

Chapter CLXXXI.¹

PREROGATIVES OF THE HOUSE AS TO TREATIES.

1. Suggestions of the House as to treaties. Section 323.
 2. Functions of the House as to revenue treaties. Sections 324, 325.
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323. In 1909 the House originated, and the Senate agreed to, a resolution requesting the President to negotiate by treaty or otherwise with a foreign government.

On March 1, 1909,² the House, after brief debate, relating to the subject matter of the resolution rather than the propriety of the request, agreed to this joint resolution:

Whereas it is alleged that the Government of Russia has continued up to the present time to refuse to visa, recognize, or honor passports presented to its authorities issued by the American Government to American citizens on the ground that the holders thereof were of the Jewish faith: Therefore be it

Resolved, etc., That the President of the United States be, and is hereby, requested to renew negotiations with the Government of Russia to secure, by treaty or otherwise, uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in such country without regard to race, creed, or religious faith, including a provision, that the honoring or visaing of passports when duly issued and held by citizens of the United States shall not be withheld because or on account of the race, creed, or religious faith of their holders.

This joint resolution was agreed to by the Senate and approved by the President.

324. The question raised in the House as to whether a treaty modifying or repealing laws providing for revenue may be negotiated without action on the part of the House.

Argument that the treaty-making power is subject to the authority and power to originate revenue legislation specially delegated by the Constitution to the House.

Discussion of the right of the House to share in the treaty-making power.

On February 19, 1916,³ Mr. J. Hampton Moore, of Pennsylvania, proposing to rise to a question of privilege, the Speaker⁴ announced:

The Chair would like to state, without objection, that this matter which the gentleman from Pennsylvania wishes to bring up is a far-reaching matter and a very important one, and the

¹ Supplemental to Chapter XLVIII.

² Second session Sixtieth Congress, Journal, p. 378; Record, p. 3505.

³ First session Sixty-fourth Congress, Record, p. 2829.

⁴ Champ Clark, of Missouri, Speaker.

Chair, before ruling upon whether it is privileged or not, ought to have an abundance of time to decide it. After a consultation between the gentleman from North Carolina (Mr. Kitchin) and the gentleman from Pennsylvania and the Chair it was agreed that in order to give time for investigation the gentleman from Pennsylvania should ask unanimous consent to address the House for 20 minutes.

There being no objection, Mr. Moore addressed the House on the following resolution:

Whereas it is proposed under the treaty-making power of the Government, and without any action whatever on the part of the House of Representatives, or by Congress, to negotiate with Colombia a treaty that will operate to supplant, change, or repeal duties on imports under laws enacted by Congress and approved by the Executive for the purpose of raising revenue: Now therefore be it

Resolved, That the Committee on Ways and Means be directed to fully investigate the question whether or not the President, by and with the advice and consent of the Senate, independently of any action on the part of the House of Representatives, may negotiate a treaty with Colombia by which duties levied under an act of Congress for the purpose of raising revenue may be modified or repealed, and report the result of such investigation to the House.

In explanation of the situation which had given rise to the question, Mr. Moore said:

Mr. Speaker, the President has forwarded to the Senate, and the Senate has under consideration, a treaty with Colombia which proposes, by the payment of \$25,000,000 of United States money and the remission of certain import duties and charges that would ordinarily and by law accrue to the Treasury of the United States, to make reparation for certain alleged violations by the United States of certain alleged injuries which Colombia is supposed to have sustained through the loss of certain alleged rights in the Isthmus of Panama. This treaty, so directly affecting the morals and the revenues of the United States, is being considered, as we are informed, as if the power to make such a treaty, so involving the money of the people, rested exclusively with the President and the Senate, irrespective of the authority and power specially delegated by the Constitution to the House of Representatives to originate revenue legislation. It is with respect to this apparent invasion of the prerogative of the House that I propose to put the House upon notice.

Mr. Moore then presented an exhaustive discussion of the constitutional prerogatives of the House in initiating revenue legislation, and the right of the House under that authority to share in the treaty-making power. He asserted the right of the House to deny appropriations whether authorized by treaties or otherwise, and urged the maintenance, as an historic and constitutional prerogative, of the right of the House to participate in the negotiations of all treaties with foreign powers affecting the revenue.

The Committee on Rules to which the resolution was referred made no report thereon.

325. Discussion of the prerogatives of the House as to treaties.—On May 16, 1922,¹ Mr. Theodore E. Burton, of Ohio, discussed at length the constitutional prerogatives of the House as to international treaties.

On May 2, 1932² Mr. J. Charles Linthicum, of Maryland, under leave to extend remarks, discussed the same question, citing various authorities on the subject.

¹ Second session Sixty-seventh Congress, Record, p. 7069.

² First session Seventy-second Congress, Record, p. 9392.