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THE CONGRESSIONAL FRONT.  
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THE TREATY MAKING POWER.

In every session of Congress, there appear a number of resolutions which propose amendments to the Constitution. On most of them, no action is ever taken. Now and then a resolution proposing an amendment is enacted as in the case of the Repeal of the 18th Amendment, the so-called Lame-Duck amendment which changes the dates for the sessions of the Congress and the inauguration of the President, the Woman's Suffrage amendment and certain others. It is not an easy process unless there is wide interest in such a proposal. It requires a two-thirds vote of both House and Senate and must then be ratified by three fourths of the states to become effective. Resolutions are now pending in the House to amend the Constitution with respect to the treaty-making power. Hearings are scheduled to be held and the testimony will no doubt unearth new material on how the present Constitutional provision on the making of treaties was devised.

AS IT NOW STANDS.

The Constitution gives to the President the power to make treaties but it requires the consent or concurrence and advice of the Senate by a vote of two-thirds of the Senators present. It is interesting to note that the power to declare war resides in the Congress alone, but the power to conclude a treaty, whether it be a treaty of peace or for some other purpose, lies in the President if two-thirds of the Senate consent thereto. When this provision was considered by the framers of the Constitution, a number of suggestions were advanced. One proposal was to give the treaty-making power to the Senate entirely. Another was to lodge this power in both Houses of Congress. The one finally agreed upon was doubtless a compromise and has remained intact to this day.

IT TAKES ON NEW INTEREST.

Today, the provision in the Constitution relating to the making of treaties takes on new interest. It springs in part from the failure at the end of the first World War to effectuate a peace that was enduring. It springs in part from the fear that when the present war terminates, we may again fail to negotiate a peace that will last. It springs also from the fact that we are dealing today with new factors at home and abroad which may make it difficult to satisfy the vast majority of people with the peace provisions which are finally contrived by the peace makers. Finally, there is a belief in some quarters that one-third of the Senators who may be present when a treaty is acted upon should not have the power to thwart the will of the people with respect to a treaty. Thus, as we envision the day when hostilities cease and it becomes necessary for leaders to sit around a council table and devise methods for giving peace a chance to last, the method for making treaties comes into new focus.

THE PENDING RESOLUTION.

A resolution now pending on which testimony will be taken, proposes to give the President power to make treaties with the advice and consent of a majority in BOTH HOUSES OF CONGRESS. Note that it would give the power of ratification to BOTH HOUSES instead of the Senate alone would require only a simple majority of those present instead of two-thirds. It is in effect the same suggestion that was made to the Constitutional Convention in 1787. It will be argued that this new proposal diffuses the treaty making power so that it will be more representative of the people. It will be pointed out also that to make treaties effective so often requires funds out of the public treasury and since the taxing power is lodged in the House of Representatives and since no funds can be appropriated out of the public Treasury without action on the part of both Houses, both should share this important treaty-making power. But the enactment of such a resolution will require a two thirds vote of both House and Senate and if it were enacted by the House of Representatives, the Senate might rebuff any such attempt to diminish its authority in this field. In any event, the arguments for and against the proposal should prove stimulating.