organizations such as the armed forces and in industry, they do not have to change and throw another organization on top of them. They use existing organizations. Yet, they can go out and do a lot and get new blood. Many of them, of course, come in and do a tremendous job.

Why couldn't the existing agencies, therefore, be revitalized and reorganized much more easily than creating new agencies? After all, even if you had them on the books, if you put them in, come M-day they are not going to function effectively anyhow, and in the first few years you will probably go through the darndest process of reorganization you ever saw.

JUDGE ROSENMAN: Let me try to answer that by using an example I thought of while you were asking your question. Let us take, for example, the Labor Department.

I suppose if you wanted to set up a War Manpower Commission or a labor-training agency, the natural place, if you are looking for an old-line department, would be the Department of Labor. With respect to apprentice training and things like that, I think they

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could very well go into the Department of Labor. When we set up the War Manpower Commission originally in 1942, the thought was expressed by many that it ought to be placed there, too.

I am thinking now of some of the very tough things we have to do in war, about labor and manpower generally. We ought to have the power to freeze wage levels along with all prices and rents. We should have the power of national service legislation--the work-or-fight power. We ought to have the power to take people out of civilian employment and force them into war work.

The Department of Labor just is not oriented that way. The Department of Labor, whether the statute says so or not, thinks of itself, in general, as the protector of labor, as a department organized to further labor's interests. I am not referring now to any particular Secretary of Labor; but the Labor Department itself is not psychologically equipped to "get tough" with labor, any more than the Department of Agriculture is psychologically equipped to "get tough" with the farmers.

Then, I am thinking also of the Department of Commerce. Suppose we had another War Production Board, and you wanted to put it in an old-line agency, where would you put it? The Department of Commerce would naturally come to mind, wouldn't it, as the one?

Let us assume we had another Donald Nelson, or someone who performed his function? Would you make the Secretary of Commerce Donald Nelson, or would you bring in Donald Nelson as an undersecretary? Could you take the Secretary of Commerce and, in addition to what he is doing now, say to him, "You now run also a new WPB with all of its powers"? I do not think it within the realm of human capabilities. And I am not referring to Secretary Sawyer, Roper, Jones, or any one person. I just do not think you can take a man who has the job that the Secretary of Commerce now has, and who was picked for that particular job, and tell him he is to take on the additional job of running a War Production Board.

Conversely, to ask a man to come in as undersecretary, assistant secretary, or second-, third-, or fourth-grade administrative assistant to the Secretary of Commerce, even in wartime, will not produce the kind of men we had in the War Production Board.

Those are the problems which I am thinking about as throwing practical and personal difficulties into the path of putting these big emergency functions into old-line departments.

QUESTION: Could the old-line departments be used as a foundation for the forming of reconversion plans from war to peace?

JUDGE ROSENMAN: Well, I had never thought about that. I was thinking only of converting from peace to war. After the late war, the conversion back from war to peace was done quite successfully. There were some mistakes made, as there always will be. But I do think it was done quickly and done well. It was done without any great deflation. As a matter of fact, the deflation that was feared by a great many people--there was talk, as you know, of eight or nine million people unemployed--just did not happen. Rather, it was the other way; the danger grew from inflation rather than from deflation.

COLONEL MCKENZIE: It is perfectly apparent that a majority of the questions up to now have come from students of the Industrial College. I should like here to give anyone from the National War College or any of our guests an opportunity to ask the last question.

QUESTION: Judge, what relationship would you envisage between this "think panel" and the other Executive agencies of the Government?

JUDGE ROSENMAN: The only relationship would be that there would be consultation with other Executive heads; batting around ideas across the lunch table, across the conference table; getting information, advice, and ideas wherever they can get them. There would be no formal relationship between the "think board" and Executive agencies because I envisage this board as merely a consultant to the President. But they certainly ought to go around Washington and have as many conferences at luncheons, breakfasts, and dinners as possible, getting advice wherever they can.

COLONEL MCKENZIE: It may be true that there are military people who aspire to the Presidency, but after your lecture this morning on the multitudinous duties involved, I doubt if there are any in this room.

JUDGE ROSENMAN: Well, that's too bad. It's the only room with more than ten people in which there is not at least one.

COLONEL MCKENZIE: Even though you may have dissuaded us from aspiring to the Presidency, I can safely say I am speaking for all of us when I tell you that your lecture has confirmed many of our ideas and has challenged us on a few so that perhaps we will now go back and reappraise them.

Your lecture this morning has been valuable to us as a group. The written record of it will be of inestimable value for our library files.

Thank you so much for coming.

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