

# Youngstown Sheet & Tube Co.

## v Sawyer (1952)

**FACTS OF THE CASE** In December of 1950, the United States officially entered the Korean War. Fighting this war required the continuous production of weapons, planes, ships, and other materials. Many of these materials were made out of steel. In 1951, a dispute arose between many of the nation's largest steel mills and their employees. The workers' unions called for a strike to begin several months later if their demands were not met by then. President Harry Truman met with Congress to express his concerns that a strike would endanger the production of war materials and, therefore, the nation's defense. However, Congress did not take any action or provide for any procedures that might keep the steel mills running during a strike. On April 8, the day before the strike was to begin, President Truman issued an executive order that directed his Secretary of Commerce to take direct control of all the steel mills that would be affected by the strike so that they would continue producing steel.

The steel companies resisted a government takeover of their mills by suing the Secretary of Commerce, Charles Sawyer. The case reached the Supreme Court in less than a month.

### ISSUE

**May the president use a power that is constitutionally delegated to Congress if Congress fails to act?**

### ARGUMENTS

**SAWYER** The president's actions were reasonable because as commander in chief of the armed forces, he has the constitutional right to take any actions necessary to keep the armed forces operational. Though this case involved taking private property, there are many other examples throughout history of presidents taking similar action. For example, Abraham Lincoln freed all enslaved persons in the Confederacy even though these individuals were considered property at the time. In 1941, right before America entered World War II, Franklin Roosevelt ordered the army to take control of the North American Aviation plant after its workers went on strike. If these actions were acceptable, then so is the seizure of the steel mills.

**YOUNGSTOWN SHEET & TUBE CO.** At the time this case came before the Supreme Court, Congress had not declared war against Korea, so President Truman could not take over steel plants on behalf of an unauthorized war effort. The president had no authority to take private property unless Congress authorized such an action. Just because Congress does not use its power does not mean the president has the authority to do so. The Constitution is very clear on the powers of the three branches of government. Those powers do not change just because one branch makes a bad decision or refuses to act.

#### EXPLORING THE ESSENTIAL QUESTION

**Moot Court** You will be assigned to one of three groups: lawyers for Sawyer, lawyers for Youngstown Sheet & Tube Co., or Supreme Court justices. You will prepare for a moot court of this case. The lawyers for each side should develop arguments and prepare to answer questions from the justices. The justices should prepare questions to ask the lawyers. Each team will have five minutes to present its side during oral arguments, and the justices will be allowed to ask the lawyers questions. The justices will then vote and explain their decision. Next, write an essay or blog that reflects your personal opinion about this issue.

**YOU BE**   
the **JUDGE**



