

## Handout C: Youngstown Ruling and Separation of Powers Answer Key

1. President Truman's main argument advanced to support Executive Order 10340 was that it was necessary to act immediately in the interest of a national emergency until Congress could take action.
2. The steel mill owners' main argument against the executive order was that the president was not authorized to take such action because Congress had not passed such a law, and the Constitution did not grant the president to seize private property.
3. Justice Black's main arguments in denying the president's authority to seize the steel mills are as follows.
  - The president's power to seize private property must either come from a law passed by Congress or from the Constitution itself.
  - Congress had not passed a law providing for seizure of the steel mills.
  - The executive order cannot properly be inferred from the president's military power as commander in chief. "[W]e cannot with faithfulness to our constitutional system hold that the Commander in Chief of the Armed Forces has the ultimate power as such to take possession of private property in order to keep labor disputes from stopping production. This is a job for the Nation's lawmakers, not for its military authorities..."
  - The action cannot be inferred from the president's power to faithfully execute the law. "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. And the Constitution is neither silent nor equivocal about who shall make laws which the president is to execute. The first section of the first article says that 'All legislative Powers herein granted shall be vested in a Congress of the United States....'"
  - Even during times of emergency, the Constitution limits the president's authority. "The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times... our holding [is] that this seizure order cannot stand."
4. Chief Justice Vinson's dissent was based on the following arguments:
  - The executive powers of the president include the authority to take possession of private property in times of national emergency, and previous presidents have taken similar actions.
  - The president was acting in the best interests of national security in order to prevent damage to the war effort until Congress could take action to deal with the emergency.

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- “There is no statute prohibiting seizure as a method of enforcing legislative programs.”
  - The Founders did not intend for the president to serve as a “messenger-boy” in times of threats to national security.
5. Accept reasoned responses detailing how your students would have decided this case, their reasoning, and the principle of separation of powers.